



CITY OF SNELLVILLE
Georgia

ZONING ORDINANCE

Adopted in 2001

As Amended Through May 23, 2016

TABLE OF CONTENTS

<u>ARTICLE</u>		<u>PAGE</u>
<u>I.</u>	<u>PREAMBLE</u>	I-1
<u>II.</u>	<u>SHORT TITLE</u>	II-1
<u>III.</u>	<u>ZONING DISTRICTS</u>	
	Section 3.1 Official Zoning Map	III-1
	Section 3.2 Amendment to Maps	III-1
	Section 3.3 Replacement of Officials Zoning Maps	III-1
	Section 3.4 Rules for Interpretation of District Boundaries	III-1
	Section 3.5 Districts Listed	III-2
	Section 3.6 Annexation	III-4
	Section 3.7 Zoning Lots to Be Designated	III-4
<u>IV.</u>	<u>APPLICATION OF DISTRICT REGULATIONS</u>	
	Section 4.1 Applicability to Land, Buildings and Open Space	IV-1
	Section 4.2 Height and Density	IV-1
	Section 4.3 Lot Size and Occupancy	IV-1
	Section 4.4 Yard and Other Spaces	IV-1
	Section 4.5 One Principal Building on a Lot	IV-1
	Section 4.6 On-Site Sewage Management Systems	IV-1
	Section 4.7 Street Frontage Requirement	IV-2
	Section 4.8 Classification of Streets	IV-2
	Section 4.9 Keeping and Raising of Livestock	IV-2
<u>V.</u>	<u>NON-CONFORMING USES</u>	
	Section 5.1 Non-conforming Lots of Record	V-1
	Section 5.2 Non-conforming Uses of Land (or Land With Minor Structures Only)	V-2
	Section 5.3 Non-conforming Structures	V-2
	Section 5.4 Non-conforming Uses of Structures (or of Structures and Premises in Combination)	V-2
	Section 5.5 Repairs and Maintenance	V-3
	Section 5.6 Uses Under Special Exception Provisions (Not Non-conforming Uses)	V-4
	Section 5.7 Amortization and Discontinuance	V-4
	Section 5.8 Lots of Record	V-5
<u>VI.</u>	<u>INTERPRETATION AND DEFINITIONS</u>	
	Section 6.1 Interpretation	VI-1
	Section 6.2 Definitions	VI-1

<u>ARTICLE</u>	<u>PAGE</u>
<u>VII. GENERAL PROVISIONS</u>	
Section 7.1 Accessory Uses or Structures	VII-1
Section 7.2 Approvals for Business and Industrial Developments on State Highways	VII-3
Section 7.3 City and County Approvals that are Required	VII-3
Section 7.4 Minimum Floor Area Requirements	VII-3
Section 7.5 Mobile Homes, Mobile Home Parks and Mobile Home Subdivisions	VII-4
Section 7.6 Conditions for Collective Residences	VII-4
Section 7.7 Architectural Design Standards	VII-6
Table I & II Allowed Building Materials	VII-11
Appendix VII-A Exterior Color Palette	VII-A (1)
<u>VIII. EXCEPTIONS, MODIFICATIONS AND ENCROACHMENTS</u>	
Section 8.1 Height Exceptions, General Rule	VIII-1
Section 8.2 Structures Excluded from Height Limitations	VIII-1
Section 8.3 Walls and Fences	VIII-1
Section 8.4 Yard Space - General Rule	VIII-1
Section 8.5 [Reserved]	VIII-1
Section 8.6 Lot Area Exception, Existing Platting	VIII-1
Section 8.7 Temporary Buildings and Signs	VIII-2
Section 8.8 Fences and Hedges, Corner Visibility	VIII-2
Section 8.9 Fences and Hedges, Measurement Rule	VIII-2
Section 8.10 Fences and Hedges, Exception, Board of Appeals	VIII-2
Section 8.11 [Reserved]	VIII-2
Section 8.12 Structures to Have Access	VIII-2
Section 8.13 Parking, Storage, and Use of Major Recreational Equipment	VIII-3
Section 8.14 Parking and Storage of Certain Vehicles	VIII-3
Section 8.15 Multi-Wheeled Vehicles and Buses	VIII-3
Section 8.16 Canopies for Commercial or Industrial Use	VIII-3
Section 8.17 Subdivision, Commercial and Public Recreation Facility Exceptions	VIII-4
Section 8.18 Improvements Required	VIII-4
<u>IX. SCHEDULE OF DISTRICT REGULATIONS ADOPTED</u>	
Section 9.1 District Regulations Adopted	IX-1
Section 9.2 Uses Common to All Residential Districts	IX-1
Section 9.3 RS-180, Single-Family Residence District	IX-7
Section 9.4 RS-150, Single-Family Residence District	IX-9
Section 9.5 RG-75, General Residence District	IX-11
Section 9.5A PRC, Planned Residential-Conservation	IX-13
Section 9.5B R-TH, Single-Family Residential Townhome District	IX-15
Section 9.6 RM, General Residence District	IX-19
Section 9.7 CI, Civic/Institutional District	IX-23

<u>ARTICLE</u>	<u>PAGE</u>
<u>IX. SCHEDULE OF DISTRICT REGULATIONS ADOPTED (cont.)</u>	
Section 9.8 OP, Office Professional District	IX-27
Section 9.9 BN, Neighborhood Business District	IX-31
Section 9.10 BG, General Business District	IX-37
Section 9.11 HSB, Highway Service Business District	IX-47
Section 9.12 LM, Light Manufacturing District	IX-51
Section 9.13 FH, Flood Hazard District	IX-55
Section 9.14 TC, Town Center Overlay District Requirements	IX-57
Section 9.15 CO, Corridor Overlay District Requirements	IX-67
Section 9.16 CSO, Conservation Subdivision Overlay District	IX-71
Section 9.17 RVO, Residential Village Overlay District	IX-83
Section 9.18 R-HOP, Housing for Older Persons	IX-95
Section 9.19 R-HOP(55)-SF, Housing for Older Persons Single-Family District	IX-99
Section 9.20 R-HOP(55)-V, Housing for Older Persons Villa District	IX-101
Section 9.21 R-HOP(55)-VC, Housing for Older Persons Villa Cluster District	IX-103
Section 9.22 R-HOP(62)-CC, Housing for Older Persons Continuous Campus Care District	IX-105
Appendix IX-A Architectural Design Standards	IX-A1 (1-14)
<u>X. BUFFER AND SCREENING REQUIREMENTS</u>	
<i>DELETED AND REMOVED FROM ZONING ORDINANCE AND PLACED IN CITY CODE OF ORDINANCES, AS AMENDED (ZOA 2011-01)</i>	
<u>XI. PARKING AND LOADING REQUIREMENTS</u>	
Section 11.1 Provisions of Off-Street Parking and Loading Spaces Required	XI-1
Section 11.2 Design Standards	XI-1
Section 11.3 Minimum/Maximum Off-Street Parking/Loading	XI-4
Section 11.4 Handicapped Parking Requirements	XI-8
Appendix XI-A Parking	XI-A (1)
<u>XII. SIGNS</u>	
Section 12.1 Purpose and Intent	XII-1
Section 12.2 Definitions	XII-1
Section 12.3 Signs Prohibited	XII-12
Section 12.4 Signs Permitted	XII-12
Section 12.5 Signs Exempt	XII-14
Section 12.6 General Sign Requirements	XII-15
Section 12.7 Banners	XII-16
Section 12.8 Electronic Message Boards	XII-16
Section 12.9 General Permit Procedures	XII-18
Section 12.10 Nonconforming Signs	XII-21
Section 12.11 Maintenance and Removal	XII-21

<u>ARTICLE</u>	<u>PAGE</u>
<u>XII. SIGNS (cont.)</u>	
Section 12.12 Severability	XII-22
Appendix XII-A Signage Examples	XII-23
Appendix XII-B Prohibited Sign Type Examples	XII-28
Appendix XII-C Attention Getting Device Examples	XII-31
 <u>XIII. ADMINISTRATION AND ENFORCEMENT</u>	
Section 13.1 Administration of Ordinance	XIII-1
Section 13.2 Building Permits Required	XIII-1
Section 13.3 Application for Building Permit	XIII-1
Section 13.4 Certificate of Occupancy Required	XIII-1
Section 13.5 Construction and Use to be as Provided in Application Plans, Permits and Certificates of Occupancy	XIII-2
 <u>XIV. BOARD OF APPEALS</u>	
Section 14.1 [Reserved]	XIV-1
Section 14.2 Proceedings of the Board of Appeals	XIV-1
Section 14.3 Hearings, Appeals, and Notice	XIV-1
Section 14.4 [Reserved]	XIV-1
Section 14.5 Powers and Duties	XIV-1
Section 14.6 Board Has Powers of Code Enforcement Officer on Appeals: Reversing Decision of Code Enforcement Officer	XIV-3
Section 14.7 Duties of Code Enforcement Officer, Board of Appeals, City Council and Courts on Matters of Appeal	XIV-4
Section 14.8 Reapplication: Administrative Variances	XIV-4
Section 14.9 Schedule of Fees, Charges and Expenses	XIV-5
 <u>XV. AMENDMENTS</u>	
Section 15.1 Initiation of Amendments	XV-1
Section 15.2 Application for Amendments	XV-1
Section 15.3 Planning and Development Department Study	XV-5
Section 15.4 Planning Commission Action	XV-6
Section 15.5 Mayor and Council Public Hearing	XV-6
Section 15.6 Public Notification	XV-6
Section 15.7 Conditions of Rezoning - Alteration Hearing	XV-7
Section 15.8 Order of Amendments	XV-7
Section 15.9 Annual Review of the Land Use Plan	XV-8
Section 15.10 Conditional Use Provisions	XV-8
Section 15.11 Actions to be Taken if Proposed Plans of Property Owner are Not Implemented Within Specified Time Limits	XV-9
Section 15.12 Evaluation of Zoning Amendments	XV-9

<u>ARTICLE</u>	<u>PAGE</u>
<u>XVI. LEGAL STATUS PROVISIONS</u>	
Section 16.1 Provisions of Ordinance Declared to be Minimum Requirements	XVI-1
Section 16.2 Penalties for Violation	XVI-1
Section 16.3 Remedies	XVI-1
Section 16.4 Severability Clause	XVI-1
<u>XVI. LEGAL STATUS PROVISIONS (cont.)</u>	
Section 16.5 Repeal of Conflicting Ordinances	XVI-1
<u>XVII. PROPERTY MAINTENANCE</u>	
Section 17.1 Title, Purpose, Scope, Interchangeability, and Definitions	XVII-1
Section 17.2 Property Maintenance	XVII-2
Section 17.3 Building Maintenance	XVII-4
Section 17.4 Enforcement, Unlawful Acts and Notice of Violation	XVII-4
Section 17.5 Penalties, Validity and Effective Date	XVII-4
<u>XVIII. HOME OCCUPATIONS AND HOME BUSINESSES</u>	
Section 18.1 Intent and Purpose	XVIII-1
Section 18.2 Permit Procedures	XVIII-1
Section 18.3 Home Occupation Standards	XVIII-1
Section 18.4 Home Business Standards	XVIII-2
Section 18.5 Prohibited Uses	XVIII-4
Section 18.6 Other Uses	XVIII-4
Section 18.7 Garage and Yard Sales	XVIII-5
Section 18.8 General Provisions	XVIII-5
<u>XIX. TELECOMMUNICATIONS ANTENNAS AND TOWERS</u>	
Section 19.1 Purpose and Intent	XIX-1
Section 19.2 Definitions	XIX-1
Section 19.3 Applicability	XIX-2
Section 19.4 General Requirements	XIX-2
Section 19.5 Conditional Use Permits	XIX-4
Section 19.6 Removal of Abandoned Antennas and Towers	XIX-6
Section 19.7 Effective Date	XIX-6
Section 19.8 Validity	XIX-6
Section 19.9 Appeal	XIX-6
Section 19.10 Conflicting Ordinances Repealed	XIX-6
<u>XX. LANDSCAPE ORDINANCE</u>	

DELETED AND REMOVED FROM ZONING ORDINANCE AND PLACED IN CITY CODE OF ORDINANCES, AS AMENDED (ZOA 2011-01)

ARTICLE

PAGE

XXI. TREE PRESERVATION ORDINANCE

DELETED AND REMOVED FROM ZONING ORDINANCE AND PLACED IN CITY CODE OF ORDINANCES, AS AMENDED (ZOA 2011-01)

Update Summary

SECTION	LAST AMENDMENT DATE
Title Page	05-23-2016
Table of Contents	05-23-2016
Article I	None
Article II	None
Article III	11-10-2008
Article IV	10-24-2005
Article V	03-22-2010
Article VI	05-23-2016
Article VII	05-23-2016
Article VIII	06-10-2002
Article IX	05-23-2016
Article X	06-13-2011
Article XI	01-02-2007
Article XII	12-14-2015
Article XIII	08-25-2003
Article XIV	03-22-2010
Article XV	03-22-2010
Article XVI	04-25-2005
Article XVII	09-24-2007
Article XVIII	05-03-2005
Article XIX	09-16-1996
Article XX	06-13-2011
Article XXI	06-13-2011

An ordinance establishing comprehensive planning and zoning regulations for the City of Snellville, Georgia and providing for the zoning or districting of such City for various uses and other or different uses prohibited in such zones or districts; to regulate the use for which said zones or districts may be set apart; to regulate the plans for development and improvements on real estate therein; and providing for the administration, enforcement and amendment of said regulation and for the repeal of all ordinances in conflict therewith.

ARTICLE I

PREAMBLE

For the several purposes of promoting the health, safety, morals, convenience, order, prosperity, aesthetics, or the general welfare of the present and future inhabitants of the City of Snellville; of improving the City's appearance; lessening congestion in the streets; furthering traffic safety; securing safety from fire, panic and other dangers; providing adequate light and air; preventing the overcrowding of land, avoiding both undue concentration of population and urban sprawl; facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; protecting property against blight and depreciation; encouraging the most appropriate use of land, buildings, and other structures throughout the City; securing economy in government expenditures; and for other purposes, all in accordance with a comprehensive plan for the development of the City, the Mayor and Council of the City of Snellville do hereby ordain and enact into law the following Articles and Sections of the Zoning Ordinance of Snellville, Georgia.

ARTICLE II

SHORT TITLE

This Ordinance shall be known as the "Snellville Zoning Ordinance of 2001."

ARTICLE III

PROVISION FOR OFFICIAL ZONING MAP

ESTABLISHMENT OF DISTRICTS

SECTION 3.1 OFFICIAL ZONING MAP. The City of Snellville is hereby divided into zoning districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in the Snellville Zoning Ordinance," together with the date of adoption of this Ordinance.

SECTION 3.2 AMENDMENT TO MAPS. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, with an entry in the minutes of such Council meeting as follows: "On _____, 20____ by official action of the city council, the following (change) changes (was) were made to the Official Zoning Map: (brief description of nature of change or changes)", which entry shall be signed by the mayor and attested by the city clerk. No amendment to this ordinance is official until such change and entry is made on said map.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the city clerk shall be the final authority as to the current zoning statues of the city.

SECTION 3.3 REPLACEMENT OF OFFICIAL ZONING MAP. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the city council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map, and shall be identified by the signature of the mayor attested by the city clerk, and bearing the seal of the city under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted the date of _____, 20____, as part of the "Snellville Zoning Ordinance."

Unless the previous Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant remaining parts thereof, shall be preserved, together with all available records pertaining to its adoption or amendment.

SECTION 3.4 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists with respect to the location of the boundaries of any Zoning District

in Snellville, Georgia, the following rules shall apply:

1. Where a Zoning District boundary line is shown as approximately following a corporate limits line, a militia district line, a land lot line, a lot line or the center line of a street, a county road, a state highway, an interstate highway, or a railroad right-of-way or such lines extended, then such lines shall be construed to be the Zoning District boundary lines.
2. Where a Zoning District boundary line is shown as being set back from a street, a county road, a state highway, an interstate highway or a railroad right-of-way, and approximately parallel thereto, then such Zoning District boundary line shall be construed as being at the scaled distance from the center line of the street, county road, state highway, interstate highway or railroad right-of-way and as being parallel thereto.
3. Where a Zoning District boundary line divides a lot, the location of the line shall be the scaled distance from the lot lines. In this situation, the requirements of the Zoning District in which the greater portion of the lot lies shall apply to the balance of the lot except that such extension shall not include any part of a lot that lies more than fifty feet beyond the Zoning District boundary line.
4. In the case of a through lot fronting on two approximately parallel streets that is divided by a Zoning District boundary line paralleling the streets, the restrictions of the Zoning District in which each frontage of the through lot lies shall apply to that portion of the through lot.
5. Where Zoning District boundaries are in doubt, the Snellville Planning Commission shall make such interpretation using the appropriate scale from the Official Zoning Map.

SECTION 3.5 DISTRICTS LISTED. For the purposes of this Ordinance the incorporated area of Snellville, Georgia is divided into Zoning Districts designated as follows:

- | | |
|--------|---|
| RS-180 | Single-Family Residence: provides for low density residential uses; |
| RS-150 | Single-Family Residence: provides for low density residential uses; |
| RG-75 | General Residence: provides for moderate density residential uses; containing up to two dwelling units; |
| PRC | Planned Residential Conservation: provides for a quality medium density residential district by utilization of building and site design criteria and by requiring the conservation of open space; |
| R-TH | Single Family Residential Townhome District: provides for moderate density residential uses, including townhomes and villas, not to exceed a density of eight dwelling units per acre; |
| RM | General Residence: provides for moderate density residential uses not to exceed a net density of eight dwelling units per acre; |

- CI Civic-Institutional: Important civic buildings and services that are essentially non-commercial or not primarily profit motivated in nature and that often serve as community landmarks;
- OP Office Professional: provides a location for a mixture of office, clerical, research, professional enterprises, medical and dental facilities, and closely related service businesses;
- BN Neighborhood Business: provides a location for convenience goods and services for residents of adjacent residential neighborhoods;
- BG General Business: provides for a wide range of retail and service establishments;
- HSB Highway Service Business: provides for efficient use of commercial land situated in relationship to arterial thoroughfares and major highways;
- LM Light Manufacturing: provides for heavy commercial and light industrial uses, which can meet rigid performance standards, but prohibiting residences;
- FH Flood Hazard: an appended zoning designation providing for the protection of life and property from periodic flooding;
- TC Town Center Overlay District: provides locations for a wide range of commerce, land use, and design criteria of a character traditionally found in the core business districts of small cities and towns at a scale convenient for walking;
- CO Corridor Overlay District: intended to enhance the viability and livability of the area surrounding major activity centers; includes all non-residential and attached residential properties within the Corridor Overlay District;
- CSO Conservation Subdivision Overlay District: permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land; and
- RVO Residential Village Overlay District: to promote traditional village building and site development patterns.
- R-HOP(55)-SF Single Family Housing District for Older Persons: provides for moderate density residential uses, including single-story detached and attached single family homes, that are designed to serve the needs of older persons 55 and over;
- R-HOP(55)-V Villa Housing District for Older Persons: provides for Low- to Mid-rise attached villa homes in the Town Center Overlay District that are designed to serve the needs of older persons 55 and over;

R-HOP(55)-VC Villa Cluster Housing District for Older Persons: provides for a mixture of single-story attached or detached homes and low to mid-rise attached villa homes which are located in the Town Center Overlay District and are designed to serve the needs of older persons 55 and over;

R-HOP(62)-CC Continuous Care Campus Housing District for Older Persons: provides for a mixture of single-story attached or detached homes, attached villa homes, continuing care retirement communities and accessory uses which are designed to serve the varying housing needs of older persons 62 and over.

SECTION 3.6 ANNEXATION. Any land subsequently annexed to the city shall be classified by the Mayor and Council as to the zoning district or districts at the time of annexation provided that before the zoning decision and annexation are approved, public notice of such action is provided and public hearings are held thereon as provided in O.C.G.A. §36-66-4 and §36-36-36 and subsequent amendments thereto. The Mayor and Council in determining the zoning classification may take into account the use restrictions on the land prior to annexation and shall take into account the city’s land use plan.

SECTION 3.7 ZONING LOTS TO BE DESIGNATED. To facilitate the enforcement of this Ordinance the device of zoning lots as defined herein shall be used. A parcel of land shall be designated and suitably recorded by the building inspector as forming the site of each new building, structure or use of land or the site of any building structure or use of land designated for any alteration or modification requiring a building permit or certificate of occupancy. Said parcel shall conform in dimensions and area to provisions of this ordinance. A zoning lot may or may not coincide with platted lot lines. Each zoning lot shall front on a public street of not less than twenty-five feet (25’) in width for a distance of not less than twenty-feet (20’) or shall have an exclusive, unobstructed, permanent access to such a public street.

SECTION / ARTICLE	DESCRIPTION	AMENDMENT DATE
Section 3.6	Annexation (amended)	10/19/1998
ARTICLE III	DELETED AND REPLACED TO ADOPT AMENDMENTS	11/26/2001
Section 3.3	Replacement of Official Zoning Map (amended)	10/24/2005
Section 3.5	Districts Listed (amended)	10/24/2005
Section 3.5	Districts Listed (amended)	01/22/2007
Section 3.5	Districts Listed (amended)	11/10/2008

ARTICLE IV

APPLICATION OF DISTRICT REGULATIONS

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

SECTION 4.1 APPLICABILITY TO LAND, BUILDINGS AND OPEN SPACE. No building, structure, land or open space shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

SECTION 4.2 HEIGHT AND DENSITY. No building or other structure shall hereafter be erected or altered:

1. To exceed the height or bulk limits of this Ordinance;
2. To accommodate or house a greater number of families;
3. To occupy a greater percentage of lot area; and
4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required:

or in any other manner contrary to the provisions of this Ordinance.

SECTION 4.3 LOT SIZE AND OCCUPANCY. No lot, even though it may consist of one or more adjacent lots in the same ownership at the time of passage of this Ordinance, shall be reduced in size so that lot width or size of yards or lot area per family or any other requirements of this Ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for public use.

SECTION 4.4 YARD AND OTHER SPACES. No part of a yard or other open space or off-street parking or loading spaces required about any one building shall be included as a part of the yard or off-street parking or loading spaces required for another building, except as specifically provided for herein. No part of a yard shall be included in an easement set aside for a stormwater detention facility except as specifically and individually approved by the City Council.

SECTION 4.5 ONE PRINCIPAL BUILDING ON A LOT. Only one (1) single-family or two-family residential structure and permitted accessory building may be erected on any one (1) zoning lot. The number of townhomes, villas, multiple-family, commercial or industrial structures per zoning lot is limited by the space limits, parking and density provisions of this ordinance.

SECTION 4.6 ON SITE SEWAGE MANAGEMENT SYSTEMS. Installation of on site sewage management systems (septic tanks) are prohibited. New developments shall utilize public sewage treatment systems (sewer). Upon approval by the Gwinnett County Environmental Health

department, exceptions to this requirement may be taken to the Mayor and Council on an individual lot basis.

SECTION 4.7 STREET FRONTAGE REQUIREMENT. No building or structure shall hereafter be erected on a lot that does not abut for at least a distance of twenty-five-feet (25') upon an open street which shall be either a public street, a publicly approved street or a publicly maintained street, unless otherwise allowed in Article IX of the Zoning Ordinance.

SECTION 4.8 CLASSIFICATION OF STREETS. For purposes of this ordinance, all of the streets, roads and highways in the City of Snellville are classified as State Highways, arterial thoroughfares (major streets), collector streets or local streets on the Land Use and Thoroughfare Plan.

SECTION 4.9 KEEPING AND RAISING OF LIVESTOCK. The keeping and raising of all farm animals and fowl and use of private stables shall be limited to property located within the RS-180 Single-Family Residence District having a minimum lot area of five (5) acres. Any structure, pen, corral or other building appurtenant to the keeping and raising of livestock must be located a minimum of two-hundred-feet (200') from any property line. The keeping and raising of all farm animals and fowl shall be subject to all regulations promulgated by the Gwinnett County Health Department.

SECTION / ARTICLE	DESCRIPTION	AMENDMENT DATE
Section 4.3	Lot Size and Occupancy (effective 10/28/1997)	09/15/1997
Section 4.10	Substantial Lots of Record (adopted 9/15/1997) (effective 10/28/1997)	01/19/1998
Section 4.6	Minimum Lot Sizes for Residences Using Septic Tank Systems (deleted)	06/11/2001
Section 4.6	On-Site Sewage Management System (adopted)	06/11/2001
Section 4.10	Substantial Lots of Record (deleted)	06/10/2002
Section 4.5	One Principal Building on a Lot (amended)	10/24/2005
Section 4.7	Street Frontage Requirement (amended)	10/24/2005

ARTICLE V

NONCONFORMING USES

Within the Zoning Districts established by this Ordinance or amendments that may later be adopted there exists:

- Lots,
- Structures,
- Uses of land and structures, and
- Characteristics of use

which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this Ordinance.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption of this Ordinance. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction.

SECTION 5.1 NONCONFORMING LOTS OF RECORD. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lots shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Appeals.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of any parcel

be made which creates a lot with width or area below the requirements stated in this Ordinance.

SECTION 5.2 NONCONFORMING USES OF LAND (OR LAND WITH MINOR STRUCTURES ONLY). Where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, and where such use involves no individual structure with a replacement cost exceeding \$1,000, the use may be continued so long as it remains otherwise lawful, provided:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
2. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance;
3. If any such nonconforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located; and
4. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

SECTION 5.3 NONCONFORMING STRUCTURES. Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance that restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;
2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than seventy-five (75) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance; and
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

SECTION 5.4 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION. If lawful use involving individual structures with a replacement cost of \$1,000 or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any nonconforming use of structure, or structure and premises, may as a special exception be changed to another nonconforming use provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the provisions of this Ordinance;
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;
5. When a nonconforming use of structure, or structure and premises in combination, is discontinued or abandoned for eighteen (18) consecutive months or for 36 months during any five-year (5) period (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located. The nonconformity of the structure and premises shall be calculated from the date of adoption of this amended section of this Ordinance (*adopted 3-22-2010*). However, the property owner must submit a written request to the Director of Planning and Development with required fees for review and approval. The Director of Planning and Development may approve use of nonconforming structure and premises up to two years with a onetime extension for additional twelve months. Substantial variation from the conformity as determined by the Director of Planning and Development will require Mayor and Council approval. The approval of nonconforming structure does not automatically approve nonconforming sign(s). The Director of Planning and Development cannot approve nonconforming signs on nonconforming structures and premises; and
6. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than seventy-five (75) percent of the replacement cost at the time of destruction.

SECTION 5.5 REPAIRS AND MAINTENANCE. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of 12 consecutive

months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 10 percent of the current replacement cost of the nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increases.

If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SECTION 5.6 USES UNDER SPECIAL EXCEPTION PROVISIONS NOT NONCONFORMING USES. Any use, which is permitted as a special exception in a district under the terms of this ordinance (other than a change through Board of Appeals action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

SECTION 5.7 AMORTIZATION AND DISCONTINUANCE. There are found to be certain uses of land, buildings and structures which have an adverse effect on the carrying out of the comprehensive plan and which can reasonably be discontinued after a reasonable time irrespective of aforementioned rules as to nonconforming uses. The following uses shall be removed or made conforming within the specified amortization period. Said amortization period shall commence upon the effective date of this Ordinance.

1. Fences, walls and foliage which constitute a hazard by virtue of impairing sight distances at a curve or intersection shall be made conforming within ninety (90) days.
2. Outdoor advertising signs and billboards deemed a nuisance or hazard shall conform within eight (8) calendar years.
3. All provisions in business or industrial districts of this Ordinance setting forth specifications for the operation of a business or industry requiring fencing or opaque shielding shall be complied with within one (1) calendar year.
4. Nonconforming open storage operations, such as truck parking, automobile wrecking or salvage material storage and similar uses shall be made conforming within two (2) calendar years.
5. Nonconforming frame, block or light metal structures shall be made conforming within twenty-five (25) calendar years.
6. All other nonconforming structures shall be made conforming within forty (40) calendar years.
7. Structures incurring damage of less than 50 percent (50%) of fair market value above the foundation may be restored, reconstructed and used as before, provided that such restoration is commenced within six (6) calendar months from the date

damages were incurred. If reconstruction is not commenced within six (6) months, the use of said land or structure shall thereafter conform with the provisions of this Ordinance. Fair market value shall be determined by reference to current statutory provisions pertaining to real estate assessment and the records of the county assessor.

SECTION 5.8 LOTS OF RECORD. All lots or parcels of record as of the effective date of this amendment and all lots or parcels which have been submitted by way of preliminary plat and approved by the Department in accord with the provisions of the Snellville Zoning Ordinance of 1983, as of the effective date of this amendment, that are made unbuildable by the stream buffer and setback provisions, may still be developed on a case by case basis. Requests for development of these lots shall be made to the Mayor and Council. If development is allowed, the maximum possible impervious surface setback and stream buffer width, given the configuration of the lot, shall be maintained.

SECTION / ARTICLE	DESCRIPTION	AMENDMENT DATE
Section 5.8	Lots of Record (adopted) (effective 10/28/1997)	09/15/1997
Section 5.8	Lots of Record (amended)	03/26/2001
Section 5.3	Nonconforming Structures (amended)	03/22/2010
Section 5.4	Nonconforming Uses of Structures or of Structures and Premises in Combination (amended)	03/22/2010

ARTICLE VI

INTERPRETATION AND DEFINITIONS

SECTION 6.1 INTERPRETATION. For the purpose of this ordinance the following interpretations shall apply:

All words used in the present tense include the future tense. All words in the plural number include the singular number, and all words in the singular number, include the plural number, unless the natural construction of the wording indicates otherwise. The word "shall" is mandatory and not directory. The word "used" shall be deemed also to include "designed, intended or arranged to be used."

SECTION 6.2 DEFINITIONS. For the purpose of this Ordinance certain words and terms used herein shall be defined and interpreted as follows:

ACCESSORY STRUCTURE: A structure detached from the principal building on the same lot and customarily incidental and subordinate to the principal building or use.

ACCESSORY USE: A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

ADVERTISING SIGN (BILLBOARD): Any structure or portion thereof, situated on private premises, on which lettered, figured, or pictorial matter is displayed for advertising purposes, except for the name and occupation of the user of the premises or the products primarily sold or manufactured on the premises or noncommercial messages, and having an area of one-hundred (100) square feet or more. Any signboard carrying a message excepted in this definition which also carries extraneous advertising of one-hundred (100) square feet or more shall be considered a billboard.

ASSISTED LIVING FACILITY: See "community living arrangement", "family personal care home", or "personal care home".

AUTOMOBILE SERVICE STATION: A building or premise where products necessary for automobile service or maintenance are sold, provided there is no storage of automobiles, and only minor services are rendered. An automobile service station is not a repair garage nor a body shop.

BANKS AND SAVINGS AND LOAN INSTITUTIONS: See "depository institution".

BIG HAYNES CREEK WATERSHED PROTECTION AREA: That area of land lying within the drainage basin or watershed of Big Haynes Creek, as shown on the official set of maps of the protection area maintained by the Department of Planning and Development.

BOARD: The Board of Appeals of the City of Snellville, Georgia.

BOARDING OR ROOMING HOUSE: A dwelling in which meals or lodging or both are furnished for compensation to more than two but not more than ten non-transient persons.

BOTTLE SHOPS: Retail establishments specializing in the sale of beer and/or wine for consumption off premises; however, such establishments may also offer by-the-drink on-premises consumption in conjunction with a special use permit obtained in Section 6-122 from Chapter 6, Alcoholic Beverages of the City Code of Ordinances.

BUILDABLE AREA: The portion of a lot remaining after required yards have been provided.

BUILDING: Any structure attached to the ground which has a roof and which is designed for the shelter, housing or enclosure of persons, animals, or property of any kind.

BUILDING INSPECTOR: The official with the responsibility of permit and certificate of occupancy issuance.

BUSINESS SIGNS: An identification sign containing the name of the business located on the same premises.

CERTIFICATE OF OCCUPANCY: A permit issued by the Building Inspector indicating that the use of the building or land in question is in conformity with this ordinance or that there has been a legal variance therefrom as provided by this Ordinance.

CHILD CARE INSTITUTION: See “group home”.

CHILD DAY CARE HOME: See “family day care home”.

CITY: The City of Snellville, Georgia.

COLLECTIVE RESIDENCES: A Collective Residence shall mean any residence, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food, one or more personal services, support, care, or treatment exclusively for two (2) or more persons who are not related to the owner or administrator of the residence by blood or marriage and which is licensed as a Group Home, Personal Care Home, or Community Living Arrangement pursuant to O.C.G.A. § 31-2-4(d)(8). Any residence that Georgia law requires to be licensed as a Community Living Arrangement, Group Home, Personal Care Residence, Continuing Care Retirement Community (CCRC), CCRC Independent Living Unit, CCRC Assisted Living Facility, CCRC Skilled Nursing Facility, or any other facility permitted by the State of Georgia to house two (2) or more unrelated persons, shall be a Collective Residence. Collective Residences shall only be allowed by Special Use Permit, which term is defined under this Section.

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'.

CONTINUING CARE RETIREMENT COMMUNITY (CCRC): A large scale facility (or integrated group of facilities) which has a primary purpose of providing housing and continuing care for people over the age of 62, and which consists of CCRC Independent Living Units, CCRC Assisted Living Facilities, CCRC Skilled Care Nursing Facilities and CCRC Accessory Uses, all as defined herein and as regulated by, where applicable, the Georgia Department of Community Health or other appropriate state agency. For purposes of this Ordinance, "continuing care" means the provision of lodging, nursing, medical or other health related services at the same or another location to an individual pursuant to an agreement effective for the life of the individual or for a period greater than one year, including mutually terminable contracts, and in consideration of the payment of an entrance fee with or without other periodic charges to an individual who is at least sixty-two (62) years of age.

CCRC INDEPENDENT LIVING UNIT: A dwelling unit within a Continuing Care Retirement Community (CCRC) containing living area(s), bedroom area(s), kitchen area and bathroom(s), including studio style apartments, detached homes, or attached townhomes, which houses one or more people over the age of 62 in a manner in which they may live independently while receiving one or more meals per day in a congregate setting.

CCRC ASSISTED LIVING FACILITY: A facility located within a Continuing Care Retirement Community that provides a residential living environment, assisted by congregate meals, housekeeping, and personal services for persons age 62 or older, who have temporary or periodic difficulties with one or more essential activities of daily living, such as feeding, bathing, dressing or mobility but do not require services in or of a Georgia Department of Community Health licensed long-term care facility or nursing facility. A CCRC Assisted Living Facility shall include dwelling units, dining room(s), bathing area(s), common area(s), offices and other spaces necessary to provide the above services, and shall be operated by a legal entity holding a certificate of compliance document (license) issued by the Georgia Department of Community Health, or other appropriate state agency, permitting the operation of a personal care home (PCH) at the location of the facility.

CCRC SKILLED CARE NURSING FACILITY: A facility located within a Continuing Care Retirement Community which provides board, shelter and 24-hour skilled nursing and medical care to chronic or convalescent patients. A CCRC Skilled Care Nursing Facility shall include nursing beds and/or individual rooms, dining rooms, bathing areas, common areas, offices, clinics, therapy areas, medical facilities and other space necessary to provide the above services and shall be operated by a legal entity holding a certificate of compliance document (license) issued by the Georgia Department of Community Health, or other appropriate state agency, permitting the operation of a nursing facility at the location of the facility.

COUNCIL: The City Council of the City of Snellville, Georgia.

COMMISSION: The Planning Commission of the City of Snellville, Georgia.

COMMUNITY LIVING ARRANGEMENT: Any state licensed residence, whether operated for profit or not, that undertakes through its ownership or management to provide or arrange for the provision of daily personal services, supports, care, or treatment exclusively for two or more adults who are not related to the owner or administrator by blood or marriage and whose residential services are financially supported, in whole or in part, by funds designated through the Georgia Department of Human Resources, Division of Mental Health, Developmental Disabilities, and Addictive Diseases. Personal services means provision of services, on a daily basis, that include, but are not limited to, individual assistance with or supervision of medications, ambulation and transfer, and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting. Supports, care, or treatment means specific services that are provided to the resident of the Community Living Arrangement, coordinated by the administrator as necessary, or reasonable requested by the resident and that include, but are not limited to: mental health services, habilitation, rehabilitation, social services, medical, dental, and other health care services, education, financial management, legal services, vocational services, transportation, recreational and leisure activities, and other services required to meet a resident's needs.

CONDITIONAL USE: A use which while not permitted as a matter of right may be allowed within a given zoning district subject to meeting specific conditions for location and siting as prescribed by this Ordinance.

CONDOMINIUM: A multifamily dwelling or row house in which each dwelling is owned and financed by the occupant, but in which halls, entrance ways and underlying lands are owned jointly.

DEPOSITORY INSTITUTION: Bank, credit union, or other financial institution that solicits and accepts savings of the general public as demand deposits or time deposits, and pays a fixed or variable rate of interest. Also called savings association, savings institution and thrift institution.

DIRECTOR OF PLANNING & DEVELOPMENT: The Director of Planning & Development for the City of Snellville or his/her designee.

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

DRIVE-IN RESTAURANT: Any place or premises used for sale dispensing or service of food, refreshments, or beverages in automobiles, including those establishments where customers may eat or drink the food, or beverages on the premises.

DWELLING, ATTACHED: See "Dwelling, Multiple Family", "Town House", and "Villa."

DWELLING, SINGLE FAMILY: A detached residential unit other than a mobile home, designed for and occupied by one family only.

DWELLING, SINGLE FAMILY ATTACHED: A structure subdivided by a coincidental

property line and wall which separates the structure into two (2) or more dwelling units, each occupying its own lot. The lots created by the coincidental property line and wall shall each contain at least: (a) an equal percentage of the minimum lot area in the zoning district in which they are located; and (b) an equal percentage of the minimum lot width in the zoning district in which they are located; and an equal percentage of the minimum gross floor area in the zoning district in which they are located.

An attached single family structure must meet all front, rear and side yard setback requirements in the zoning district in which it is located, except for the coincidental property line and wall. Each unit must be separately metered for all utilities and the coincidental property wall must be fire-rated and extend from the foundation to the roof decking of the structure. Otherwise, an attached single-family structure must meet all standards that would be required for two-family dwellings in the zoning districts in which they are located.

DWELLING, MOBILE HOME: A detached single-family dwelling unit with the following characteristics:

- (1) Designed for long term occupancy as opposed to transient location, containing sleeping accommodations, toilet facilities, with plumbing and electrical connections provided;
- (2) Designed to be transported after fabrication on its own wheels or flatbed or other trailer or on detachable wheels;
- (3) Built to arrive at the site where it is to be occupied as a dwelling unit complete, or all units built since June 15, 1976 documentation of compliance with the National Mobile Home Construction and Safety Standard Act (Department of Housing and Urban Development certification); and
- (4) For all units built prior to June 15, 1976 documentation of compliance with specifications prescribed by the American National Standards Institute.

DWELLING, TWO FAMILY: A detached residential building containing two dwelling units, designed for occupancy by not more than two families.

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

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.

FAMILY: One or more persons related by blood, marriage, adoption, or guardianship; or not more than three (3) 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.

FAMILY DAY CARE HOME: A private residence operated by any person who receives therein for pay for supervision and care fewer than 24 hours per day, without transfer of legal custody, three (3) but not more than five (5) children under 18 years of age who are not related to such persons and whose parents or guardians are not residents in the same private residence.

FAMILY PERSONAL CARE HOME: Any state-licensed and customary home business, non-institutional in character residential dwelling, whether operated for profit or not, which undertakes through its ownership to provide or arrange for the provision of housing, food service, and one or more personal services for two (2) or more adults, aged 18 years or older who are not related to the owner by blood or marriage; Personal Services includes, but is not limited to, individual assistance with supervision of self-administered medication, assistance with ambulation and transfer, and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting.

FENCE: An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or demarcate areas of land.

FINANCE COMPANY: Any specialized financial institution that supplies credit for the purchase of consumer goods and services by purchasing the time-sales contracts of merchants.

FLOOR AREA (ONE-FAMILY BUILDING): The floor area of a one-family dwelling is the gross horizontal area of the several floors of a one-family residential structure, exclusive of carport, basement, attic and open porches.

GEORGIA INDUSTRIAL LOAN (“GILA”) LENDER: Any establishment engaged in whole or in part in the business of lending money of \$3,000.00 or less per transaction for a period of 36 months and 15 days or less and may charge, contract for, collect, and received interest and fees in accordance with Sec. 7-3-14 of GILA and is not otherwise exempted in Sec. 7-3-6 of GILA; and the interest and money paid or agreed to be paid by the borrow in order to obtain the loan does not exceed the charges authorized by GILA.

GROUND COVERAGE: The area of a zoning lot occupied by all buildings expressed as a percentage of the gross area of the zoning lot.

GROUP HOME: A state-licensed child-welfare agency that is any institution, society, agency, or facility, whether incorporated or not, which either primarily or incidentally provides full-time care for six (6) or more children through 18 years of age outside of their own homes, subject to such exceptions as may be provided in rules and regulations of the Board of Human Resources. This full-time care is referred to as room, board and watchful oversight.

HEIGHT OF BUILDING: The vertical distance measured from the mean finished ground level at the front of the building to the highest point of the roof or the parapet.

HOME BUSINESS: See “home occupation”.

HOME OCCUPATION: A lawful activity commonly carried on within a dwelling by a member or members of the family who occupy the dwelling where the occupation is secondary to the use of the dwelling for living purposes and the residential character of the dwelling is maintained.

IMPERVIOUS SURFACE: Any paved, hardened or structural surface, including but not limited to, buildings, driveways, walkways, parking areas, patios, decks, streets, swimming pools, dams, tennis courts, and other structures.

INOPERABLE VEHICLE: Any motorized vehicle incapable of immediately being driven.

JUNK OR SALVAGE YARD: A place where waste, discarded or salvaged metals, building materials, paper, textiles, used plumbing fixtures, used cars or trucks in inoperable condition are bought, sold, exchanged, stored, baled or cleaned.

KENNEL: Any location where boarding, caring for and keeping of more than a total of five (5) dogs or cats or other small animals or combination thereof (except litters of animals of not more than six (6) months of age) is carried on, and also raising, breeding, caring for or boarding dogs, cats or other small animal for commercial use.

LAND USE PLAN: A policy document adopted by the City Council, the purpose of, which is to provide a guide for the location, type and intensity of future land uses within the corporate limits of the City of Snellville.

LOADING SPACE, OFF-STREET: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used.

LOBBY: A lobby is a public internal waiting area at or near the entrance of a building. A lobby may include a variety of uses but is limited to contiguous open area and shall not include separated space for public uses such as restrooms or offices.

LOT: A zoning lot unless the context shall clearly indicate a contrary definition.

LOT FRONTAGE: The portion of a lot adjacent to a street.

LOT, CORNER: A lot situated at the intersection of two streets, or bounded on two or more adjacent sides by street right-of-way lines.

LOT, INTERIOR: A lot other than a corner lot or a through lot.

LOT, THROUGH: A lot having frontage on two streets that are approximately parallel.

LOT LINE: A boundary of a lot. Lot line is synonymous with property line.

LOT DEPTH: Considered to be the distance between midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

LOT WIDTH: The distance between side lot lines measured at the rear of the required front yard line on a line parallel with a line tangent to the street right-of-way line.

LOT OF RECORD: Land designated as a separate and distinct parcel in a subdivision, the plat of which has been recorded in the office of the Clerk of the Superior Court of Gwinnett County, or a parcel of land, the deed to which was recorded in said office prior to the adoption of this Ordinance.

LOW-TO MID RISE: A structure that is two (2) or more stories in height.

MINIMUM FRONT YARD: The open space between the front lot line and the building line within which no structure shall be located except as provided in this Ordinance.

MOBILE HOME PARK: A tract of land that is used, designated, maintained, or held out for rent to accommodate four or more mobile homes. Mobile homes located in a mobile home park are used only to provide living and sleeping accommodations: a mobile home park does not include an automobile or mobile home sales lot on which unoccupied mobile homes are parked for inspection or sale.

MOBILE HOME SUBDIVISION: A tract of land that is used, designated, maintained, or held out for sale of lots to accommodate mobile homes. Services such as water, sewage, recreational facilities, and solid waste collection may be provided for a service charge.

MODULAR HOME: A modular home is a factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a structure to be used for residential purposes.

MOTEL/HOTEL: A facility offering lodging accommodations to the general public on a nightly or long-term basis (weekly or monthly) and may provide additional services, such as restaurants, meeting rooms, entertainment and recreational facilities.

NONCONFORMING USE OR STRUCTURE: Any building, structure, or use of land lawful at the time of passage or amendment of this Ordinance which does not conform, after the passage or amendment of this Ordinance with the use regulations of the district in which it is located.

OPEN SPACE: A parcel or area of land set aside, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants and their guests. Creditable open space shall not include any portion of an overhead power line easement, storm water detention pond (including the easements required by the Development Regulations) which is not part of an existing or proposed permanent lake or recreation area required by the Snellville Development Regulations.

PARKING SPACE, OFF-STREET: An off-street parking space consisting of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

PAWN BROKER: Any person engaged in whole or in part in the business of lending money on the security of pledged goods, or in the business of purchasing tangible personal property on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or in the business of purchasing tangible personal property from persons or sources other than manufacturers or licensed dealers as part of or in conjunction with the business activities described in this chapter.

PAWN SHOP: Any business wherein a substantial part thereof is to take or receive, by way of pledge, pawn, consignment or exchange, any goods, wares, merchandise, or any kind of personal property, or the title to any goods, wares, merchandise, or any kind of personal property whatever, as security for the repayment of money lent thereon.

PERSONAL CARE HOME: A State licensed facility designed and equipped as a special combination of housing, personalized supportive services, and health care designed to respond to the individual needs of senior citizens who need help and activities of daily living but do not need the skilled medical care provided in a nursing home. Continuous medical care is not provided. The minimum floor area shall be four-hundred-twenty-five (425) square feet per unit. A minimum staff as outlined by state requirements, designed to meet scheduled and unscheduled needs, shall be required.

PRINCIPAL PERMITTED USE: That use of a lot, which is among the uses allowed as a matter of right under the zoning classifications.

PRIVATE DEED RESTRICTIONS OR COVENANTS: Private deed restrictions or covenants are imposed on land by private landowners. They bind and restrict the land in the hands of present owners and subsequent purchasers. They are enforced only by the land owners involved and not by the city or other public agency.

RECREATION FACILITY: A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

SHOPPING CENTER: A group of commercial establishments having a building composition that is an architectural unit and is not a miscellaneous assemblage of stores; planned, developed, owned and managed as a unit related in location, size, and type of shops to the trade area that the unit serves, and providing on-site parking in definite relationship to the types and sizes of stores. Shopping centers are classified by type, each distinctive in its own function:

Neighborhood Shopping Center - provides for the sale of convenience goods (foods, drugs, sundries, etc.) and personal services (laundry, dry cleaning, barbering, shoe repair, etc.) for the day to day living needs of the immediate neighborhood, and is usually built around a supermarket which is the principal tenant.

Community Shopping Center - in addition to the convenience goods and personal services of the neighborhood center, provides a wider range for the sale of soft lines (apparel, etc.) hard lines (hardware and appliances) and includes eating facilities, making more depth of merchandise and services available. It is usually built around a junior department store or variety store which is the principal tenant.

Regional Shopping Center - provides for general merchandise, apparel, furniture and home furnishings in full depth and variety. It is built with one or more full line department stores as the focal point.

SIGNS: Any structure, display, or device that is used to advertise, identify, direct, or attract attention to a business, institution, organization, person, idea, product, service, event, or location by any means, including words, letters, figures, design characteristics, symbols,

logos, fixtures, colors, movement, or illumination.

SPECIAL USE PERMITS: Special use permit is a subcategory of the uses in the District Regulations and is defined and designed to be used when the following criteria are present:

- a) The special use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood and would not be in conflict with the overall objectives of the comprehensive plan; and
- b) A special use listed under the zoning district is desired for development and a more intensive zoning district which contains that use as a use by right would not be appropriate for the property; or
- c) A special use listed under the relevant subsection is desired for development and no zoning district contains that use as a use by right; or
- d) A unique use not addressed in any zoning district is desired for development and is not likely to be duplicated within the City of Snellville; or
- e) The density of development may be affected by the height of a building.

In order to accommodate these special uses, the special use permit allows the Mayor and Council to approve a special use on a particular lot without changing the general zoning district. Such approval shall be subject to the requirements set forth below and any additional conditions the Mayor and City Council and/or the Planning Commission deems necessary to ensure the compatibility of the special use with the surrounding properties. All special use permit applications shall be for firm development proposals only. The special use permit shall not be used for securing early zoning for conceptual proposals which may not be undertaken for more than six months from the date the application is submitted. A special use permit application shall be considered only if it is made by the owner of the property or his/her authorized agent.

The minimum requirements for a special use permit are:

1. Any uses permitted under a special use permit shall conform to the requirements of this ordinance and the development and zoning regulations for the use as found in the zoning district.
2. The application, fees and review process for a special use permit shall be the same as for the application and review process for establishing the zoning district under which the special use is found, which is Article XV, Section 15.2 of the Zoning Ordinance. In addition to the information and/or site plans which are required to be submitted for the proposed development, additional information deemed necessary by the Director of Planning and Development in order to evaluate a proposed use and its relationship to the surrounding area shall be submitted. In the review process, particular emphasis shall be given to evaluating the relationship of and the compatibility with the proposed use to its immediate neighborhood.
3. In the approval process for a special use permit application, the Mayor and City Council shall consider the policies and objectives of the comprehensive plan, particularly in relationship to the proposed site and surrounding area, and shall consider the potential adverse impacts on the surrounding area, especially with regard to but not limited to traffic, storm drainage, land values and compatibility of land use activities.
4. If an application is approved and a special use permit is granted, all conditions which

may have been attached to the approval are binding on the property. All subsequent development and use of the property shall be in accordance with the approved plan and conditions. All final site plans shall be approved by the Planning and Development Department prior to the issuance of any permits. Once established, the special use shall be in continuous operation. Upon discovery that the operation of the special use has or had ceased for a period of one hundred eighty (180) days or more and the owner of the property has not requested voluntary termination of the special use permit, the Director of Planning and Development shall forward a report to the Mayor and Council through the Planning Commission which may recommend that action be taken to remove the special use permit from the property.

5. Changes to a special use or development of a site for the special use shall be treated as an amendment to the special use permit and shall be subject to the same application and review process as a new application.
6. The special use for which a special use permit is granted shall commence operations or construction within twelve (12) months of the date of approval by the Mayor and Council. If, at the end of this twelve (12) month period, the Director determines that active efforts are not proceeding toward operation or construction, a report may be forwarded to the Mayor and Council through the Planning Commission which may recommend that action be taken to remove the special use permit from the property.
7. The Director of Planning and Development or his designee or an officer of the City of Snellville Police Department shall have the right to periodically examine the operation of the specific use to determine compliance with the requirements of any conditions. If the Director determines that the requirements and conditions are being violated, a written notice shall be issued to the owner of the property outlining the nature of the violations and giving the owner of the property a maximum of thirty (30) days to come into compliance. This thirty-day maximum shall be amendable in the reasonable discretion of the Director of Planning and Zoning. If after thirty days the violations continue to exist, the Director shall forward a report to the Mayor and Council through the Planning Commission, which may recommend that action be taken to remove the special use permit from the property.
8. Upon approval by the Mayor and Council, a special use permit shall be identified on the official zoning maps.
9. Upon approval by the Mayor and Council of a special use permit, the owner of the property shall be issued a notice from the Director, which states the specific use permitted, the requirements of this section and any conditions attached to the approval.
10. The Planning and development Department shall not issue a certificate of occupancy for the specific use unless all requirements and conditions of the special use permit have been fulfilled by the owner of the property.

STREAM, PERENNIAL: A watercourse having a source, terminus, banks and channel through which water flows on a continuous basis as depicted on the most recent United States Geological Survey 7.5-minute quadrangle map (scale 1:24,000).

STREET: A right-of-way for vehicular traffic that affords the principal means of access to abutting properties. The various classifications of streets are defined as follows:

Arterial - A street used primarily for fast and heavy traffic flow; is of considerable continuity; and is used as a traffic artery to interconnect areas and major activity centers.

Major Collector - A street carrying traffic from activity centers and minor collector streets to arterial streets.

Minor Collector - Principal entrance streets to subdivisions and the main thoroughfares providing circulation within subdivision serving a network of four or more local streets.

Local - A street used primarily in residential subdivisions for access to abutting properties as opposed to the collection and dispersion of traffic.

Cul-De-Sac - A local street with only one outlet, closed and terminated by a vehicular turnaround.

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 nonaerial 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.

STRUCTURE: A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

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.

TITLE PAWN SHOP: See "pawn shop".

TOWNHOME: A one-family dwelling unit 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 townhome shall have at least two stories.

TRAILER (MOTOR HOMES): A vehicle, including a motor home, designed and/or maintained for use as a temporary dwelling or sleeping place for travel or recreation

purposes exclusively, having no foundation other than wheels or jacks.

TRAILER PARK (CAMPER): A parcel of land which is used solely for the rental or lease of lots for transient campers, trailers, motor homes or temporary parking of any other recreational vehicle that is not a mobile home.

USE: The purpose or purposes for which land or building is designed, arranged, or intended, or to which said land or building is occupied, maintained or leased.

VARIANCE: A variance is a relaxation of the terms of the Snellville Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area and size of a structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the Zoning District or uses in an adjoining zoning District.

VILLA: A dwelling with at least three but no more than four attached dwelling 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, with the exception of units located in an R-HOP Housing District for Older Persons.

YARD: A required open space located on the same lot as the principal building, unoccupied and unobstructed except for accessory uses and for shrubs and fences.

YARD, FRONT: An open space situated between the front building line and the front lot line extending the full width of the lot.

YARD, REAR: An open space situated between the rear building line and the rear lot line extending the full width of the lot.

YARD, SIDE: An open space situated between the side of the building line and the side lot line extending the full width of the lot.

WATERSHED: A drainage area or basin in which all land and water areas drain or flow toward a downstream collection area such as a stream, river, lake or reservoir.

ZONING LOT: A single tract of land, located within a single block, which at the time of filing for a building permit or a certificate of occupancy, is designated by the owner or developer as a tract to be used, developed, or built upon as a unit, under single or unified ownership or control, and assigned to the particular use, building or structure, for which the building permit or certificate of occupancy is issued and including such area of land as may be required by the provisions of this ordinance for such use, building or structure.

SECTION / ARTICLE	DESCRIPTION	AMENDMENT DATE
Section 6.2	Definitions (amended)	03/20/1995
Section 6.2	Definitions (amended)	04/17/1995
Section 6.2	Definitions (amended) (effective 10/28/1997)	09/15/1995
Section 6.2	Definitions (amended)	02/21/2000
Section 6.2	Definitions (amended)	04/24/2000
Section 6.2	Definitions (amended)	06/10/2002
Section 6.2	Definitions (amended)	10/24/2005
Section 6.2	Definitions (amended)	01/22/2007
Section 6.2	Definitions (amended)	05/23/2011
Section 6.2	Definitions (amended)	02/27/2012
Section 6.2	Definitions (amended)	09/09/2013
Section 6.2	Definitions (deleted and replaced)	04/27/2015
Section 6.2	Definitions (amended)	05/23/2016

ARTICLE VII

GENERAL PROVISIONS

SECTION 7.1 ACCESSORY USES OR STRUCTURES. Accessory uses or structures shall be permitted only in rear yards except as otherwise provided in this Ordinance.

In a residential district, accessory structures customarily located within front or side yards including driveways, sidewalks, flagpoles, basketball goals and decorative landscaping including but not limited to stepping stones, fountains, bird baths, bird houses, light posts and bridges shall be permitted in front, side or rear yards.

No accessory structure except mailboxes, driveways, light post, and decorative landscaping shall be permitted within public right-of-way.

Roofed Accessory Structures: The construction of any roofed accessory structure larger than twenty (20) square feet requires the issuance of a building permit by the City. All permit applications shall indicate the proposed use of the structure and shall include a drawing that shows the exact location on the property with distance(s) from the adjacent property line(s).

- 1). All such accessory structures shall meet the following requirements:
 - a) Located no closer than five-feet (5') from any property line(s);
 - b) Located within the rear yard;
 - c) No higher than two (2) stories;
 - d) No more than two (2) roofed accessory structures may be constructed on any one (1) lot;
 - e) The combined sum of roofed accessory structures shall not exceed seven-hundred-fifty (750) square feet;
 - f) The façade shall be constructed of the following exterior-grade materials: wood; vinyl; brick; stone; stucco, and/or hardiplank siding;
 - g) Roofing materials shall be limited to asphalt shingles or manufactured pre-painted metal roof sheeting; and
 - h) Paints, stains, etc. applied on the exterior of the structure shall match the primary structure on the lot.
- 2). Roofed accessory structures located on property in excess of one (1) acre will not be restricted to size as long as the building meets building codes and other requirements of this ordinance.

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:

- 1). The business owner and/or property owner upon which the portable accessory structure(s) shall be located must acquire a Portable Accessory Structure Permit from the City of Snellville prior to locating any structure(s) on-site. Permits are

valid for one calendar year and are required for each year a structure(s) shall be located on-site. The City shall reserve the right to deny issuance or renewal of permits for those businesses/property owners not in compliance with said regulations. The Mayor and Council shall set fees for the Portable Accessory Structure Permit;

- 2). Structure(s) shall be located only within the designated side or rear yard of the associated business(es). The portable accessory structure(s) shall not be located in front of the primary associated business. A site plan designating the proposed location of the structure(s) shall be submitted with the Portable Accessory Structure Permit application. Said site plan shall be approved by the Fire Marshal prior to submittal;
- 3). The structure(s) shall not be visible from the public right-of-way and/or view or shall be screened of sufficient height with materials similar to the main building façade or with landscaping to shield the structure from public view, as determined by the Zoning Enforcement Officer. Any required screening shall be installed before the portable accessory structure(s) may be located on-site. A rendering(s) of the screening materials shall be submitted with the Portable Accessory Structure Permit application;
- 4). Revised parking ratio calculations that are in compliance with the City's current ordinances must be submitted with the Portable Accessory Structure Permit application for any structure(s) to be located in a designated parking area;
- 5). Should the applicant not be the property owner upon which the structure(s) will be located, the applicant shall furnish to the City of Snellville a letter from the property owner acknowledging understanding of all regulations concerning portable accessory structures and granting permission for the location;
- 6). Structure(s) shall be constructed of rigid walls;
- 7). Structure(s) shall not exceed twenty feet in height;
- 8). Structure(s) shall be allowed in non-residential zoning districts only;
- 9). Storage of materials in these structures shall be in association with the existing business(es) only and shall be an accessory use to the primary structure. Space may not be rented/leased for the use of these structures by off-site businesses;
- 10). Shall not be occupied (other than to add or remove materials from storage) and/or be used for retail sales;
- 11). Shall be stored at a single unit story height (no stacking); and
- 12). No portable accessory structure shall be furnished electrical power, gas, exterior lighting, telephone service, or any utilities, etc.

Modular Offices/Classrooms: Modular offices/classrooms 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, but intended for occupancy. Temporary buildings for use in connection with a construction project or subdivision development are exempt from the following requirements. Modular offices/classrooms shall meet the following requirements:

- 1). Shall be required a Conditional Use Permit;
- 2). Shall be permitted in Residential and Civic Institutional (CI) districts only;
- 3). Shall be located only within the designated side or rear yard of the associated site. The modular office/classroom shall not be located in front of the primary associated business/use. A site plan designating the proposed location of the

- structure(s) shall be submitted with the Conditional Use Permit application. Said site plan shall be approved by the Fire Marshal prior to submittal;
- 4). The structure(s) shall not be visible from the public right-of-way and/or view or shall be screened of sufficient height with materials similar to the main building façade or with landscaping to shield the structure(s) from public view, as determined by the Zoning Enforcement Officer. Any required screening shall be installed before the portable accessory structure(s) may be located on-site. A rendering(s) of the proposed screening shall be submitted with the Conditional Use Permit application;
 - 5). Revised parking ratio calculations that are in compliance with the City's current ordinances must be submitted with the Conditional Use Permit application for any structure to be located in a designated parking area;
 - 6). Should the applicant not be the property owner upon which the structure will be located, the applicant shall furnish to the City of Snellville a letter from the property owner acknowledging understanding of all regulations concerning modular offices/classrooms and granting permission for the location;
 - 7). Structure(s) shall be constructed of rigid walls;
 - 8). Structure(s) shall not exceed twenty-feet (20') in height;
 - 9). Space may not be rented/leased for the use of these structures by off-site businesses;
 - 10). Structure(s) shall not be used for retail sales; and
 - 11). Structure(s) shall be stored at a single unit story height (no stacking).

SECTION 7.2 APPROVALS FOR BUSINESS AND INDUSTRIAL DEVELOPMENTS ON STATE HIGHWAYS. For all business and industrial developments fronting on a State Highway, no building permit shall be issued until the approval of the State Highway Department has been obtained by the applicant on entrances and exits, curb radii, drainage and other matters that are the appropriate concern of the Department.

SECTION 7.3 CITY AND COUNTY APPROVALS THAT ARE REQUIRED. All City and County approvals that are required for the use of land and structures and for the location and operation of businesses and industries shall be obtained by the applicant and transmitted by him with his request for a building permit, an occupancy permit, a zoning amendment, a special exception or a variance. Except as otherwise required by State Law, no local action shall be taken and no public hearings shall be held until the above required approvals have been obtained by the applicant.

SECTION 7.4 MINIMUM FLOOR AREA REQUIREMENTS. For purposes of this section, square footage is defined as the finished, central heated/aired floor space. This space is not to include a porch, garage, or carport. The following are the minimum square footage requirements for each Zoning District, if applicable:

- RS-180: Seventeen-Hundred (1,700) square feet;
- RS-150: Seventeen-Hundred (1,700) square feet;
- PRC: Seventeen-Hundred (1,700) square feet for single story homes and Eighteen-Hundred (1,800) square feet for two-story homes;

RG-75:	One-Thousand (1,000) square feet per dwelling unit;
R-TH:	Twelve-Hundred (1,200) square feet per dwelling unit;
RM:	Eight-Hundred (800) square feet per dwelling unit;
TCO:	Seven-Hundred-Fifty (750) square feet per dwelling unit;
R-HOP(55)-SF:	Sixteen-hundred (1,600) square feet for two-bedroom homes and Eighteen-Hundred (1,800) square feet for homes with three bedrooms or more;
R-HOP(55)-V:	Eight-Hundred-Fifty (850) square feet for one bedroom homes, One Thousand (1,000) square feet for two bedroom homes, and Twelve Hundred (1,200) square feet for three or more bedroom homes;
R-HOP(55)-VC:	All multi-story dwellings shall have a minimum Eight hundred fifty (850) square feet for one bedroom homes, One thousand (1,000) square feet for two bedroom homes, and Twelve hundred (1,200) square feet for three or more bedroom homes. All single story dwellings shall have a minimum of Twelve hundred (1,200) square feet for two bedroom homes, and Fourteen hundred (1,400) square feet for three or more bedroom homes; and
R-HOP(62)-CC:	All multi-story dwellings shall have a minimum Eight hundred fifty (850) square feet for one bedroom homes, One thousand (1,000) square feet for two bedroom homes, and Twelve hundred (1,200) square feet for three or more bedroom homes. All single story dwellings shall have a minimum of Twelve hundred (1,200) square feet for two bedroom homes, and Fourteen hundred (1,400) square feet for three or more bedroom homes.

SECTION 7.5 MOBILE HOMES, MOBILE HOME PARKS AND MOBILE HOME SUBDIVISIONS. Mobile homes, mobile home parks and mobile home subdivisions are prohibited in any zoning district in the City of Snellville.

SECTION 7.6 CONDITIONS FOR COLLECTIVE RESIDENCES

- a) Collective Residences must comply with the following conditions before and after receiving a special use permit:
 1. Collective Residences must meet all the district criteria for lot development, architectural controls, space limits and density requirement of the Zoning District.
 2. Collective Residences must be licensed by the Department of Human Resources of the State of Georgia. Prior to applying for a Special Use Permit, the Applicant shall seek a specific permit from the State of Georgia for operation of the Collective Residence. All details of the state application shall be attached to the Special Use

Permit Application and shall be incorporated by reference as a condition of the Special Use Permit. If the Applicant changes the operation of the Collective Residence from the type disclosed in the state application, the Special Use Permit shall be automatically revoked. The Applicant is required to apply for a new Special Use Permit in this event for the new type of Community Residence. The new application will be judged by the City on its own merits and subject to the full review for a new Special Use Permit which permit may be denied based on the required criteria of this Section. The fact that a different type of Community Residence has been operated at this same site has no bearing on the new applications.

3. Collective Residences shall apply for and receive an occupation tax certificate/business license from the City of Snellville prior to operation. The certificate and license shall be revoked if any condition of the Special Use Permit is violated.
4. Collective Residences must be approved by the Gwinnett County Department of Environmental Health for properties having an on-site sewage management (septic) system.
5. Collective Residences must apply for, earn and maintain non-profit corporation status in accordance with the requirements of O.C.G.A. § 14-3-120 et. seq., unless otherwise stated in this ordinance.
6. Collective Residences must submit annual reports to the City Manager for the City of Snellville, just as the Community Residence would for a member under O.C.G.A. § 14-3-1620 et. seq.
7. Collective Residences shall strictly comply with Article XI of the district regulations relating to parking spaces, except that no more than six (6) parking spaces shall be allowed for any Community Residence unless required by the Special Use Permit.
8. Required Sleeping Area – Collective Residences must demonstrate that every bedroom in the residences shall contain at least eighty (80) square feet of floor area for each person who sleeps in that room.
9. Community living arrangements and family personal care homes shall be subject to the following criteria:
 - a. Special use permits may only be granted for the care of up to six persons without a variance from the Mayor and Council.
 - b. Except as otherwise stated in Sec. 7.6(a) above, operations are subject to the regulations of Article XVIII, Home Occupations and Business of the City of Snellville Zoning Ordinance.
10. Group homes shall be subject to the following requirements:
 - a. The dwelling unit must be licensed by the Department of Human Resources of the State of Georgia as a child care institution.
 - b. Group homes are exempt from the requirements of Article XVIII, Section 18.4(G) to the extent they require that the owner of the Group home live on-premises, and to the extent Section 18.4(G) requires that only two (2) or fewer employees occupy the premises. At least one employee shall occupy the premises. Two employees shall be the minimum number of employees that work on the premises.
11. Family personal care homes shall be subject to the following criteria:
 - a. The dwelling unit must be the primary and legal place of residence for the owner of the family personal care home.

- b. For purposes of this Code section, “owner” of the family personal care home is defined as an individual, not a partnership or corporation, who is an officer in the non-profit corporation that owns the place of residence at which the personal care home is located. Dwelling and premises shall maintain residential character.
- b) If a Collective Residence fails to comply with any threshold requirement under this subsection, its special use permit is subject to revocation by the Planning Director for the City of Snellville pursuant to the provision of Section 6.2, Special Use Permits.
- c) Collective Residences shall not be located within 1,500 feet of each other.
- d) For purposes of this section, distance shall be measured by the most direct route of travel on the ground and shall be measured in the following manner:
 - a. From the main entrance of the Collective Residence;
 - b. In a straight line to the nearest public sidewalk, walkway, street, road or highway by the nearest route;
 - c. Along such public sidewalk, walkway, street, road or highway by the nearest route;
 - d. To the main entrance of the next closest Collective Residence.
- e) The application for a Special Use Permit for a Collective Residence shall include the following:
 1. A full review of fire code compliance and fire access requirements shall be made and to the extent that special needs are demonstrated, the Special Use Permit can be conditioned by including additional conditions.
 2. All environmental health requirements shall be disclosed in the application process and modifications to the facility may be required as a condition of the Special Use Permit.
 3. The Special Use Permit application shall include a parking plan to accommodate all residents, staff, visitors and professionals caring for residents, and the grant of a Special Use Permit may be conditioned on compliance with parking requirements in the City Code. Parking in the public right of way is prohibited.
- f) The real estate that is the subject of the Special Use Permit shall be owned at the time of application and during the term of the Special Use Permit by the non-profit organization operating the facility.
- g) The application for the Special Use Permit shall be in a form prepared by the Director of Planning and Development and shall incorporate disclosure of all the following:
 1. All information required to demonstrate compliance with the requirements set forth in this Section.
 2. A full and complete financial disclosure by the applicant to include financial statements that reveal how trust funds of residents will be maintained, a balance sheet showing the overall capital structure of the non-profit organization, and a full capital disclosure targeted at the financial condition of the specific facility to be operated at the site of the Special Use Permit.”

SECTION 7.7 ARCHITECTURAL DESIGN STANDARDS

Objectives and Findings:

In an effort to maintain high quality, long-lasting and sustainable development within the City of Snellville, the City hereby adopts the following design guidelines and standards for all newly

constructed buildings within non-residential, multi-family, residential conditional use districts. These guidelines are intended to enhance the visual aspect and livability of the entire city. These guidelines will foster architectural diversity and interest, yet achieve and maintain a consistent, durable and pleasing aesthetic/visual quality.

The use of a common palate of building materials should be maintained for all building facades to create a consistent and traditional architectural identity. Traditional architecture includes the use of red brick, pitched roofs, low-profile signage and subdued colors. For large commercial/retail buildings, variations in façade, roofline and depth should be provided to lend the appearance of multi-tenant occupancy.

1. Building Plans:

All building plans submitted as an application for a building permit should clearly indicate all of the proposed building materials and colors for each façade as described herein. The plans should clearly show the location and calculate the amount/percentages of all building materials per façade.

Groups of buildings on the same parcel of land may be reviewed and permitted as a single project rather than individual buildings. Grouping of similar buildings is encouraged to minimize the number of reviews required and to allow for originality and design flexibility.

The following design standards are primarily based upon the City's zoning categories. However if a use is clearly permitted in a less intensive zoning district, building material allocations shall be used for the less intensive classification (e.g. a professional office in a BG zoning district shall use the building material allocations in Table I for OP categories.)

2. Definitions:

Arcade: As used herein, an arcade is a covered walkway/structural canopy extending along the entire length of the front façade of a commercial building.

Building: Any structure having a roof supported by walls and intended for the shelter, housing or enclosure of any individual, process, equipment, goods or materials of any kind.

Facade: A vertical exterior face or elevation of a building.

Front facade: Any façade with a public entry which faces a public right-of-way.

Rear facade: Any facade without a public entry that does not face a public right-of-way.

Side facade: Any façade without a public entry but facing a public right-of-way or any façade with a public entry but not facing a public right-of-way. A side façade typically connects a front façade with a rear façade.

3. General Architectural Requirements:

A. If provided, dumpsters shall be screened to a height of eight feet with an opaque screen on three sides made of brick, stucco, or split-face block and located

behind the building they serve. For industrial/distribution/warehouse buildings exceeding twenty-five-thousand (25,000) square feet, no screening is required. However, the dumpsters shall be located in the rear yard behind the building they serve.

- B. All ground mounted mechanical, HVAC and like systems shall be screened from public street view (within 300 feet) by an opaque wall or fence made of brick, stucco, split face block or landscaping.
- C. For all commercial/retail buildings, roof mounted mechanical, HVAC and like systems shall be screened from public street view (within 300 feet) on all sides.
- D. Contrasting accent colors on any single façade shall be limited to no more than ten-percent (10%) of the total wall area for any single façade. Said colors shall be selected from Appendix VII-A, Exterior Color Palette. No more than three (3) different colors shall be used on any project.
- E. Permanent mounted exterior neon lights shall not be allowed.
- F. In a non-residential development with out-parcels, buildings located on outparcels shall be constructed of the same primary building material as the principal building with which they are associated.
- G. Back-lit awnings, roof mounted lights, and/or roof mounted flag poles are not permitted. Satellite dishes shall be located and painted to blend with the background as much as practical.

4. Building Materials:

The following building materials may be used and combined to create a consistent, attractive, interesting and long-lasting building design. The quantity and type of building materials is outlined below.

A. Allowed Building Materials:

- 1. Brick – Brick veneers which are intended to simulate brick exteriors are not acceptable. Painted brick is not acceptable;
- 2. Stone – Natural stone such as, but not limited to, Granite, Limestone, and Marble are allowed building materials. Terra Cotta and/or Cast Stone, which simulate natural stone, are also acceptable. Painted stone is not allowed;
- 3. Split-Face Block/Concrete Masonry Unit (CMU);
- 4. Tilt/Architectural Pre-Cast Concrete;
- 5. High Grade Stucco;
- 6. Natural Wood and/or Cement-based Artificial Wood Siding;
- 7. Masonry hardi-plank Shakes/Shingles
- 8. Glass
- 9. Painted Concrete Block.

B. Ratios and Amounts of Allowed Building Materials:

See Tables I & II on the following pages concerning allowed building materials for uses within each zoning category within the City of Snellville:

C. Accent/Trim Exterior Building Material:

Small amounts of building materials such as wood, tile, etc., may be used to enhance the elevation of the building or for decorative elements but should not exceed ten-percent (10%) of total wall area per facade. Colors of said materials shall comply with Section 7.7(3)(D).

D. Façade Calculations:

With the exception of accent/trim materials, there shall be no more than two (2) primary building materials used. When a material is restricted as a percentage in Table I or Table II, such as stucco, siding, etc., the building material may not be combined with another restricted building material. The allowed façade materials shall not apply to windows, glass-front windows, entry doors and/or roll-up doors.

The amount of permitted material shall be calculated using the gross square footage of wall area per façade. A building material that is allowed (such as brick) may be used in any percentage throughout the structure. A material that is restricted (such as stucco) is allowed as a maximum percentage.

For example, a building has a front façade with a gross façade area of twelve-hundred (1,200) square feet with four-hundred (400) square feet consisting of windows and doors. Begin with twelve-hundred (1,200) square feet for required building material calculations. In this case, the front façade of a building in BG zoning district with a wall area of twelve-hundred (1,200) square feet shall have no more than three-hundred (300) square feet of stucco on the front façade [ex. $(1,200 \times 25\% = 300)$]. The balance shall be brick or other allowed material.

5. Roof Requirements:

A. Pitched Roofs:

All one-story buildings less than ten-thousand (10,000) gross square feet must have a pitched roof (between 5:12 and 12:12) as much as possible. If a pitched roof is not possible, a combination of flat roof and pitched roof is required. Provide a pitched roof on front and side of the building to screen view of any flat roof. Create arcades, drive-under canopies, porches and other features with pitched roof.

Materials for pitched roofs shall be limited to architectural dimensional grade asphalt shingles, natural slate, natural terra cotta, natural wood shake, copper or factory finished sheet metal.

B. Mansard Roofs:

Mansard roofs shall have a maximum pitch of 12:12 with a minimum twelve-foot (12') vertical surface length.

C. Flat Roofs:

Flat roofs may be of any material that meets building codes. Exposed metal flashing shall be copper or factory finished sheet metal. If factory finished metal

flashing is used, such as standing seam, the color must be subdued to blend with other materials or of a color to simulate weathered copper or bronze.

All buildings with flat roofs should include parapet articulation on the front façade(s) of such building. There shall be roof articulations/offsets at a minimum of one (1) per each one-hundred-twenty-five-linear-feet (125') of length by a change in the top line of the parapet. Additional articulation may occur at any lesser distance. If the front facade is less than one-hundred-twenty-five-linear-feet (125'), then a minimum of one (1) roof articulation must occur.

D. Other:

Drive under canopies for gasoline pumps may have flat roof with vertical or factory formed facing of finished sheet metal.

6. Arcade/Structural Canopy for Retail Use:

For any multi-tenant commercial shopping center or strip center, a covered arcade/structural canopy shall be provided along the front façade of the building. Arcades are covered walkways connected to or separate from the principal building. They should be designed in a manner which provides architectural depth to the building and includes covered areas for relief from the weather. The arcade should be a minimum of five-feet (5') in width.

7. Alternate Review:

This Ordinance is intended to be followed as outlined above. In the event the intent of this Ordinance can be achieved with minor deviations which do not substantially impact the goals or intent of this Ordinance, the City of Snellville Planning and Development Department has the authority to modify the specific provisions.

8. Separability:

Any requirement set forth herein deemed unconstitutional, vague, illegal and/or otherwise unenforceable in a court of law shall not invalidate the subject Ordinance and all other provisions and requirements thereto shall remain in full force and effect.

SECTION / ARTICLE	DESCRIPTION	AMENDMENT DATE
Section 7.7	Curb Cuts on Corner Lots Where One Street Serves a Residential Subdivision (deleted)	05/20/1996
Section 7.7	Big Haynes Creek Watershed Protection Requirements (added) (effective 10/28/1997)	09/15/1997
ARTICLE VI	DELETED AND REPLACED TO ADOPT AMENDMENTS	11/26/2001
Section 7.1	Accessory Uses or Structures (amended)	06/10/2002
Section 7.6	Big Haynes Creek Watershed Protection Requirements (deleted)	06/10/2002
Section 7.7	Architectural Design Standards (adopted)	06/25/2002
Section 7.1	Accessory Uses or Structures (amended)	10/28/2002
Section 7.1	Accessory Uses or Structures (amended)	03/22/2004
Section 7.7	Architectural Design Standards (replaced)	07/26/2004
Section 7.4	Minimum Floor Area Requirements (amended)	10/24/2005
Section 7.4	Minimum Floor Area Requirements (amended)	01/22/2007
Section 7.6	Conditions for Collective Residences	09/09/2013
Section 7.1	Accessory Uses or Structures (amended)	05/23/2016

Table I – Allowed Building Materials – Residential Conditional Use, Multi-Family/Commercial/Office/Industrial

Zoning Category	Brick	Stone	Glass	Tilt/Pre-Cast	Stucco+		Concrete Block+		CMU/Split-Face Block+		Siding+		Metal	Tile
					Front	Side/Rear	Front /Side	Rear	Front /Side	Rear	Front	Side/Rear		
RES COND USE	Yes	Yes	No	No	Max. 50% per Façade	Max. 50% per Façade	No	No	No	No	Max. 50% per Façade	Max. 50% per Façade	No	No
RM, RG-75	Yes	Yes	No	No	Max. 50% per Façade	Max. 50% per Façade	No	No	No	No	Max. 50% per Façade	Max. 50% per Façade	No	No
OP	Yes	Yes	Yes	No	Max. 25% per Façade	Max. 50% per Façade	No	No	No	No	No#	No#	No	No
BN	Yes	Yes	Yes	No	Max. 25% per Façade	Max. 50% per Façade	No	Yes*	No	Yes*	No	25%	No	No
BG	Yes	Yes	Yes	No	Max. 25% per Façade	Max. 50% per Façade	No	Yes*	No	Yes*	No	25%	No	No
HSB	Yes	Yes	Yes	No	Max. 25% per Façade	Max. 50% per Façade	No	Yes*	No	Yes*	No	25%	No	No
LM @	Yes	Yes	Yes	No	Max. 25% per Façade	Max. 50% per Façade	No	Yes*	Max. 25% per Façade	Yes*	No	No	No	No

Table II – Allowed Building Materials – Industrial/Warehouse/Distribution Uses over 30,000 square feet Gross Floor Area (GFA)

Zoning Category	Brick	Stone	Glass	Tilt/Pre-Cast	Stucco+		Concrete Block+		CMU/Split-Face Block*+		Siding+		Metal	Tile
					Front	Side/Rear	Front /Side	Rear	Front /Side	Rear	Front	Side/Rear		
BG	Yes	Yes	Yes	Yes	Max. 25% per Façade	Max. 50% per Façade	No	Yes*	No	Yes*	No	No	No	No
HSB	Yes	Yes	Yes	Yes	Max. 25% per Façade	Max. 50% per Façade	No	Yes*	No	Yes*	No	No	No	No
LM	Yes	Yes	Yes	Yes	Max. 25% per Façade	Max. 50% per Façade	No	Yes*	Max. 25% per Façade	Yes*	No	No	No	No

Notes:

- Allowed only on Rear Facades of buildings larger than 10,000 square feet gross floor area. When allowed it must be tinted or painted to blend with the balance of the building. Concrete Block and CMU/Split-Face Block are prohibited when the rear building faces a residential property or public street.
- @ For industrial/warehouse buildings less than 30,000 square feet gross floor area.
- # Allowed for buildings intended to have a residential appearance. Building must have a minimum 4:12 roof pitch.
- + Colors of said materials shall comply with Section 7.7(3)(D).

Appendix VII-A, Exterior Color Palette

 Antique Doll	 Ludwell Tenement Gold
 Appalachian Gray	 Ludwell Tenement Sage
 Basil Pesto	 Malaga
 Big Ben	 Market Square Tavern Dark Green
 Blue Bell Tavern Gray Green	 Market Square Tavern Gray
 Blue Delphinium	 Nicholson Store Red
 Blueberry	 Outside White
 Bracken Tenement Biscuit	 Palace Arms Red
 Bracken Tenement Blue Slate	 Palmer House Kitchen Brown
 Breckenridge	 Pioneer Beige
 Burdett's Ordinary Black Green	 Pumice
 Chowning's Tavern Brown	 Purdie House Gray Slate
 Colonial Blue	 Red Leaf
 Country Brown	 Robert Carter Tobacco
 Courthouse White	 Sandalwood
 Deep Ruby	 Seminole Brown
 Desert Cactus	 Shutter Green
 Dolphin Gray	 Smoky Hills
 Dove Gray	 Soapstone
 Dovetail	 Stoneware
 Eiffel Tower	 Summer Solstice
 George Davenport House Green	 Vanilla Cream
 George Pitt House Bisque	 Villa Black
 George Pitt House Carmel	 Vitreous Green
 George Pitt House Green	 William Byrd III House Ivory
 Green Bluff	 William Finnie House Brown
 Grissel Hay Lodging House Green	 Willow Gray
 Hemingway	 Woven Raffia
 Holt's Storehouse Gray	 Yucca Flower
 James Geddy Green	
 Levingston Kitchen Green	

Note: The colors listed above are from the Martin Senour Paints® palette. Building colors are to be derived from the above color palette or an equivalent.

ARTICLE VIII

EXCEPTIONS, MODIFICATIONS AND ENCROACHMENTS

SECTION 8.1 HEIGHT EXCEPTIONS, GENERAL RULE. Any structure hereafter erected or altered shall comply with the height limitations of the district in which it is located except as specified below.

SECTION 8.2 STRUCTURES EXCLUDED FROM HEIGHT LIMITATIONS. The height limitations of this Ordinance shall not apply to church spires, belfries, flag poles, monuments, cupolas, domes, ornamental towers, nor to observation towers not intended for human occupancy, water towers, transmission towers, radio or television towers or aerials. These exceptions shall not apply in the vicinity of airports.

SECTION 8.3 WALLS AND FENCES. The setback requirements of this ordinance shall not prohibit any necessary retaining wall or fence except that in a residential district:

- 1) Front yard fences and walls shall not exceed four (4) feet in height and shall not extend into public right-of-way.
- 2) Front yard fences shall not be made of wire, woven metal, or chain link unless located on property of an agricultural/undeveloped use or of a size larger than three (3) acres.
- 3) Ornamental or decorative fences constructed of brick, stone, stucco, split rail, wood or wrought iron and not constructed of exposed block, tires, junk or other discarded material shall be permitted within the minimum front yard.
- 4) No fence shall exceed eight (8) feet in height within a rear or side yard.

SECTION 8.4 YARD SPACE, GENERAL RULE. Any building, structure or use hereafter erected, altered or established shall comply with the yard space requirements of the district in which it is located except as specified below. The required yard space for any building, structure, or use shall be contained on the same zoning lot as the building, structure or use and such required yard space shall fall entirely upon land in a district or districts in which the principal use is permitted.

SECTION 8.5 [RESERVED]

SECTION 8.6 LOT AREA EXCEPTION, EXISTING PLATTING. A single family dwelling may be built on any platted lot of record containing 75 percent of the required lot area for the district in which the lot is located if said lot was in separate ownership and separate control at the effective date of this Ordinance, provided the front, side and rear yard requirements for the district in which the lot is located are met and provided dwellings are permitted in the district in which the lot of record is located. It is not the intention of this exception to allow building as a matter of right on a platted parcel which was never intended as a building site, but rather was numbered on a plat for identification purposes under a scheme in which multiple lots were intended to provide one building site.

In the case of such a lot, when it is not possible to provide the required side yards and at the same time build a minimum width one-family dwelling, the Zoning Board of Appeals is hereby authorized to grant a variance reducing the side yard requirements for such lot the minimum amount necessary for a reasonable dwelling, but in no case shall each of the side yards be less than five feet in width.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements, established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this ordinance.

SECTION 8.7 TEMPORARY BUILDINGS AND SIGNS. A temporary building, sign or buildings for use in connection with a construction project or subdivision development shall be permitted on the land on which the project is being constructed during the duration of the construction period. Temporary buildings related to a subdivision development shall be removed when one hundred (100) percent of all lots are occupied. In the event that no activity occurs at the construction site within a consecutive 3 month period, all buildings and signs shall be removed. All such buildings and signs shall secure an annual permit. The City shall hold the Certificate of Occupancy for the last structure until all temporary buildings and signs are removed. Temporary signs shall be removed immediately when all lots are occupied by completed homes.

SECTION 8.8 FENCES AND HEDGES, CORNER VISIBILITY. Except in districts allowing the construction of buildings or structures to the property line, there shall be provided an unobstructed view across the triangle formed by joining points measured 20 feet distant along the property line from the intersection of two streets or 15 feet along both the street and alley line from the intersection of a street and an alley. Within said triangle there shall be no sight obscuring wall, fence or foliage higher than 30 inches above grade or in the case of trees, foliage lower than 8 feet. Vertical measurement shall be made at the top of the curb on the street or alley adjacent to the nearest side of the triangle or if no curb exists, from the edge of the nearest traveled way.

SECTION 8.9 FENCES AND HEDGES, MEASUREMENT RULE. Heights of fences, hedges and other continuous foliage shall be measured from the adjacent top of the street curb, surface of an alley or the official established grade thereof, whichever is the higher. On inside lot lines the measurement shall be from the average grade of the lot line of the parcel or property having the lower elevation.

SECTION 8.10 FENCES AND HEDGES, EXCEPTION, BOARD OF APPEALS. The Board of Appeals may approve, or may direct as a condition for granting approval, that fences or plantings of a height in excess of these regulations be placed as shieldings between different uses, or between like uses upon agreement between the parties affected thereby, provided that no such approval shall have the effect of reducing corner visibility as provided for herein.

SECTION 8.11 [RESERVED]

SECTION 8.12 STRUCTURES TO HAVE ACCESS. Every building hereafter erected or moved

shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

SECTION 8.13 PARKING, STORAGE, OR USE OF MAJOR RECREATIONAL EQUIPMENT.

For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. Such major recreational equipment may be parked or stored in side yards or rear yards or in a carport or enclosed buildings provided however that such equipment may be parked anywhere on residential premises for a period not to exceed 24 hours during loading or unloading. In the case of a corner lot, no vehicles may be parked or stored in the side yard on the street side of the lot. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

SECTION 8.14 PARKING AND STORAGE OF CERTAIN VEHICLES. In all residential districts the parking of any vehicle larger than a van or pickup truck (other than recreational vehicles) is prohibited except when the following provisions apply:

- 1) Such vehicle may park within a fully enclosed structure that meets all other criteria of the zoning district.
- 2) Such vehicle may park on the side or to the rear of the primary residential structure on the lot provided that the lot is 5 acres or larger, but in no case may be closer than 100 feet from any property line.

SECTION 8.15 MULTI WHEELED VEHICLES AND BUSES. Automotive vehicles having more than four wheels, major recreational equipment, school, and other buses are prohibited from parking on residential streets or within public rights-of-way.

SECTION 8.16 CANOPIES FOR COMMERCIAL OR INDUSTRIAL USE. When a canopy is utilized in connection with a commercial or industrial use in districts where such uses are permitted, such canopy may occupy a portion of the required yard setback adjacent to streets, subject to the following provisions:

1. No portion of a canopy shall be closer than ten feet from any street right-of-way line when measured vertically, nor closer than 20 feet from the face of the curb of the street.
2. No canopy shall occupy more than fifty percent of a required yard over which it extends.
3. Any canopy shall be completely unenclosed.

SECTION 8.17 SUBDIVISION, COMMERCIAL AND PUBLIC RECREATION FACILITY EXCEPTIONS

a) SETBACK REQUIREMENTS:

1. Front yard: Twenty-Five feet (25’).
2. Rear yard: Ten feet (10’).
3. Side yard: Ten feet (10’).
4. Side yard on Street Side Corner: Fifteen feet (15’).

b) PARKING REQUIREMENTS:

1. Subdivision Recreation Facility - one (1) space per ten (10) dwelling units.
2. Commercial & Public Recreation Facility - A minimum of 20 spaces except that golf courses shall require 20 spaces per each 9 holes.

c) FENCE REQUIREMENTS:

Subdivision, commercial and public recreation facilities shall be exempt from requirements of SECTION 8.3 of this article.

SECTION 8.18 IMPROVEMENTS REQUIRED. Subdivisions and commercial developments shall be required to construct sidewalks along right-of-way. Commercial property owners which submit site plans for planning department review, and/or receive a commercial zoning change shall be required to construct sidewalks and curb and gutter along right-of-way, this shall include conditional uses permitted in all residential districts.

SECTION / ARTICLE	DESCRIPTION	AMENDMENT DATE
Section 8.18	Improvements Required (amended)	09/15/1997
Section 8.5	Exceptions to Front Yard Requirements (deleted)	06/10/2002
Article 8.11	Open Uses in Undeveloped Areas (deleted)	06/10/2002

ARTICLE IX

SCHEDULE OF DISTRICT REGULATIONS ADOPTED

SECTION 9.1 DISTRICT REGULATIONS ADOPTED. District regulations shall be set forth in the Schedule of District Regulations, hereby adopted by reference and declared to be a part of this Ordinance.

SECTION 9.2 USES COMMON TO ALL RESIDENTIAL DISTRICTS. There are certain uses which are considered acceptable when located in any residential district when developed in accordance with the space limits prescribed for that particular district.

The following uses are permitted in all residential districts subject to further restrictions or liberalizations which are imposed by a specific district.

(1) PRINCIPAL PERMITTED USES:

1. Single-family dwellings;
2. Noncommercial crop and tree farming, but not to include the raising of animals or fowl except as otherwise provided for in this ordinance, or the sale of any retail products on the premises;
3. Non-profit private clubhouses not greater than four-thousand (4,000) square feet in floor area, swimming pools, tennis facilities and their accessory parking areas exclusively for the use of neighborhood residents and their nonpaying guests subject to any other regulations and Ordinances of the City of Snellville; and,
4. Government agencies, offices, and land uses.

(2) PERMITTED ACCESSORY USES: The following accessory uses are permitted in all residential districts subject to further restrictions or liberalizations which are imposed by a specific district.

1. Home occupations and home businesses in accordance with Article XVIII of the Zoning Ordinance;
2. The parking of recreational equipment in accordance with the requirements set forth in Section 8.13;
3. Cemeteries no greater than two acres in area are a permitted accessory use of any church. Such cemeteries shall have forty-feet (40') of frontage on a public street and shall have a fence of a type specified in the City of Snellville Architectural Design Standards; and
4. Accessory structures in accordance with the requirements set forth in Article VII of the Zoning Ordinance.

- (3) **CONDITIONAL USES:** The following uses may be conditionally permitted by the Mayor and City Council in all residential districts after a public hearing.
- a. Cemeteries (new), provided:
 - 1. All new cemeteries shall front on a street having minimum classification of major collector, for a distance of at least one-hundred feet (100');
 - 2. New cemeteries shall have a minimum size of two (2) acres; and
 - 3. A landscape buffer having a width of ten feet shall be installed along all side and rear lot lines. Shall have a fence of a type specified in the City of Snellville Architectural Design Standards.
 - b. Churches and related religious uses, provided:
 - 1. All such facilities shall front on a street having minimum classification of major collector, for a distance of at least one-hundred-feet (100');
 - 2. The minimum lot size shall be one (1) acre;
 - 3. The maximum lot size shall be three (3) acres;
 - 4. All buildings shall be set back at least fifty-feet (50') from the front property line, forty-feet (40') from the rear property line, and twenty-feet (20') from side property lines (thirty-five feet (35') on the street side if a corner lot); and,
 - 5. A densely planted buffer, no less than six feet in height, having a minimum width of ten feet shall be installed along all side and rear property lines which abut Residential Land Use.
 - c. Commercial Recreational Facility meeting requirements as set forth in Section 8.17.
 - d. Public, private and parochial schools, provided:
 - 1. A minimum site of five (5) acres is provided;
 - 2. The site shall front on a street having minimum classification of major collector, for a distance of at least one-hundred feet (100');
 - 3. A buffer is provided along all side and rear property lines having a minimum width of ten-feet (10').
 - e. Railroad through and spur tracks, provided:
 - 1. No sidings or terminal facilities shall be provided; and,
 - 2. No service, repair or administrative facilities shall be provided.

- f. Utility substations, provided:
 - 1. Documentation is presented by the utility company depicting the need for such substation in a residential locale;
 - 2. Any substation shall conform with all setback and space limits of the zoning district in which they are located;
 - 3. Substations shall be enclosed by an opaque fence other than a cyclone type, and shall be appropriately landscaped; and,
 - 4. A buffer shall be planted along all side and rear property lines, having minimum width of ten-feet (10').

- g. Historical event Venue, provided:
 - 1. The principal building must have been built at least fifty (50) years prior to the Conditional Use Permit application, and the principal building must maintain historical significance based upon the criteria used for The National Register of Historic Places; provided, however, that the failure to be listed by The National Historic Register of Historic Places shall not disqualify such a building for consideration by the City of Snellville for designation as an Historical Event Venue;
 - 2. In addition to all principal permitted uses and permitted accessory uses, any such venue facility shall only be used for the following commercial uses – weddings, private parties, business lunches, receptions, showers, and events of similar characteristics;
 - 3. The minimum lot size shall be one (1) acre;
 - 4. The minimum size of the principal building shall be one-thousand-eight-hundred (1,800) square feet; and
 - 5. A buffer shall be planted along all side and rear property lines, having a minimum width of ten-feet (10'), when abutting residentially zoned properties.

(4) DESIGN CRITERIA FOR ALL RESIDENTIAL DISTRICTS:

- I. Prior to issuance of a Site Development Permit for each phase of the project, if any, the developer shall submit architectural elevations in the form of a “Plan Book” for typical structures for review and approval by the Director of Planning & Development. At a minimum, the “Plan Book” shall include: allowable building elevations; design criteria for entries, porches, doors, windows, dormers, columns, cornices, rakes, garages, roofs, landscaping, fencing, and retaining walls; exterior colors and materials, and other pertinent information. All structures shall be constructed in accordance with the approved “Plan Book.” Said “Plan Book” shall become a binding restriction on

all structures within the development and may be amended or supplemented only by approval of the Director of Planning & Development;

2. All corner lots and lots abutting external public streets or building/units abutting external public streets shall be designated as “High Visibility Lots/Buildings.” High Visibility Lots/Buildings shall include the following treatments on elevations visible from the public view: Foundation walls shall be brick or stone to the level of the first floor; Window treatment, such as trim and shutters similar to the front elevation, are required; Landscaping shall be treated similarly to the grass and planting beds in the front of the home; Elevations shall require a similar architectural treatment as the front elevation. The intent of these additional requirements for High Visibility Lots/Buildings is to continue the architectural theme that is presented on the front elevation of the house/building to other elevations exposed to frequent public view;
3. Rear alleys are permitted and shall be a minimum of sixteen-feet (16’) wide. Alleys may be constructed of concrete, and/or other material approved by the Director of Planning and Development. Curb/gutter and sidewalks shall not be required on alleys. All alleys shall be owned and maintained by a mandatory Homeowners’ Association. The ingress and egress points to the alleys from the public streets shall be enhanced with landscaping and decorative pavers, to be approved by the Director of Planning and Development;
4. All grassed areas on dwelling lots shall be sodded with a drought-resistant grass, such as Bermuda, Centipede, or other species approved by the Director of Planning and Development; and,
5. Garages, having the ability to store a minimum of two-vehicles, shall be required on all dwelling lots, unless otherwise specified.

(5) RESIDENTIAL TEMPORARY USE PERMITS:

- a. Any church or property used for a related religious use as provided for by subsection (3)(b) of this Section or any public, private or parochial school as provided for by subsection (3)(d) of this Section may be permitted to carry out the following uses for a period not to exceed twenty (20) days or otherwise indicated;
 1. The sale of fruits or vegetables between April 1 and September 30;
 2. Charitable and non-profit events;
 3. Pumpkin sales between September 15 and October 31;
 4. Christmas tree sales between November 1 and December 31;
 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;
6. Fireworks show between December 26 and January 1 (for New Years) and June 30 and July 6 (for 4th of July); and,
 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).
- 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.
1. Written permission of the property owner is provided;
 2. Excess parking, ingress and egress are provided on site or written permission is obtained if provided on an adjoining property;
 3. Trash receptacles must be provided and/or permittee must secure property owner's approval to dispose of refuse properly (if applicable);
 4. Permitted uses shall be no closer than 250 feet from the property line of any residence;
 5. Sales, displays, and other structures shall not be located within 50 feet of the edge of any public roadway;
 6. A sign (not a mobile advertising sign) may be erected on the property provided it does not exceed a total of 16 square feet and ten feet in height and is not placed within 20 feet of any public roadway;
 7. The noise control ordinance of the Snellville Code of Ordinances shall be complied with;
 8. The hours of operation shall be from 7:00 a.m. to 11:00 p.m.; and
 9. Permittee must indicate where employees or volunteers have permission to use restroom facilities.
- c. Upon presentment of evidence of such, any organization that maintains a valid registration under Section 501(c)(3) or Section 501(c)(6) of the Internal Revenue Code of the United States shall not be subject to the temporary use permit fee assessed by the City, however such permittee must still comply

with all other applicable Federal, State, Gwinnett County and City of Snellville regulations.

SECTION 9.3 RS-180, SINGLE-FAMILY RESIDENCE DISTRICT.

PURPOSE: This district is intended to provide stable residential districts of high-quality homes along the major streets and state highways entering the city carrying higher volumes of traffic; to protect the residential characteristics of the district and to encourage a suitable residential environment on lots which are of moderate width but greater depth than other single-family residence districts.

(1) **PRINCIPAL PERMITTED USES:**

1. The principal permitted uses common to all residential districts; and
2. Single-family residences served by public sewage treatment systems or an on-site sewage management (septic) system approved by the Gwinnett County Department of Environmental Health.

(2) **PERMITTED ACCESSORY USES:** The permitted accessory uses common to all residential districts.

(3) **CONDITIONAL USES:** The conditional uses common to all residential districts.

(4) **SPACE LIMITS:**

1. Minimum Lot Area: 30,000 square feet;
2. Minimum Lot Width: 100 feet at building line;
3. Maximum Height of Building: 35 feet;
4. Minimum Front Yard: 50 feet from right-of-way line;
5. Minimum Rear Yard: 40 feet;
6. Minimum Side Yard: 10 feet;
7. Minimum Side Yard on Street Side of Corner: 35 feet; and,
8. Maximum Ground Coverage Including Accessory Buildings: 35 percent.

(5) **PERMITTED TEMPORARY USES:** The permitted temporary uses common to all residential districts.

(6) **SPECIAL USES:** Collective Residences, as defined under Section 6.2 and subject to the requirements of Section 7.6 of the Zoning Code of the City of Snellville, Georgia.

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SECTION 9.4 RS-150, SINGLE-FAMILY RESIDENCE DISTRICT.

PURPOSE: This district is intended primarily for moderate size one-family residences and related uses.

- (1) **PRINCIPAL PERMITTED USES:**
 1. The principal permitted uses common to all residential districts; and
 2. Single-family residences served by public sewage treatment systems or an on-site sewage management (septic) system approved by the Gwinnett County Department of Environmental Health.

- (2) **PERMITTED ACCESSORY USES:** The permitted accessory uses common to all residential districts.

- (3) **CONDITIONAL USES:** The conditional uses common to all residential districts.

- (4) **SPACE LIMITS:**
 1. Minimum Lot Area: 15,000 square feet;
 2. Minimum Lot Width: 80 feet at building line;
 3. Maximum Height of Building: 35 feet;
 4. Minimum Front Yard: 40 feet from right-of-way line;
 5. Minimum Rear Yard: 40 feet;
 6. Minimum Side Yard: 10 feet;
 7. Minimum Side Yard on Street Side of Corner: 35 feet; and,
 8. Maximum Ground Coverage Including Accessory Buildings: 25 percent.

- (5) **PERMITTED TEMPORARY USES:** The permitted temporary uses common to all residential districts.

- (6) **SPECIAL USES:** Collective Residences, as defined under Section 6.2 and subject to the requirements of Section 7.6 of the Zoning Code of the City of Snellville, Georgia.

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SECTION 9.5 RG-75, GENERAL RESIDENCE DISTRICT.

PURPOSE: This district is composed of certain areas having all utilities and a residential character, and additional undeveloped land where it is desirable and likely that similar development will occur. Because these areas are served by public utilities and facilities, a moderate density of development can be supported.

(1) **PRINCIPAL PERMITTED USES:**

1. The principal permitted uses common to all residential districts; and
2. Residential dwellings containing not more than two dwelling units.

(2) **PERMITTED ACCESSORY USES:** The permitted accessory uses common to all residential districts.

(3) **CONDITIONAL USES:** The conditional uses common to all residential districts.

(4) **SPACE LIMITS:**

1. Minimum Lot Area: 15,000 square feet. For two-family units the minimum lot area shall be 15,000 square feet, with 7,500 square feet per dwelling unit;
2. Minimum Lot Width: 100 feet at building line;
3. Maximum Height of Building: 40 feet;
4. Minimum Front Yard: 50 feet from right-of-way line;
5. Minimum Rear Yard: 40 feet;
6. Minimum Side Yard: 10 feet;
9. Minimum Side Yard on Street Side of Corner: 35 feet; and,
10. Maximum Ground Coverage Including Accessory Buildings: 40 percent.

(5) **MISCELLANEOUS PROVISIONS:** A two-family development shall be treated as one zoning lot.

(6) **PERMITTED TEMPORARY USES:** The permitted temporary uses common to all residential districts.

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SECTION 9.5A PRC, PLANNED RESIDENTIAL-CONSERVATION. (Inactive - 5/23/05)

PURPOSE: This district is intended to provide a quality medium density residential district by utilization of building and site design criteria and by requiring the conservation of open space areas owned in common and accessible, at a minimum, to all residents of the subdivision. These districts are generally located wherever opportunities are found for open space conservation or where existing natural or historic features require conservation. The PRC district may be located as a transitional use, generally from commercial uses into low density residential.

(1) *PRINCIPAL PERMITTED USES:*

- 1. Single-family residences served by sanitary sewer; and*
- 2. The principal permitted uses common to all residential districts..*

(2) *PERMITTED ACCESSORY USES: The permitted accessory uses common to all residential districts.*

(3) *CONDITIONAL USES: The conditional uses common to all residential districts.*

(4) *SPACE LIMITS:*

- 1. Minimum Lot Area: None;*
- 2. Maximum Lot area: None;*
- 3. Minimum Lot Width: 55 feet at building line;*
- 4. Maximum Height of Building: 35 feet;*
- 5. Minimum Front Yard: 10 feet from right-of-way line;*
- 6. Maximum Ground Coverage Including Accessory Buildings: 75 percent;*
- 7. Minimum Rear Yard: 40 feet abutting low-density residential zones, right-of-way and exterior lots, 20 feet for interior lots and/or where abutting similar zoning;;*
- 8. Minimum Side Yard: 5 feet;*
- 9. Minimum Side Yard on Street Side of Corner: 10 feet; and,*
- 10. Minimum Street Frontage: 40 feet..*

(5) *PRC DESIGN CRITERIA:*

- a. Single family residences shall meet the following requirements:*

1. *Minimum floor area: seventeen-hundred (1,700) square feet – single-story, eighteen-hundred (1,800) square feet – two-story;*
 2. *Garages or carports required: structures for the storage of two-vehicles shall be provided for each dwelling;*
 3. *The minimum roof pitch shall be 6:12 and maximum roof pitch shall be 10:12.*
 4. *Exterior: Walls shall be clad in brick, stone, stucco, and/or Hardiplank masonry lap siding. Installation must conform to International Residential Code;*
 5. *Chimneys located on an exterior elevation of the dwelling must extend to the ground and be clad in masonry; and*
 6. *Porches: Porches shall be six-feet (6') in depth, and have a minimum of seventy-two (72) square feet in area. No two adjoining dwellings shall have the same porch design.*
- b. *PRC subdivisions shall meet the following requirements:*
1. *Maximum density: Five (5.0) units per acre;*
 2. *No less than fifty-percent (50%) of the single-family residences shall have the front façade contain brick, stone, or stucco or combination with a minimum of a twelve-inch (12") return on side elevations. No less than sixty-percent (60%) of the front façade surface area shall consist of these masonry materials;*
 3. *All yards shall be sodded with centipede or Bermuda grass. Other acceptable drought resistant grass species may be approved by the City Arborist;*
 4. *One (1) decorative yard light fixture shall be placed one foot outside of the right-of-way. Fixture type shall be approved by the Planning and Development Director;*
 5. *No less than twenty-five-percent (25%) of the subdivision gross land area shall be reserved as open space; and*
 6. *Open space shall meet the requirements of the Snellville Development Regulations (Article 5).*
- (6) **PERMITTED TEMPORARY USES:** *The permitted temporary uses common to all residential districts.*

SECTION 9.5B R-TH, SINGLE FAMILY RESIDENTIAL TOWNHOME DISTRICT.

PURPOSE: This zoning district is intended exclusively for town house dwelling units, villas and customary accessory uses and structures. The R-TH Zoning Districts are located where public water supply and sewerage facilities are available and where there is a direct access to collector streets, major streets or State Highways.

(1) **PRINCIPAL PERMITTED USES:**

1. The principal permitted uses common to all residential districts; and townhomes and villas.

(2) **PERMITTED ACCESSORY USES:** The permitted accessory uses common to all residential districts.

(3) **CONDITIONAL USES:** The conditional uses common to all residential districts.

(4) **SPACE LIMITS:**

1. Minimum Lot Area: None;
2. Minimum Lot Width: None;
3. Minimum Dwelling Unit Width: 22 feet for double-car garage townhomes; 18 feet for single-car garage townhomes; and 40 feet for villas;
4. Maximum Height of Building: 35 feet;
5. Minimum Exterior Yard (building setback), where abutting external roads or adjoining properties:
 - a. Front Yard: 50 feet
 - b. Side Yard: 40 feet, and
 - c. Rear Yard: 40 feet.
6. Minimum Interior Yard (building setback), where abutting Internal Roads or Other Buildings/Units within the Development:
 - a. Front yard: 10 feet, excluding porches. Attached, front-loading garage shall be located a minimum of 10 feet behind the plane of the front façade of the principal building;
 - b. Side yard: Zero-feet. However, there shall be a minimum 20 feet separation between buildings. Side yards may only be reduced to zero when a dwelling unit has either no side windows, or when the side window sills are located at least sixty-four-inches (64") above the finished floor elevation; and
 - c. Rear yard: 30 feet.

7. Internal Road Frontage: No Minimum;
8. External Road Frontage for Overall Development: 50 feet;
9. Maximum Density: 8 units per acre.

(5) DESIGN CRITERIA:

1. Off-street parking spaces shall be provided for the entire development so that the total number of spaces equals no less than two (2) times the number of dwelling units. At least eighty-percent (80%) of required parking areas for the overall development must be located directly in the front or rear of the dwelling units or in a garage. The balance of the parking spaces may be located in a parking facility separated from the units, which may include delineated parking spaces adjacent to the internal roadways (i.e. parallel parking spaces). All units shall require single-car garages, at a minimum.
2. Townhomes shall have a minimum of three (3) and a maximum of eight (8) dwelling units per building/row. Villas shall have a minimum of three (3) and a maximum of four (4) dwelling units per building/row.
3. A minimum 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 units. The four-hour (4-hr) rated firewall may be reduced to a two-hour rated firewall if approved residential sprinkler systems or similar fire prevention measures, as approved by the Gwinnett County Fire Marshal, are installed in each unit. Firewalls shall be constructed in accordance with applicable building codes of the City of Snellville and Gwinnett County.
4. A pathway system connecting greenway/open space areas accessible to neighborhood residents, and connecting these areas to neighborhood streets and sidewalks shall be constructed.
5. A fifty-foot (50') wide landscape strip shall be provided along all exterior street frontages and shall be planted in accordance with Article XX of the Zoning Ordinance. The landscape strip 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. thirty-feet (30') on-center).
6. Buildings shall be constructed of traditional design with brick, stone, masonry hardi-plank horizontal siding, and masonry hardi-plank shakes/shingles. The primary material on the front elevation shall also be used on the side and rear elevations. There shall be a combination of no less than two (2) of the above-listed materials on each façade of the building.

7. All units with front-loaded garages shall have garage faces with decorative design treatments to minimize their appearances. Garages for units/buildings located on rear alleys shall be located to the rear of the unit and accessed via alley only.
 8. A four-foot (4') wide walkway, constructed of concrete or decorative pavers, shall extend from the sidewalk to the steps, stoop, or porch of all units.
 9. All front doors must have either a glass element in the door or sidelights and a transom surrounding it.
 10. Columns on the front elevation or otherwise visible from the public view shall have a minimum two-foot (2') base constructed of brick or stone to match the front elevation.
 11. Chimneys located on an exterior elevation of the dwelling must extend to the ground and be clad in masonry or same as adjacent materials.
- (6) **CONCEPT PLAN REVIEW:** All rezoning applications to R-TH shall be accompanied by a concept plan in compliance with this Article. 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 or his/her designee shall review plans for compliance with concept plan review criteria and the Zoning Ordinance. The recommendations of both the Director of Planning and Development and the Planning Commission shall be transmitted to the Mayor and Council. Through the rezoning process, the Mayor and Council may condition approval of an R-TH request to a specific concept plan or require an additional future site plan review by the Planning Commission and Mayor and Council.

The following exhibits shall be prepared by registered design professionals, such as 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 (1") equals one-hundred-foot (100') (1" = 100'), including the following information;
 - a. Lot lines and setbacks;
 - b. Topography with contour intervals no greater than four-feet (4');
 - 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;

- g. Color elevations of front, sides, and rear of all typical units, including proposed building material, and any other structures such as recreation buildings;
 - h. Acreage and proposed density;
 - i. Lot sizes (typical dimensions and square footage);
 - j. Amount of common open space in square feet (if applicable);
 - k. Such other architectural and engineering data as may be required to evaluate the project.
- (7) PERMITTED TEMPORARY USES: The permitted temporary uses common to all residential districts.

SECTION 9.6 RM, GENERAL RESIDENCE DISTRICT.

PURPOSE: This district is intended primarily for multifamily dwellings. The RM Zoning Districts are located where public water supply and sewerage facilities are available and where there is a direct access to collector streets, major streets or State Highways.

(1) **PRINCIPAL PERMITTED USES:**

1. The principal permitted uses common to all residential districts;
2. Multiple-family dwellings including duplexes, apartments, condominiums and row houses;
3. Boarding and rooming houses; and
4. Fraternal organizations and clubs operated as not-for-profit.

(2) **PERMITTED ACCESSORY USES:** The permitted accessory uses common to all residential districts.

(3) **CONDITIONAL USES:** The conditional uses common to all residential districts.

(4) **SPACE LIMITS:**

1. **Minimum Lot Area:** For multiple-family units the minimum lot area shall be 20,000 square feet, except that a single-family dwelling shall require a minimum lot area of 15,000 square feet. For multiple-family units a minimum of 12,000 square feet of lot area shall be reserved for the first family and 4,000 square feet for each additional family, but in no event shall the over-all density exceed eight (8) dwelling units per acre;
2. **Minimum Lot Width:** 100 feet at building line;
3. **Maximum Height of Building:** 40 feet;
4. **Minimum Front Yard:** 50 feet from right-of-way line;
5. **Minimum Rear Yard:** 40 feet;
6. **Minimum Side Yard:** 20 feet for first two stories, four feet for each additional story;
7. **Minimum Side Yard on Street Side of Corner:** 35 feet; and,
8. **Maximum Ground Coverage Including Accessory Buildings:** 50 percent.

- (5) MISCELLANEOUS PROVISIONS: A multiple-family development shall be treated as one zoning lot.
- (6) DESIGN CRITERIA:
1. A minimum 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 rated firewall may be reduced to a two-hour rated firewall if approved residential sprinkler systems or similar fire prevention measures, as approved by the Gwinnett County Fire Marshal, are installed in each unit. Firewalls shall be constructed in accordance with applicable building codes of the City of Snellville and Gwinnett County.
 2. A pathway system connecting greenway/open space areas accessible to neighborhood residents, and connecting these areas to neighborhood streets and sidewalks shall be constructed.
 3. A fifty-foot (50') wide landscape strip shall be provided along all exterior street frontages and shall be planted in accordance with Article XX of the Zoning Ordinance. The landscape strip 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. thirty-feet (30') on-center).
 4. Buildings shall be constructed of traditional design with brick, stone, masonry hardiplank horizontal siding, and masonry hardiplank shakes/shingles. The primary material on the front elevation shall also be used on the side and rear elevations. There shall be a combination of no less than two (2) of the above-listed materials on each façade of the building.
 5. Off-street parking spaces shall be provided for the entire development so that the total number of spaces equals no less than two and one-half (2.5) times the number of dwelling units. At least eighty-percent (80%) of required parking areas for the overall development must be located directly in the front or rear of the dwelling units or in a garage. The balance of the parking spaces may be located in a parking facility separated from the units, which may include delineated parking spaces adjacent to the internal roadways (i.e. parallel parking spaces). All units shall require single-car garages, at a minimum.
- (7) CONCEPT PLAN REVIEW: All rezoning applications to RM shall be accompanied by a concept plan in compliance with this Article. 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 Mayor and Council. Through the

rezoning process, the Mayor and Council may condition approval of an RM request to a specific concept plan or require an additional future site plan review by the Planning Commission and Mayor and Council.

The following exhibits shall be prepared by registered design professionals, such as engineers, architects or landscape architects, and submitted to the Department of Planning and Development. No application for the RM 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 (1") equals one-hundred-feet (100') (1" = 100'), including the following information:
 - a. Lot lines and setbacks;
 - b. Topography with contour intervals no greater than ten-feet (10');
 - 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;
 - g. Color elevations of front, sides, and rear of all typical units, including proposed building material, and any other structures such as recreation buildings;
 - h. Acreage and proposed density;
 - i. Lot sizes (typical dimensions and square footage);
 - j. Amount of common open space in square feet (if applicable); and
 - k. Such other architectural and engineering data as may be required to evaluate the project.
- (8) PERMITTED TEMPORARY USES: The permitted temporary uses common to all residential districts.

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SECTION 9.7 CI, CIVIC / INSTITUTIONAL DISTRICT.

PURPOSE: The Civic / Institutional District is intended to provide a location for important buildings and services that are essentially non-commercial or not primarily profit motivated in nature and that often serve as community landmarks. Examples of the land uses and buildings included in this district are community meeting halls, libraries, post offices, schools, child care centers, religious buildings, significant medical facilities serving the city, municipal buildings and services, museums and cultural facilities.

(1) **STANDARDS:**

A. Civic/Institutional Districts may be applied in three (3) general situations:

1. Larger civic or institutional uses requiring sites greater than one (1) acre and intended to serve the city and its surrounding areas should have convenient access to state highways or other major thoroughfares (with the exception of elementary and middle schools);
2. Smaller civic uses (less than one (1) acre) or those having less impact or intended to serve neighborhoods may be designated at prominent places and intersections intentionally planned for such uses within neighborhoods and otherwise at the entrance or edges of neighborhoods; or
3. At locations generally indicated on maps in the Comprehensive Plan or recommended in narrative in the Comprehensive Plan.

B. Each application of a Civic/Institutional District to a site shall require adoption of a site plan as a condition of zoning. Substantial variation from the approved plan, as determined by the Planning & Development Director, will require Mayor & Council approval. The Mayor and Council may allow a phased plan of compliance in regards to existing nonconforming sites.

(2) **PRINCIPAL PERMITTED USES:**

1. Community meeting halls;
2. Day care centers, provided that State day care requirements and health regulations are met;
3. Hospitals, infirmaries, medical clinics;
4. Libraries;
5. Museums, cultural societies, facilities for the visual and performing arts;
6. Nursing Homes;
7. Personal Care Home;

8. Public and private colleges;
9. Public and private schools;
10. Public buildings and offices;
11. Seminaries, monasteries, or convents;
12. Semi-public institutions, such as houses of worship and clubs or lodges;
13. Parks and recreation areas operated by the City of Snellville or by other political subdivisions; and
14. All other municipal government services operated for the benefit of the community.

(3) PERMITTED ACCESSORY USES:

1. All parking shall be prohibited in front of the building extending the full width of the front building line;
2. Dormitories for nurses and interns when part of a medical hospital; and
3. Cafeterias when associated with a school, college, day care center, medical hospital or nursing home. Cafeteria must be attached to association and accessed through interior and exterior corridors.

(4) CONDITIONAL USES: None.

(5) SPACE LIMITS:

1. Minimum Lot Area: 5,000 square feet;
2. Minimum Lot Width: 48 feet;
3. Maximum Height of Building: 5 floors, 3 floors when adjacent to residential zones;
4. Minimum Front Yard: None;
5. Minimum Rear Yard: 10 feet, but 40 feet when abutting a residential district;
6. Minimum Side Yard on Street Side of Corner: None;
7. Minimum Side Yard: 5 feet; and,
8. Maximum Ground Coverage Including Accessory Buildings: 90 percent.

- (6) TEMPORARY USE PERMITS: The following uses are permitted for a period not to exceed twenty (20) days or otherwise indicated, provided;
1. Written permission of the property owner is provided;
 2. Excess parking, ingress and egress are provided on site or written permission is obtained if provided on an adjoining property;
 3. Provide trash receptacles and/or secure property owner's written approval to dispose of refuse properly (if applicable);
 4. These uses shall be no closer than 250 feet from the property line of any residence;
 5. Sales, displays, and other structures shall not be located within fifty (50) feet of the edge of any public roadway;
 6. A sign (not a mobile advertising sign) may be erected on the property provided it does not exceed a total of 16 square feet and 10 feet in height and is not placed within 20 feet of any public roadway;
 7. The noise control ordinance of the Snellville Code of Ordinances shall be complied with;
 8. The hours of operation shall be from 7:00 a.m. to 11:00 p.m.;
 9. Permittee must indicate where employees or volunteers have permission to use restroom facilities;
 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. 9.2(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.
 - a. The sale of fruits or vegetables between April 1 and September 30;
 - b. Charitable and non-profit events;
 - c. Pumpkin sales between September 15 and October 31;
 - d. Christmas tree sales between November 1 and December 31;
 - e. 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

- twenty (20) days provided no structure or equipment is located within five hundred (500) feet of any residential property line;
- f. Fireworks show between December 26 and January 1 (for New Years) and June 30 and July 6 (for 4th of July); and
 - 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).
11. Upon presentment of evidence of such, any organization that maintains a valid registration under Section 501(c)(3) or Section 501(c)(6) of the Internal Revenue Code of the United States shall not be subject to the temporary use permit fee assessed by the City, however such permittee must still comply with all other applicable Federal, State, Gwinnett County and City of Snellville regulations.

SECTION 9.8 OP, OFFICE PROFESSIONAL DISTRICT.

PURPOSE: The Office Professional District is intended to accommodate the location of a mixture of office, clerical, research, professional enterprises, medical and dental facilities and closely related service businesses. The Office Professional District shall have direct access to State Highways or major arterial thoroughfares.

(1) PRINCIPAL PERMITTED USES:

1. Accounting offices;
2. Architecture or engineering offices;
3. Chiropractor offices;
4. Dentist offices, doctor's offices, and medical clinics;
5. Government agencies, offices, and associated uses;
6. Insurance offices;
7. Internet car sales offices, provided:
 - (a) There is no temporary or permanent storage, parking, delivery, or display of inventory; and
 - (b) Applicant shall submit an application to the Planning & Development Department for administrative review. The Planning and Development Director or his/her designee shall review and prepare a recommendation of the request. The City Manager, after having reviewed the Planning and Development Director's recommendation(s) shall have final authority to grant administrative variances. Application for an administrative variance shall contain the following:
 - (1). Administrative Variance Application
 - (2). Sworn/Notarized Affidavit by the applicant/owner certifying that there will be no temporary or permanent storage, parking, delivery or display of vehicles/inventory.
8. Law offices;
9. Massage therapy establishments, provided massage therapists provide evidence of licensure by the Professional Licensing Board of the State of Georgia and obtain a Massage Establishment License in accordance with Article III of Chapter 26 of the City of Snellville Code of Ordinances;
10. Photography studios;
11. Professional and business offices, provided no retail sales occur on premises;
12. Real estate sales offices; and
13. Travel agencies.

- (2) PERMITTED ACCESSORY USES:
1. Restaurants and cafeterias accessed through and associated with a larger office development or medical complex.
- (3) CONDITIONAL USES: Within the OP, Office Professional district, the following uses may be permitted provided the applicant for such a business is granted a conditional use permit by the Mayor and Council after receiving recommendations from the Planning and Development Department and Planning Commission and after a public hearing.
1. Banks and Savings and Loan Institutions, provided:
 - a. Adequate ingress and egress are provided;
 - b. Stacking lanes, adequate to accommodate at least six vehicles per drive-in station are provided entirely within the property boundary.
 2. Utility substations subject to provisions of section 9.2;
 3. Railroad through and spur tracks subject to provisions of section 9.2;
 4. Beauty and barber shops, including manicurists;
 5. Parking lots and parking structures;
 6. Day care centers, provided that State day care requirements and health regulations are met; and
 7. Drug stores and pharmacies accessed through and associated with medical clinics, doctors' offices, or dental offices.
- (4) SPACE LIMITS:
1. Minimum Lot Area: 1,600 square feet;
 2. Minimum Lot Width: 40 feet;
 3. Maximum Height of Building: 80 feet;
 4. Minimum Front Yard: 10 feet from right-of-way;
 5. Minimum Rear Yard: 15 feet, but 40 feet when abutting a residential district;
 6. Minimum Side Yard: 10 feet;
 7. Minimum Side Yard on Street Side of Corner: 35 feet; and,

8. Maximum Ground Coverage Including Accessory Buildings: 70 percent.

- (5) TEMPORARY USES: No temporary uses shall be permitted in the OP, Office Professional district.

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SECTION 9.9 BN, NEIGHBORHOOD BUSINESS DISTRICT.

PURPOSE: The BN, Neighborhood Business District provides a location for limited commercial uses providing convenience goods and services to satisfy the common and frequent needs of the residents of nearby residential neighborhoods.

(1) PRINCIPAL PERMITTED USES:

A. Retail and service establishments of the following types::

1. Animal hospital or veterinary clinic;
2. Antique shops;
3. Art and school supply stores;
4. Art galleries and studios;
5. Bakeries;
6. Banks, savings and loan institutions;
7. Barber and beauty shops, including manicurists;
8. Book or stationery stores;
9. Camera and photographic supply stores;
10. Convenience food stores;
11. Custom dressmaking and sewing shops;
12. Dance studios;
13. Day care centers, provided that all state day care requirements and health regulations are met;
14. Dry cleaning establishments including dry cleaning pick-up and delivery stations, not to exceed twenty-five-hundred (2,500) square feet of total floor area;
15. Eye glass shops;
16. Fabric stores;
17. Florist shops;
18. Food stores or grocery stores;
19. Funeral homes and mortuaries;

20. Garden supply centers and greenhouses, provided plants, shrubs and landscaping supplies are not displayed within the minimum front yard;
 21. Gift and card shops;
 22. Hardware stores with lawnmower repair as an accessory use;
 23. Hobby shops and craft shops;
 24. Ice cream shops;
 25. Interior decorating shops;
 26. Jewelry stores;
 27. Meat markets, retail, but no killing, eviscerating, skinning, plucking or smoking of food products on the premises;
 28. News and tobacco stores;
 29. Photography shops and studios;
 30. Radio and television repair shops;
 31. Shoe stores and shoe repair stores;
 32. Shopping centers, neighborhood;
 33. Small appliance repair shops;
 34. Tailor shops;
 35. Tutoring services/establishments. Limited to a maximum of 10 students at any one time;
 36. Toy stores;
 37. Watch and clock repair shops; and
- B. Public and semi-public uses:
1. Public and semi-public buildings and land uses, parks, playgrounds or community centers.
- C. Other Provisions:
1. Automobile parking within the front yard shall be limited to one row of parking stalls and an access aisle;

2. No outdoor storage is permitted except as specified herein; and
3. Other light retail and service establishments which may be determined by the Director of Planning and Development or his/her designee to be similar to the above listed principal permitted uses and which are in harmony with the purpose of this district may be permitted, provided, however, the uses are not specifically listed as a permitted use in another district with a more intense classification.

D. Temporary Uses:

1. Temporary Use Permits:

- a. As used in this article, the phrases used herein shall be defined as follows:

1. Goods and merchandise shall mean tangible or movable personal property, other than money.
1. Holiday activities shall mean seasonal activities associated with federally-recognized holidays and Halloween.
2. Temporary shall mean for a period not to exceed twenty (20) consecutive days. A second permit for a temporary use on the same property may not be applied for or renewed within ninety (90) days from the date of any prior approval of a temporary use.
3. Temporary use shall mean for-profit, non-profit, and charitable event activities involving the temporary outside sale of goods and merchandise in association with an existing business located on the premises as the principal use of the premises with such activities continuing for a period not exceeding 20 consecutive days. The term shall include the sale of farm produce, carnivals, or the sale of Christmas trees from property which is vacant or which contains a separate and distinct primary use. Temporary uses shall occur in non-enclosed areas.
4. Temporary use permit shall mean 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 of this article.

- b. Temporary uses shall comply with the following regulations:

1. Peddling goods and merchandise not customarily sold on a day-to-day basis in the business which constitutes the principal use of the premises is prohibited.
 - 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.

2. Mobile food services and the preparation of food onsite shall be permitted as a secondary temporary outdoor activity for no more than three (3) days.
3. Written permission of the property owner is provided.
4. Excess parking, ingress and egress are provided on site or written permission is obtained if provided on an adjoining property. Temporary uses shall be permitted only on property where such activities shall not disrupt controlled vehicular ingress and egress or occupy required off-street parking spaces.
5. Provide trash receptacles and/or secure property owner's approval to dispose of refuse properly (if applicable).
6. These uses shall be no closer than two-hundred-fifty-feet (250') from the property line of a residence.
7. No display shall be erected or installed, nor shall any temporary uses take place, within fifty-feet (50') of any right-of-way.
8. Temporary uses shall be permitted only within the BN, BG, or HSB zoning districts.
9. Temporary uses shall not be permitted on parcels of property which are less than two acres in size.
10. No operator, employee, or representative of the operator of a temporary outdoor activity shall solicit directly from the motoring public.
11. All temporary uses shall require an Occupation Tax Certificate issued by the City of Snellville Planning and Development Department.
12. No more than one temporary use shall be permitted simultaneously on a parcel of less than five acres.
13. Temporary uses, other than holiday activities, shall be conducted on a paved surface and not on grassed or landscaped areas.
14. A sign (not a mobile advertising sign) may be erected on the property provided it does not exceed a total of sixteen (16) square feet or ten-feet (10') in height and is not placed within twenty-feet (20') of any public roadway.
15. The noise control ordinance of the Snellville Code of Ordinances shall be complied with.
16. The hours of operation shall be between 7 a.m. to 11 p.m.
17. Indicate where employees have permission to use restroom facilities.
18. Christmas tree sales shall be permitted between November 1 and December 31. Only one temporary use permit shall be required for the duration of this use, which shall count as one of the six allowable permits per applicant per year.
19. Pumpkin sales shall be permitted from September 15 through October 31. Only one temporary use permit shall be required for the duration of this use, which shall count as one of the six allowable permits per applicant per year.

20. The sale of fruits or vegetables shall be permitted between April 1 and September 30. Only one temporary use permit shall be required for the duration of this use, which shall count as one of the six allowable permits per applicant per year.
 21. Carnival event (defined as an amusement show or civic fair usually including rides, games, slideshows or similar activities operated and sponsored by a bona fide civic or charitable organization) not to exceed twenty (20) days, provided no structure or equipment is located within five hundred feet (500') of any residential property line.
 22. Carnival events, and the sale of goods and merchandise associated with the primary use shall not be restricted to certain times of year.
 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).
 24. A temporary use permit shall be applied for and approved by the Planning and Development Department. All other permits and regulations of Gwinnett County and the City of Snellville shall be met. A permit for any temporary use may be applied for up to six (6) times per year per applicant. Violation of any of these requirements may result in revocation of the permit or denial of future permits.
2. Outdoor Display of Merchandise:
- a. A ten-foot (10') area abutting the front of the primary building may be used for the purpose of outdoor display of merchandise. Merchandise may not be displayed in the rear or side of a building.
 - b. Merchandise may only be displayed during the hours that the business is open to the public.
 - c. In no case shall such display impede the safe movement of pedestrian traffic.
3. The Director of Planning and Development or his/her designee shall have the power to grant Administrative Variances from the ninety (90) day waiting period for second or renewal permits to any permittee that maintains seventy-five-thousand (75,000) square feet or more of indoor retail sales space.
4. Upon presentment of evidence of such, any organization that maintains a valid registration under Section 501(c)(3) or Section 501(c)(6) of the Internal Revenue Code of the United States shall not be subject to the temporary use permit fee assessed by the City, however, such permittee must still comply with all other applicable Federal, State, Gwinnett County and the City of Snellville regulations.

- (2) **PERMITTED ACCESSORY USES:** Accessory uses for commercial development shall include those normally appurtenant to such development, as provided for in other sections of this Ordinance.

- (3) **CONDITIONAL USES:**
 1. Utility substations subject to provisions of Section 9.2; and
 2. Railroad through and spur tracks subject to provisions of Section 9.2.

- (4) **SPACE LIMITS:**
 1. Minimum Lot Area: 1,600 square feet (32' x 50');
 2. Minimum Lot Width: None;
 3. Maximum Height of Building: 2 floors; not to exceed 60 feet;
 4. Minimum Front Yard: 15 feet from right-of-way;
 5. Minimum Rear Yard: 15 feet, but 40 feet when abutting a residential district;
 6. Minimum Side Yard: 10 feet; but 20 feet when abutting a residential district;
 7. Minimum Side Yard on Street Side of Corner: 15 feet.

SECTION 9.10 BG, GENERAL BUSINESS DISTRICT.

PURPOSE: This district provides for a wide range of retail and service establishments requiring a location accessible to large sectors of the community population.

(I) PRINCIPAL PERMITTED USES:**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 (in a single-tenant/user standalone building) shall be permitted or operated within 1,500 feet of any standalone consumer fireworks retail sales facility. 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 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 multi-tenant building/shopping center);
 - 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; and

46. Upholstery shops.

B. Office Uses:

1. Accounting office;
2. Architecture or engineering offices;
3. Doctor, dentist or chiropractor offices;
4. Insurance offices;
5. Law offices;
6. Medical offices;
7. Other public or professional offices; and
8. Real estate offices.

C. Public and Semi-Public Uses:

1. Any use permitted in the BN, Neighborhood Business district; and
2. Post Offices.

D. Other provisions:

1. Automobile parking is permitted within the minimum front yard provided a minimum ten-foot (10') landscaped strip and curb is provided adjacent to the right-of-way so that no automobile can back into the bordering street;
2. No outdoor storage is permitted except as specified herein; and
3. Other uses which may be determined by the Director of Planning and Development to be similar to the above listed principal permitted uses and which are in harmony with the purpose of this district may be permitted, provided, however, the uses are not specifically listed as a permitted use in another district with a more intense classification.

E. Temporary Uses:

1. Any temporary use permitted in the BN, Neighborhood Business district, as specified in section 9.9(D).

(2) PERMITTED ACCESSORY USES:

1. Those normally appurtenant to commercial uses permitted in this district.

2. Fireworks Store, as defined in Section 6.2 Definitions.
- (3) **CONDITIONAL USES:** Within the BG (General Business) district, the following uses may be permitted provided the applicant for such a business is granted a Conditional Use Permit by the Mayor and Council after receiving recommendations from the Planning and Development Department and Planning Commission and after a public hearing.
1. Automotive parts store (with or without lubrication or tune-up centers);
 2. Automotive and motorcycle sales and rental establishments and associated service facilities (new or used) provided:
 - a. The property for said use shall not be less than two (2) acres in area;
 - b. The property shall have a minimum road frontage of two hundred (200) feet;
 - c. One thousand (1,000) linear feet of separation exists between said business and any other automotive and motorcycle sales business. 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:
 - iv. From the main entrance of the proposed establishment from which automotive and motorcycle sales shall occur;
 - v. In a straight line to the nearest public sidewalk, walkway, street, road or highway by the nearest route;
 - vi. Along such public sidewalk, walkway, street, road or highway by the nearest route;
 - vii. To the main entrance of the existing establishment from which automotive and motorcycle sales shall occur.
 - d. All vehicles on the sales lots are in operating condition at all times.
 - e. All vehicle inventory stored/parked/displayed outside must be on paved parking surfaces only and shall not be stored/parked/displayed in landscaped areas or elevated by use of a ramp, post or other device higher than five feet (5') above grade.
 - f. Showrooms and/or service bays that keep new/used/service vehicles within building structures, must meet all applicable Federal, State, County, and local building and life-safety codes (at the time of application for an Occupation Tax Certificate) regarding the storage of hazardous materials.
 - g. A Conditional Use Permit shall be required for all automotive and motorcycle sales lots/businesses.
 - h. Internet car sales where there is no temporary or permanent storage, parking, delivery, or display of inventory may submit an application to the Planning & Development Department for administrative review. The Planning and Development Director or his/her designee shall review and prepare a recommendation of the request. The City Manager, after having reviewed the Planning and Development Director's recommendation(s) shall have final

- authority to grant administrative variances. Application for an administrative variance shall contain the following:
- iv. Administrative Variance Application
 - v. Sworn/Notarized Affidavit by the applicant/owner certifying that there will be no temporary or permanent storage, parking, delivery or display of vehicles/inventory.
- i. Prior to the issuance of an Occupational Tax Certificate from The City of Snellville, all applicants must provide a current copy of the Used Motor Vehicle Dealers License obtained from The State of Georgia.
 - j. Anyone found to be in violation of this ordinance shall be subject to citation(s) of up to \$1,000.00 per day and/or up to 60 days in jail so as long as the violation(s) are present on the property.
3. Automotive service stations or tire stores, including minor services such as lubrication or tune-up centers, battery replacement and brake repair;
 - a. All vehicle inventory stored/parked/displayed outside must be on paved parking surfaces only.
 - b. Service bays within building structures, must meet all applicable Federal, State, County, and local building and life-safety codes (at the time of application for an Occupation Tax Certificate) regarding the storage of hazardous materials.
 4. Building supply centers with outdoor lumber yards or storage areas, provided these areas are screened with a six foot high, opaque fence;
 5. Churches and religious institutions subject to provisions of Section 9.2;
 6. Commercial recreation enterprises including, but not limited to, miniature golf courses, driving ranges, water slides, drive-in theaters, electric or gas powered vehicles, bowling centers, batting cages, skate board and paint-ball establishments, etc.;
 7. Emissions inspection stations;
 8. Gas Stations, provided that:
 - a. Fuel pumps shall not be closer than thirty-feet (30') from right of way;
 - b. Fuel pumps and gas storage tanks shall be set back at least one hundred feet (100') from any residential district; and
 - c. Canopy design shall conform to the specifications indicated in Architectural Design Standards.
 9. Lawnmower sales and repair shops;
 10. Machine and/or welding shops;
 11. Pawn shops and brokers, title pawn shops and check cashing businesses provided the following:

- a. No pawnshop/broker, title pawn shop or check cashing business 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, existing pawnshop, title pawnshop, 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:
 - iv. From the main entrance of the proposed pawn shops/broker, title pawn, or check cashing establishment;
 - v. In a straight line to the nearest public sidewalk, walkway, street, road or highway by the nearest route;
 - vi. Along such public sidewalk, walkway, street, road or highway by the nearest route;
 - vii. To the main entrance of the existing establishment identified above.
12. Psychics and fortunetellers, provided the following:
- a. No psychic or fortuneteller shall be licensed or operated within two thousand (2,000) 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, adult entertainment establishment, tattoo and/or body piercing establishment, and any other existing psychic and fortunetelling business. 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 psychic or fortuneteller 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; and
 - iv. To the existing main entrance of the establishment identified above.
13. Railroad through and spur tracks subject to provisions of Section 9.2;
14. Tattoo and/or body piercing establishment, provided the following:
- a. No tattoo and/or body piercing establishment shall be licensed or operated within two thousand (2,000) 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, adult entertainment establishment, and any other tattoo and/or body piercing business. 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 tattoo parlor 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 existing main entrance of the establishment identified above.
15. Taxicab or limousine services with on-site storage or parking of vehicles (either permanently or temporarily); and
 16. Utility substations subject to provisions of Section 9.2

(4) SPACE LIMITS:

1. Minimum Lot Area: None;
2. Minimum Lot Width: None;
3. Maximum Height of Building: 80 feet;
4. Minimum Front Yard: 25 feet from right-of-way;
5. Minimum Rear Yard: 15 feet, but 40 feet when abutting a residential district;
6. Minimum Side Yard: 10 feet; but 40 feet when abutting a residential district;
7. Minimum Side Yard on Street Side of Corner: 35 feet;
8. Maximum Ground Coverage: 90 percent.

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SECTION 9.11 HSB, HIGHWAY SERVICE BUSINESS DISTRICT.

PURPOSE: This district is designed to provide for the effective use of land situated in relationship to major highways and highway interchanges so efficient grouping of activities can develop to serve the traveling public. Front yard requirements are designed to provide for the safety of the traveling public by provision for adequate off-highway maneuvering and parking space.

(1) PRINCIPAL PERMITTED USES:**A. Retail and service uses:**

1. Any use permitted in the BG, General Business district;
2. Drive-in restaurants, restaurants and lounges designed in accordance with the architectural design standards; and
3. Wholesale establishments provided outdoor storage areas are screened with a six-foot (6') high opaque fence.

B. Office Uses:

1. Any use permitted in the BG, General Business district.

C. Public and Semi-Public Uses:

1. Any use permitted in the BG, General Business district.

D. Other provisions:

1. Automobile parking is permitted within the minimum front yard provided a minimum ten-foot (10') landscaped strip and curb is provided adjacent to the right-of-way so that no automobile can back into the bordering street;
2. No outdoor storage is permitted except as specified herein; and
3. Other uses which may be determined by the Zoning Officer to be similar to the above listed principal permitted uses and which are in harmony with the purpose of this district may be permitted.

E. Temporary Uses:

1. Any temporary use permitted in the BG, General Business district.

(2) PERMITTED ACCESSORY USES:

1. Accessory uses for commercial development shall include those normally

appurtenant to such development, except as further specified herein, and shall be located in accordance with the space limits of this district.

- (3) **CONDITIONAL USES:** Within the HSB (Highway Service Business) district, the following uses may be permitted provided the applicant for such a business is granted a Conditional Use Permit by the Mayor and Council after receiving recommendations from the Planning and Development Department and Planning Commission and after a public hearing.
1. Automotive body repair shops, provided inoperative, wrecked and dismantled vehicles are screened with a six-foot (6') high, opaque fence;
 2. Automotive parts store (with or without lubrication or tune-up centers);
 3. Automotive repair shops including major engine repair (transmission, radiator repair and engine overhauls), provided inoperative vehicles are screened within a six-foot (6') high, opaque fence;
 4. Automotive and motorcycle sales and rental establishments and associated service facilities (new or used) provided:
 - a. The property for said use shall not be less than two (2) acres in area;
 - b. The property shall have a minimum road frontage of two hundred (200) feet;
 - c. One thousand (1,000) linear feet of separation exists between said business and any other automotive and motorcycle sales business. 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 establishment from which automotive and motorcycle sales shall occur;
 - 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 from which automotive and motorcycle sales shall occur.
 - d. All vehicles on the sales lots are in operating condition at all times.
 - e. All vehicle inventory stored/parked/displayed outside must be on paved parking surfaces only and shall not be stored/parked/displayed in landscaped areas or elevated by use of a ramp, post or other device higher than five feet (5') above grade.
 - f. Showrooms and/or service bays that keep new/used/service vehicles within building structures, must meet all applicable Federal, State, County, and local building and life-safety codes (at the time of application for an Occupation Tax Certificate) regarding the storage of hazardous materials.
 - g. A Conditional Use Permit shall be required for all automotive and

- motorcycle sales lots/businesses.
- h. Internet car sales where there is no temporary or permanent storage, parking, delivery, or display of inventory may submit an application to the Planning & Development Department for administrative review. The Planning and Development Director or his/her designee shall review and prepare a recommendation of the request. The City Manager, after having reviewed the Planning and Development Director's recommendation(s) shall have final authority to grant administrative variances. Application for an administrative variance shall contain the following:
 - i. Administrative Variance Application
 - ii. Sworn/Notarized Affidavit by the applicant/owner certifying that there will be no temporary or permanent storage, parking, delivery or display of vehicles/inventory.
 - i. Prior to the issuance of an Occupational Tax Certificate from The City of Snellville, all applicants must provide a current copy of the Used Motor Vehicle Dealers License obtained from The State of Georgia.
 - j. Anyone found to be in violation of this ordinance shall be subject to citation(s) of up to \$1,000.00 per day and/or up to 60 days in jail so as long as the violation(s) are present on the property.
- 5. Automotive service stations or tire stores, including minor services such as lubrication or tune-up centers, battery replacement and brake repair;
 - a. All vehicle inventory stored/parked/displayed outside must be on paved parking surfaces only.
 - b. Service bays within building structures, must meet all applicable Federal, State, County, and local building and life-safety codes (at the time of application for an Occupation Tax Certificate) regarding the storage of hazardous materials.
 - 6. Boat sales establishments and associated service facilities, (new or used);
 - 7. Building supply centers with outdoor lumber yards or storage areas, provided these areas are screened with a six foot high, opaque fence;
 - 8. Camper and recreational vehicle sales and rental establishments and associated service facilities;
 - 9. Churches and religious institutions subject to provisions of Section 9.2;
 - 10. Commercial recreation enterprises including, but not limited to, miniature golf courses, driving ranges, water slides, drive-in theaters, electric or gas powered vehicles, bowling centers, batting cages, skate board and paint-ball establishments, etc.;
 - 11. Contractor's office with outdoor storage of equipment or materials provided the storage or equipment areas are screened with a six-foot (6') high, opaque fence;

12. Equipment rental, sales or service establishments (including heavy machinery farm equipment, bulldozers, forklifts, cranes, moving vans, trailers, etc.);
13. Gas Stations, provided that:
 - a. Fuel pumps shall not be closer than thirty-feet (30') from right of way;
 - b. Fuel pumps and gas storage tanks shall be set back at least one hundred feet (100') from any residential district; and
 - c. Canopy design shall conform to the specifications indicated in Architectural Design Standards.
14. Lawnmower sales and repair shops;
15. Mini-warehouse storage facilities;
16. Plumbing, electrical, pool and homebuilding supply showrooms and sales centers with outdoor storage, provided storage areas are screened with a six-foot (6') high, opaque fence;
17. Railroad through and spur tracks subject to provisions of Section 9.2;
18. Taxicab or limousine services with on-site storage or parking of vehicles (either permanently or temporarily); and
19. Utility substations subject to provisions of Section 9.2

(4) SPACE LIMITS:

1. Minimum Lot Area: None;
2. Minimum Lot Width: None;
3. Maximum Height of Building: 80 feet;
4. Minimum Front Yard: 50 feet from right-of-way;
5. Minimum Rear Yard: 15 feet, but 50 feet when abutting a residential district;
6. Minimum Side Yard: 10 feet; but 50 feet when abutting a residential district;
7. Minimum Side Yard on Street Side of Corner: 35 feet;
8. Maximum Ground Coverage: 90 percent.

SECTION 9.12 LM, LIGHT MANUFACTURING DISTRICT.

PURPOSE: This district provides for a wide range of heavy commercial and light industrial uses, all of which shall be able to meet comparatively rigid specifications as to nuisance free performance. The LM, Light Manufacturing district is comprised of lands that are located on or have ready access to a major street or State Highway and are well adapted to industrial development, but whose proximity to residential or commercial districts makes it desirable to limit industrial operations and processes to those that are not objectionable by reason of the emission of noise, vibration, smoke, dust, gas, by fumes, odors, or radiation, and that do not create fire or explosion hazards or other objectionable conditions.

(1) PRINCIPAL PERMITTED USES:

1. Automotive body repair shops;
2. Automotive repair shops, including major engine repair;
3. Baking plants;
4. Building material and construction supply sales, with outdoor storage;
5. Cold storage plants;
6. Contractors' offices with outdoor storage;
7. Electronic equipment manufacturing and assembly plants;
8. Lot splitting and storage lots;
9. Manufacturing businesses;
10. Mini warehouse storage facilities;
11. Offices or office parks;
12. Research, testing and laboratory facilities; and
13. Wholesaling, warehousing and distribution.

Other uses which may be determined by the Zoning officer to be similar to the above listed principal permitted uses and which are in harmony with the purpose of this district may be permitted.

(2) EXCLUDED USES:

1. Dwellings, except caretaker and watchman's quarters as set forth herein;
2. Public, parochial and private schools and colleges, except trade schools;

3. Hospitals, clinics, rest homes and other institutions for the housing and care of human beings;
 4. Motels and motor hotels;
 5. Public, and quasi-public and governmental uses;
 6. Asphalt and concrete batching plants or central mixing plants for cement, mortar, plaster housing materials or related products;
 7. Removal and/or processing of natural resources or minerals, with the exception of trees and vegetation;
 8. Sanitary landfills and landfills; and
 9. Any use not enumerated as permitted in this district but which is specifically provided for in another district or districts.
- (3) **PERMITTED ACCESSORY USES:** Any accessory use normally appurtenant to a permitted use shall be allowed, provided such use shall conform with all performance standards set forth for this district.
- (4) **CONDITIONAL USES:** Recreational uses of a temporary nature, provided:
1. No permanent construction or land disturbing activities are undertaken.
- (5) **TEMPORARY USES:** Any use permitted in the HSB, Highway Service Business district.
- (6) **PERFORMANCE STANDARDS:**
1. **PHYSICAL APPEARANCE:** All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not visible from the street. The provisions herein shall not be construed to prohibit the display of merchandise or vehicles for sale or the storage of vehicles or machinery when in operable condition.
 2. **FIRE HAZARDS:** No operation shall involve the use of highly flammable gases, acid, liquids, grinding processes or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels or welding gases when handled in accordance with other ordinances and regulations.
 3. **NOISE:** No operation shall be carried on which involves noise in excess of the current standards promulgated by the Department of Housing and Urban Development. Noise levels shall be measured at the property line and noise

in excess of prescribed levels shall be muffled so as not to be objectionable due to intermittence, frequency or shrillness.

4. HAZARDOUS WASTES: Materials categorized by the U. S. Environmental Protection Agency or by the Georgia Environmental Protection Division as hazardous wastes are prohibited from being stored on site and must be disposed of immediately at licensed hazardous waste dumps.
5. SEWAGE AND LIQUID WASTES: No operation shall be carried on which involves the discharge into a sewer, watercourse, or groundwater system effluents which are detrimental to normal sewage plant operation or which contain substance concentrations in excess of current regulations promulgated by the Georgia Environmental Protection Division of the Department of Natural Resources or which fails to comply with Ordinances which may from time to time be enacted by the City of Snellville.
6. AIR CONTAMINANTS: Due to the fact that the possibilities of air contamination cannot be comprehensively covered in this Ordinance there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public in general or to cause or have a natural tendency to cause injury or damage to business, vegetation or property. Current clean air standards promulgated by the Georgia Environmental Protection Division of the Department of Natural Resources will be met by all uses throughout this district.
7. ODOR: The emissions of odors that are generally agreed to be obnoxious to any considerable number of persons shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking of bread or the roasting of coffee and nuts shall not normally be considered to be obnoxious within the meaning of this Ordinance.
8. GASES: The gases sulphur dioxide, hydrogen sulfide and carbon monoxide shall not exceed four parts per million when measured at the property line.
9. VIBRATION: All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousandths of an inch when measured at the property line. The use of steam or broad-hammers shall not be permitted in this district.
10. GLARE AND HEAT: All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the property line. No heat from furnaces or processing equipment shall be sensed at the property line to the extent of raising the temperature of air or materials more than two degrees Fahrenheit.

(7) SPACE LIMITS:

1. Minimum Lot Area: 1 acre;
2. Minimum Lot Width: 100 feet;
3. Maximum Height of Building: 40 feet;
4. Minimum Front Yard: 50 feet from right-of-way;
5. Minimum Rear Yard: 15 feet, but 50 feet when abutting a residential district;
6. Minimum Side Yard: 20 feet; but 50 feet when abutting a residential district;
7. Minimum Side Yard on Street Side of Corner: 35 feet;
8. Maximum Ground Coverage: 75 percent.

SECTION 9.13 FH, FLOOD HAZARD DISTRICT.

PURPOSE: An appended district to apply to properties which are subject to occasional flooding or inundation by flood waters, and which require special regulations for the protection of such properties and their improvements from hazards and damage which may result from flood waters, and for the protection of public health and safety. Provisions of the Flood Damage Prevention Ordinance of the City of Snellville shall apply and are hereby adopted by reference.

- (1) **PRINCIPAL PERMITTED USES:** Any use permitted in the primary district to which this district is appended, subject to provisions of the Flood Damage Prevention Ordinance of the City of Snellville. 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.
- I. Uses permitted in the floodplain. Within a floodplain, the following uses may be permitted subject to the requirements of the Floodplain Management Ordinance and the requirements of the Development Regulations:
- a. Agriculture, including forestry and livestock raising, requiring no structure within the flood way except structures for temporary shelter and including agriculture and forestry access roads;
 - b. Dams, provided they are designed and constructed in accordance with specifications of the State Safe Dam Act latest revision and the Development Regulations;
 - c. Public parks and recreation areas and facilities requiring no structures within the floodplain, except structures for temporary shelter, including but not limited to boat ramps, docks, parking areas, and recreation facilities; private and commercial recreation developments and campgrounds;
 - d. Bridges, culverts, and the roadway fill related to these structures;
 - e. Parking areas. All required parking areas shall be located at an elevation higher than the calculated five-year storm, and shall not be located within any floodway;
 - f. Outdoor storage and/or accessory buildings not exceeding five-hundred (500) square feet;
 - g. Fences having sufficient open area to permit the free flow of water and debris;
 - h. Public utility poles, towers, pipelines, sewer, and other similar public and semi-public utilities and facilities;
 - i. Signs and sign structures, provided they permit the free flow of water and debris; and
 - j. Swimming pools and tennis courts, provided that fences around such structures have sufficient open area to permit the free flow of water and debris.

- (2) **PERMITTED ACCESSORY USES:** Any accessory use permitted in the primary district to which this district is appended subject to provisions of the Flood Damage Prevention Ordinance of the City of Snellville.
- (3) **CONDITIONAL USES:** None
- (4) **SPACE LIMITS:** **SPACE LIMITS:** All of the space limit provisions of the primary district to which this district is appended shall be complied with, subject to any modifications or changes provided for in the Flood Damage Prevention Ordinance of the City of Snellville.
 - I. **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 fifty-percent (50%) 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 ordinance;
 - b. In residential zoning districts, no lot shall contain less than eight-thousand (8,000) square feet of land area above the flood elevation;
 - c. No subdivision lot shall be approved which has less than fifty-percent (50%) of the minimum lot area required by the applicable zoning district located above the base flood elevation; and
 - d. Each plat or site plan submitted for rezoning or conditional use 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 the 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.
- (5) **FEDERAL FLOOD INSURANCE PROGRAM:** Flood studies and maps depicting flood-prone areas have been prepared as part of the Flood Insurance Study prepared for the City of Snellville as conducted by the Federal Emergency Management Agency and Federal Insurance Administration arm of the Department of Housing and Urban Development. The Flood Damage Prevention Ordinance of the City of Snellville was adopted as a result of these studies.

The Floodway Boundary and Floodway Maps published as a result of these studies are adopted by reference as part of this Ordinance and shall be used to determine the boundaries of flood hazard areas described in the FH-Flood Hazard District.

SECTION 9.14 TC, TOWN CENTER OVERLAY DISTRICT.

PURPOSE: The purposes of this district are 1) to restore a viable commercial, residential, and entertainment district at the city core; and 2) to encourage the redesign and redevelopment of existing shopping centers along U.S. 78 / Main Street. This district allows a denser mix of land uses built for pedestrian access as well as being an origin point for public transit and a destination for persons arriving by automobile.

This district provides locations for a wide range of commerce of a character traditionally found in the core business districts of small cities and towns at a scale convenient for walking and biking. These uses include office, department stores, small retail, restaurants and taverns with residential uses located above and mixed within these uses. The Town Center district also includes the prominent public governmental buildings and important civic buildings such as museums, theatres for the performing arts, art galleries, and large religious buildings. Formal public open spaces are also a critical element of this Overlay District. This district allows a wide range of land uses but carefully regulates building design.

- (1) **RELATION TO UNDERLYING ZONING:** The requirements of the TC, Town Center Overlay district shall apply to all buildings, lots, and uses located within the geographic area defined on the Official Zoning Map as the Town Center District. Whenever the requirements of the TC, Town Center Overlay district impose a more or less restrictive standard than the provisions of the underlying zoning district stated elsewhere in this Ordinance, the requirements of the Overlay District shall govern.
- (2) **PRINCIPAL PERMITTED USES:** Retail and service establishments of the following types provided all activities and display of goods are carried on within an enclosed building except as specified herein.
 - A. Any use permitted in the BG, General Business district, except consumer fireworks retail sales facilities are prohibited;
 - B. Banks, savings and loan institutions;
 - C. Museums and libraries;
 - D. Shopping centers; and
 - E. Town center residential dwellings.
- (3) **DESIGN:**
 - A. All buildings, structures, and streetscape improvements shall conform to the requirements illustrated and stated in the Architectural Design Standards, hereby adopted by reference. (exception: Restaurant design does not apply in TC, Town Center Overlay District.)
 - B. All such uses shall front on a public street although vehicular and service access may be obtained through an alley on the rear lot line.

- C. No building with a single use, tenant, or occupant shall exceed forty-five-thousand (45,000) square feet without obtaining a special approval from the Mayor and City Council after public hearing.
- D. All commercial sales and service shall be conducted within enclosed permanent structures and there shall be no unenclosed displays of merchandise with the exception of off-street parking and outdoor dining. Unenclosed outdoor sales or displays are permissible only by special administrative permit as set forth in the Supplemental Zone.
- E. Town Center Residential Dwellings shall consist of the following:
 - 1. Dwelling units shall not be located on the first floor. All units shall be located on the second or higher floors of a building;
 - 2. Individual dwelling units shall be accessed through an interior hallway and shall not have direct access to the exterior of the building (except through the central lobby or as otherwise determined by fire code);
 - 3. Individual dwelling units shall have a minimum of seven-hundred-fifty (750) square feet of finished, heated floor space; and
 - 4. Individual dwelling units shall provide a full bathroom and kitchen in accordance with residential building codes.
- F. Accessory uses and structures permitted within this district shall include those customarily accessory and clearly incidental to permitted principal uses and structures and specifically include clubhouses, pools and other recreation amenities, and parking to serve authorized residential and non-residential uses within the district.
- G. Other light retail and service establishments, which may be determined by the Zoning Enforcement Officer to be similar to the above listed principal permitted uses and which are in harmony with the purpose of this district, may be permitted.
- H. Sidewalks shall meet the following criteria:
 - 1. Public sidewalks shall be located along all public streets and shall have minimum widths as specified herein. No sidewalk shall be less than fifteen feet (15') in width. Sidewalks shall consist of two (2) zones: a street furniture and tree planting zone and a clear zone. The following regulations shall apply to all public sidewalks:
 - a. Street furniture and tree planting zone requirements: The street furniture and tree planting zone shall have a minimum width of five-feet (5'). Said zone shall be located immediately adjacent to the curb and shall be continuous. Said zone shall meet the tree planting requirements of Section 9.16(H)(1)(c) of this article. In addition to the required planting of trees, this zone may also be used for the placement of street furniture, including utility poles,

waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks and similar elements (containing no advertisements or signage) in a manner that does not obstruct pedestrian access or motorist visibility and as approved by the Director of Planning and Development;

- b. Clear zone requirements: The clear zone shall be a minimum width of ten-feet (10'). Said zone shall be located immediately adjacent to the street furniture and tree planting zone and shall be continuous. Said zone shall be hardscape, and shall be unobstructed for a minimum width of ten-feet (10'). Sidewalk arcades shall meet the additional requirements of Section 9.16(H)(3)(e) Sidewalk arcades of this article;
- c. Street tree planting requirements: Street trees shall be planted in the ground thirty-feet (30') to fifty-feet (50') on center within the street furniture and tree planting zone and spaced equal distance between street lights. These trees shall count toward the landscape strip requirements of the landscape ordinance. Root barriers and expandable tree trunk protectors shall be installed in accordance with Article 20 of this ordinance. At time of planting, all new trees shall be a minimum of three-inches (3") in caliper and shall be limbed up to a minimum height of seven-feet (7'). Trees shall be planted a minimum distance of two-feet (2') from the curb. Trees shall have a minimum planting area of thirty-two (32) square feet. The soil surface of the planting area shall be level to sidewalk grade and planted with an evergreen ground cover. All street trees shall be irrigated in accordance with the Landscape Ordinance. Tree species shall be selected in accordance with Appendix XX-A. The area between required plantings shall either be planted with evergreen ground cover, or shall be paved in accordance with the Architectural Design Standards. The City Arborist shall approve all plantings, planting replacement and planting removal;
- d. Tree grates: Tree grates are not required where all sidewalk width requirements are met, unless determined by the City Arborist. Where tree grates are required or otherwise installed, they shall be a minimum of four-feet (4') by eight-feet (8'), shall be a type specified by the Director of Planning and Development or his/her designee and shall be placed within the street furniture and tree planting zone. Where tree grates are not required or otherwise installed, tree planting areas shall be planted with an evergreen ground cover;
- e. Paving: All paving within the street furniture and tree planting zone shall utilize pavers and shall be a type specified by the Director of Planning and Development or his/her designee in accordance with uniform design standards utilized by the Engineer for placement of such objects in the public right-of-way;

- f. Nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede visibility within visibility triangles at street intersections between the heights of two and one-half-feet (2.5') and eight-feet (8') above grade;
 - g. No awning or canopy shall encroach beyond the clear zone;
 - h. Where property within this district abuts a residential district without an intervening street, the sidewalk area within twenty-feet (20') of such district shall taper as necessary to provide a smooth transition to the existing residential district sidewalk. In the event that the abutting residential district has no existing sidewalk, the sidewalk shall taper to a width of six-feet (6');
 - i. Decorative pedestrian lights shall be placed a maximum of forty-feet (40') on center and spaced equal distance between required trees along all streets. Said lights shall be located within either the street furniture and tree planting zone or the supplemental zone. All said lights shall be Type "C" as approved by the Planning Department;
 - j. All developments shall place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks; and
 - k. Trash receptacles or similar elements, where installed, shall be a type specified by the Director of Planning in accordance with design standards utilized by the Director for placement of such objects in the public right-of-way and shall be placed within the street furniture and tree planting zone.
2. Supplemental Zone: For purposes of these regulations, the area between any building, parking deck, or surface parking lot and the required sidewalk, when no intervening building exists, shall be defined as the supplemental zone. Supplemental zones shall meet the following requirements.
- a. Minimum supplemental zone widths:
 - 1. Scenic Hwy (SR 124) Main Street East/West (Hwy. 78): Ten-feet (10');
 - 2. All other streets: Five-feet (5'); and
 - 3. Supplemental zones may be administratively extended in excess of the maximum front yard by the Planning and Development Director to accommodate courtyard entrances, circular drives between the building and public street in CI & OP districts or uses, outdoor display and sales areas, and outdoor dining. The extension may be granted only when neighboring buildings exist or are being constructed in conjunction with minimum and maximum setbacks of the Town Center District.

- b. Supplemental zone general requirements:
 1. Terraces, porches and stoops shall have a maximum finished floor height of twenty-four-inches (24") above finished-grade, unless existing topographical considerations render this requirement unreasonable. The supplemental zone shall be no more than twenty-four-inches (24") above the adjacent public sidewalk for a minimum distance of fifteen-feet (15') from the nearest edge of the adjacent public sidewalk, unless existing topographical considerations render this requirement unreasonable;
 2. Any authorized walls surrounding landscaped and grassed areas shall not exceed a maximum height of twenty-four-inches (24"), except retaining walls, which shall not exceed a maximum height of thirty-six-inches (36") unless existing topography requires a retaining wall of greater height;
 3. The following uses are prohibited from outdoor displays or merchandise and sales areas: Automotive Sale, Service and Repair; Tire Sale; Service and Repair; Equipment Rental, Sales, or Service Establishments; Pawn Shops; Wholesaling establishments; Plumbing, Electrical, Pool and Homebuilding Supply Showrooms and Sales Centers;
 4. Fencing shall be permitted only when said fencing is used to separate authorized outdoor dining from the required sidewalk;
 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.
 6. Supplemental zones containing a depth of ten-feet (10') or less shall meet the following additional requirements:
 - a. No balcony shall encroach more than five-feet (5') into the supplemental zone area.
3. Relationship of Building to Street:
 - a. For purposes of this chapter, sidewalk-level shall be defined as any floor of a building with a finished-floor elevation less than or equal to five-feet (5' above the adjacent sidewalk or less than or equal to five-feet (5') below the adjacent sidewalk;
 - b. Building floors shall be delineated at third story above sidewalk level and lower and shall be executed through windows, belt courses, cornice lines or similar architectural detailing;
 - c. The primary pedestrian entrance for pedestrians to access all sidewalk level uses and business establishments with street frontage:
 1. Shall face and be visible from the street;
 2. Shall be directly accessible and visible from the sidewalk; and

3. Shall remain unlocked during business hours for non-residential uses.
 - d. A street address number shall be located directly above the primary building entrance, shall be clearly visible from the sidewalk and shall be a minimum of six-inches (6") in height;
 - e. Sidewalk arcades: Buildings may have sidewalk arcades, which shall meet the following regulations:
 1. Shall provide an at grade sidewalk surface;
 2. Arcade supports shall be a maximum width of five-feet (5');
 3. Shall provide a minimum of twenty-five-feet (25') of clear unobstructed space between arcade supports;
 4. A building with a sidewalk arcade shall meet the requirements of 9.14(L) Specific Regulations for Storefront Streets of this article; and
 5. Shall provide a minimum clear zone width of five-feet (5').
 - f. Fences and walls shall meet the following regulations:
 1. Retaining walls located adjacent to a sidewalk along a public street shall not exceed a height of two-feet (2') and the combined height of a fence where otherwise authorized and retaining wall shall not exceed a height of five-feet (5'), unless existing topography prohibits retaining walls of a lesser height. Retaining walls shall be finished poured concrete and shall be faced with stone, brick or smooth stucco;
 2. No walls, except retaining walls, shall be located between the street and any building, with the exception of screening for authorized off-street loading areas;
 3. Fences and walls located between the primary building and the lot line and not exceeding six-feet (6') in height may be erected, but shall not be permitted between the primary building and the street; and
 4. No barbed wire, razor wire, chain link fence or similar elements shall be visible from any public plaza, ground level or sidewalk level outdoor dining area or public right-of-way.
 - g. Gasoline fuel dispenser structures and associated vehicular services such as air pumps and car washes shall not be located between a building and the street.
4. Loading Areas, Loading Dock Entrances and Building Mechanical and Accessory Features.
 - a. Loading dock entrances for non-residential uses shall be screened so that loading docks and related activity are not visible from the public right-of-way; and
 - b. Building mechanical and accessory features:
 1. Shall be located to the side or rear of the principal structure and shall be in the location of least visibility from the public right-of-way. Screening with plant or fence materials shall be required if the equipment is otherwise visible from the public right-of-way;

2. When located on rooftops shall be incorporated in the design of the building and screened with building materials similar to the building; and.
 3. Shall not be permitted between the building and any public street.
5. Curb Cuts and Parking Structures:
- a. All sidewalk paving materials shall be continued across any intervening driveway;
 - b. Driveways shall have a band of textured concrete adjacent to the street, which is in-line with and equal in width to the street furniture zone and shall have a textured band of concrete adjacent to the sidewalk, which is in-line with the supplemental zone, and a minimum width of five-feet (5') from the sidewalk;
 - c. Except as authorized in Section 9.15(H)(5)(d), no more than one (1) curb cut shall be permitted for each development, provided that properties with more than one (1) street frontage may have one (1) curb cut per street frontage;
 - d. Curb cuts and driveways shall not be permitted on any storefront street when access may be provided from a side or rear street located immediately adjacent to a contiguous property, with the exception of CI uses and hotel patron drop-off drives;
 - e. Unless authorized by Section 9.15(H)(5)(d), driveways, except for a driveway to reach the side yard or rear yard or an on-site parking facility, are not permitted between the sidewalk and a building, and shall be perpendicular to any adjacent street;
 - f. Parking deck facades shall conceal automobiles from visibility from any public right-of-way or private drive or street that are open to the general public, and shall have the appearance of a horizontal storied building;
 - g. Additional parking deck treatment along all streets:
 1. Shall meet the requirements of Section 9.16(H)(5)(L) Storefronts Streets (1) except at ingress and egress points into the structure and when topographical conditions prevent such treatment; or
 2. When topographical conditions prevent the above parking deck treatment requirements of Section 9.16(H)(5)(L) Storefront Streets, a continuous minimum five-feet (5') wide landscaped strip between the structure and the public sidewalk shall be provided. The landscaped strip shall be planted in accordance with Section 9.16(H)(1)(c). All plantings, planting replacement and planting removal shall be approved by the City Arborist.
 - h. A common or joint driveway may be authorized by the Director of Planning and Development when adjacent lots have direct vehicular access to a street, and a driveway from a private street which functions as a public street may be authorized, based on traffic considerations, when a perpetual easement agreement is agreed upon by all affected property owners and a copy of such

- agreement is provided to the Planning and Development Department;
- i. All developments, including parking decks, shall have sidewalks a minimum width of five-feet (5') connecting ground level parking to the public sidewalks and to all building entrances; and
 - j. No drop-off lanes shall be permitted along public streets.
- I. Lighting, Security, and Maintenance Requirements for Parking Structures and Surface Parking Lots. All surface parking lots and structures, whether a nonconforming use or accessory in use, and whether serving commercial or noncommercial uses, shall have the following minimum requirements:
1. Where applicable, public street lighting may be utilized to either partially or totally fulfill the lighting requirements; however, where such street lighting is removed, it shall be the responsibility of the parking facility to independently provide these required levels of illumination;
 2. Internal parking deck lighting fixtures shall not be visible from any public right-of-way or private street;
 3. Parking facilities shall be maintained in a clean, safe and sanitary condition. Parking spaces and driving lanes shall be clearly defined and maintained as such. Parking lots shall not be operated when any damage impairs the drivability of the parking lot; and
 4. Decorative low-level (less than 100 watts) lighting may be approved by the Planning Director.
- J. Off-Street Parking Requirements. In addition to the provisions of Article 11, which shall apply and are incorporated herein, the following parking requirements shall apply to all uses approved by special permits as well as permitted uses.
1. Off-street surface parking:
 - a. Shall not be located between a building and the street without an intervening building; and
 - b. Shall be accessory to a permitted principal use only, provided that parking spaces serving another principal permitted use may use such facility for shared parking.
 2. Notwithstanding any provision of the City of Snellville code of ordinances to the contrary, park-for-hire surface parking lots are prohibited. Accessory parking decks built to satisfy the parking requirements of this Section shall be permitted to be used as park-for-hire parking decks. Park-for-hire parking decks built to provide parking spaces in excess of the parking requirements shall be permitted as a primary use.
- K. Minimum Bicycle Parking Requirements: All non-residential developments, which provide automobile parking facilities, shall provide bicycle/moped parking facilities at a ratio of at least one (1) bicycle/moped parking space for every twenty (20) automobile parking spaces. Multi-family developments shall provide said facilities at a ratio of at least one (1) bicycle/moped parking space for every five (5) multi-family units. No development, except a one or two-family development, shall have fewer than three (3) bicycle/moped parking spaces nor be required to exceed a maximum of fifty (50) spaces.

Bicycle/moped spaces shall be located within the street furniture zone a maximum distance of one-hundred-feet (100') of the building entrance, or shall be located at least as close as the closest automobile space, except for handicapped parking spaces. Each space shall include a metal anchor sufficient to secure the bicycle/moped frame when used in conjunction with a user-supplied lock.

- L. Specific Regulations for Storefront Streets. Street-fronting buildings including parking decks shall meet the following sidewalk level requirements:
 - 1. The length of façade without intervening fenestration or entryway shall not exceed twenty-feet (20');
 - 2. Fenestration shall be provided for a minimum of sixty-five-percent (65%) of the length of the frontage:
 - a. Beginning at a point not more than three-feet (3') above the sidewalk, to a height no less than ten-feet (10') above the sidewalk, or;
 - b. Beginning at the finished floor elevation to a height no less than ten-feet (10') above the finished floor elevation when the finished floor elevation is three-feet (3') or more above the sidewalk, or;
 - c. Beginning at a point not more than sidewalk level, to a height no less than ten-feet (10') above the finished floor elevation when the finished floor elevation is below the sidewalk.
 - 3. Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows. Entrances may be counted towards fenestration requirements.
 - M. Temporary Uses: Any use permitted in the BN, Neighborhood Business district.
 - N. The Planning Director may allow expansion of nonconforming properties (change in use from residential to commercial) and structures (change in height and setback requirements) and/or variation from the overlay district when in his/her opinion the intent of the regulations has been met. All other design requirements of the Town Center overlay shall be required.
- (4) **ALCOHOLIC BEVERAGE LICENSING:** The distance and measurement requirements for alcoholic beverages, which are either sold or offered for sale by licensed establishments as set forth in Section 6-5 [(a) through (e)] of the City of Snellville Alcoholic Beverage Ordinance [Ordinance No. 2004-04, 1-10-2005] shall not apply within the Town Center Overlay District.
- (5) **PERMITTED ACCESSORY USES:** Those normally appurtenant and subordinate to the principal uses permitted in this district.
- (6) **SPACE LIMITS:**
- I. Minimum Lot Area: 1,600 square feet;

2. Minimum Lot Width: 32 feet;
3. Minimum Height of Building: 2 floors;
4. Maximum Height of Building: 5 floors or 80 feet;
5. Minimum Front Yard: Zero-feet (0') feet from right-of-way line;
6. Maximum Front Yard: 10 feet from right-of-way line;
7. Minimum Rear Yard: 15 feet, but 30 feet if abutting a residential district;
8. Minimum Side Yard: Zero-feet (0'), but 40 feet if abutting a residential district;
9. Minimum Side Yard on Street Side of Corner: Zero-feet (0'); and
10. Maximum Ground Coverage: 100 percent.

Setbacks from right-of-way may exceed maximum upon request of State or County DOT with approval of the Planning and Development Director.

SECTION 9.15 CO. CORRIDOR OVERLAY DISTRICT REQUIREMENTS.

PURPOSE: The Corridor Overlay District is intended to enhance the viability and livability of the area surrounding major activity centers in Snellville as designated by the Mayor and Council. The purpose of the Overlay District is to achieve and maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture and signage; and to promote alternative modes of transportation within the district through the provision of pedestrian and local public transit.

APPLICABILITY: The requirements of the Overlay District shall apply to all non-residential and attached residential properties within the geographic areas shown on:

Corridor Overlay District Map

Whenever the requirements of the Overlay District impose a more or less restrictive standard than the provisions of any other statute or covenant, the requirements of the Overlay District shall govern.

Within the Corridor Overlay District, these standards shall apply to all new construction and shall apply to the applicable and affected portions of a redeveloped site or refurbished building as determined by the Director of Planning and Development. Any lot or building not in the district that is assembled or developed with a lot that is in the district, shall be subject to the overlay provisions as determined by the Director of Planning and Development.

DESIGN REQUIREMENTS:

A. Transportation/Infrastructure:

1. Provide interparcel vehicle access points between all contiguous non-residential (including, but not limited to, commercial, office, or industrial) and/or attached residential tracts. This requirement may be waived by the Director of Planning and Development only if it is demonstrated that an interparcel connection is not feasible due to traffic safety or topographic concerns;
2. All new utility lines shall be located underground;
3. A minimum four-foot (4') wide sidewalk connection be provided from public rights-of-way to the entrance(s) of buildings;
4. Sidewalks shall be constructed with an additional two-foot (2') by eight-foot (8') pad approximately every three-hundred-linear-feet (300') to accommodate future pedestrian amenities such as benches, planters, and trash containers. All such required amenities shall be decorative, commercial-quality fixtures. Sidewalk design and placement of any of these amenities shall be reviewed and approved by the Gwinnett or Georgia Department of Transportation;
5. Provide street lights along all public rights-of-way utilizing decorative light poles/fixtures. Light source shall be high-pressure sodium. Streets lights shall be staggered, one-hundred-fifty-feet (150') on-center, along both sides of the roadway. Where applicable, street lights shall be placed adjacent to required pedestrian amenity sidewalk pads;

Light Fixtures shall be utilized as follows:

Overlay District/ Corridor	Fixture Head	Pole Type (Street light)	Max. Pole Height
U.S. Highway 78	Cobra Head	Fluted (Black)	Forty-Feet (40')

6. Provide lighting throughout all parking areas utilizing decorative light poles/fixtures. The lighting standards of the Snellville Development Regulations shall be utilized. Decorative pedestrian and building light fixtures shall be permitted at the discretion of the Director of Planning and Development; and
7. Sidewalk lights shall also be provided along all sidewalks utilizing decorative light poles/fixtures approved by the city. These lights shall be staggered, one-hundred-fifty-feet (150') on-center, placed equidistant between streetlights and located behind the sidewalk.

B. Landscaping Requirements:

1. At least fifty-percent (50%) of plantings shall consist of trees three-inches (3") in caliper (dbh) or greater;
2. Provide non-ornamental shade trees spaced fifty-feet (50') on-center or grouped at one-hundred-twenty-feet (120') on-center along the right of way the following roads:
 - a. All roads included in the Corridor Overlay District Map

All street trees shall be a minimum four-inch (4") caliper (dbh) at the time of planting. Street trees shall be planted a minimum of six-feet (6') from back-of-curb subject to review and approval of the Georgia or Gwinnett Department of Transportation; and

3. Natural vegetation shall remain on the property until issuance of a development permit.

C. Parking/Yard, Height & Setback:

1. For developments exceeding one-hundred-thousand (100,000) square feet of gross floor area, at least ten-percent (10%) of all required parking spaces shall be provided in parking areas of porous paving or grass paving systems, such as "Grasscrete" or "Grasspave," not to exceed one-thousand (1,000) parking spaces or as approved by the Director of Planning and Development or his/her designee;
2. Up to twenty-five-percent (25%) of the required parking spaces for any development may be reduced in total area, width or depth for designated small vehicle parking. Each small vehicle parking space shall not be less than eight- feet (8') in width and seventeen-feet (17') in depth;
3. Freestanding buildings or shopping center developments containing seventy-five-hundred (7,500) gross square feet of space or less shall provide no more

than twenty-percent (20%) of parking areas in the front of building(s) and be limited to no more than one (1) double row of parking. No more than twenty-percent (20%) of off-street parking areas may be located to the sides of building(s), with the balance of parking located to the rear the building(s). Front setbacks may be administratively reduced by the Director of Planning and Development;

4. For developments exceeding seventy-five-hundred (7,500) square feet, building placement is encouraged to be close to, and oriented toward, the public right-of-way with the majority of parking to the sides and rear where possible; and
5. Decorative, commercial-quality, bicycle racks, benches and trash receptacles shall be required for all non-residential (including, but not limited to, commercial, office, and industrial) and/or attached residential tracts.

D. Architectural Design:

1. Architectural design of all non-residential buildings shall comply with the following performance guidelines:
 - a. Contrasting accent colors of any wall, awning or other feature (other than dark green or brick red) shall be limited to no more than fifteen-percent (15%) of the total area for any single façade;
 - b. Metal sided or portable buildings shall be prohibited;
 - c. Buildings shall incorporate live plant material growing immediately in front of or on the building;
 - d. Buildings of less than five-thousand (5,000) square feet of gross floor area shall be designed with pitched roofs, minimum pitch of 4 in 12;
 - e. Roofing materials for pitched or mansard roofs shall be limited to the following:
 1. Metal standing seam of red, green or silver in color;
 2. Tile, slate or stone;
 3. Wood shake; or
 4. Shingles with a slate, tile or metal appearance.
 - f. All mechanical, HVAC and like systems shall be screened from street level view (within three-hundred-feet (300') on all sides by an opaque wall or fence of brick, stucco, split-faced block or wood; and
 - g. Any accessories provided, such as railings, benches, trash receptacles and/or bicycle racks, shall complement the building design and style.
2. Architectural design of all commercial/retail buildings shall comply with the following additional performance guidelines:
 - a. To lend the appearance of multi-tenant occupancy, facades of multi-tenant buildings shall be varied in depth or parapet height;
 - b. Within planned shopping centers, distinct architectural entry identity for individual tenants' entrances shall be provided for suites exceeding ten-thousand (10,000) square feet of leasable area;
 - c. Walls visible from roadways or parking areas shall incorporate changes in building material/color or varying edifice detail such as trellises, false

- windows or recessed panels reminiscent of window, door or colonnade openings, landscaping or storefront every one-hundred-fifty-linear-feet (150');
- d. Roof parapets shall be articulated to provide visual diversity. Parapets shall include articulations or architectural features at least every one-hundred-linear-feet (100'). The minimum height of articulations or features shall be one-foot (1'), and may be provided in height offset or facade projections such as porticoes or towers;
 - e. Building design shall include minimum one-foot (1') deep cornices, extending along the entire front of buildings and the sides of buildings at least ten-feet (10'); and,
 - f. Building design shall include a minimum one-foot (1') high contrasting base, extending along the entire front of buildings and the sides of buildings at least ten-feet (10').
3. Architectural design of all attached residential buildings shall comply with the following performance guidelines:
- a. Buildings shall be constructed of a traditional design. Architectural treatments of each building elevation shall be a minimum of fifty-percent (50%) brick, stone or stucco (EIFS is not permitted). The balance of each building elevation may be fiber cement-type siding or shake;
 - b. Building plans shall be subject to review and approval of the Director of Planning and Development, or his/her designee, prior to the issuance of a Building Permit. Designs, which are inconsistent with these performance guidelines, may be denied;
 - c. Prior to issuance of a Site Development Permit for each phase of a project, if any, the developer shall submit architectural elevations in the form of a "Plan Book" for typical structures for review and approval by the Director of Planning & Development. At a minimum, the "Plan Book" shall include: allowable building elevations; design criteria for entries, porches, doors, windows, dormers, columns, cornices, rakes, garages, roofs, landscaping, fencing, and retaining walls; exterior colors and materials, and other pertinent information. All structures shall be constructed in accordance with the approved "Plan Book." Said "Plan Book" shall become a binding restriction on all structures within the development and may be amended or supplemented only by approval of the Director of Planning & Development; and,
 - d. All lots/structures abutting a public street external to the development shall be designated as "High Visibility Lots." High Visibility Lots shall include the following treatments on elevations visible from the public view: Foundation walls shall be brick or stone to the level of the first floor; Window treatments, such as trim and shutters similar to the front elevation, are required; Landscaping shall be treated similarly to the grass and planting beds in the front of the home; Elevations shall require a similar architectural treatment as the front elevation.

SECTION 9.16 CSO, CONSERVATION SUBDIVISION OVERLAY DISTRICT.

A. GENERAL PROVISIONS:

1. TITLE: These regulations shall officially be known, cited, and referred to as the Conservation Subdivision Ordinance of the City of Snellville, Georgia (hereinafter "ordinance").
2. PURPOSE: This ordinance is adopted for the following purposes:
 - a. Encourage the development of residential communities, that are density neutral based upon the Comprehensive Plan, designed to preserve and protect environmental resources, scenic vistas, and natural and cultivated landscapes;
 - b. Provide a residential zoning district that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land;
 - c. Enhance land, water, air and tree resources by minimizing the area of land disturbance, reducing impervious surface, optimizing stream buffers, preserving tree cover and encouraging retention and protection of Conservation Space;
 - d. Preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat;
 - e. Guide the detailed analysis of the development parcel so as to locate and coordinate appropriate areas for development and conservation;
 - f. Preserve the natural character through the permanent preservation of meaningful open space and sensitive natural resources;
 - g. Conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space;
 - h. Provide commonly owned open space areas for passive and/or active recreational use by residents of the development and, where specified, the larger community; pedestrian linkages, and; wildlife corridors;
 - i. Provide for a diversity of lot sizes, housing choices and building densities to accommodate a variety of age and income groups;
 - j. Provide buffering between residential development and non-residential uses;
 - k. Protect and restore environmentally sensitive areas and biological diversity, minimize disturbance to existing vegetation, and maintain environmental corridors;
 - l. Preserve archaeological sites, historic buildings and their settings;
 - m. Permit clustering of houses and structures on less environmentally sensitive soils, which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development;
 - n. Preserve and protect contiguous undeveloped areas within the development and with adjacent properties and jurisdictions;
 - o. Reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development; and
 - p. Encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places

and encouraging use of parks and community facilities as focal points in the neighborhood.

3. **APPLICABILITY AND COMPLIANCE:** The conservation subdivision standards apply to all parent parcels of fifteen (15) acres or more. The provisions of this ordinance shall apply to residential development within the following districts established in the City of Snellville Zoning Ordinance, as of the effective date of this ordinance: RS-180 and RS-150 (Single Family Residential Districts). The use of the Conservation Subdivision Overlay district regulations is not by right and shall be considered a rezoning; said action shall comply with Article 15 of the Zoning Ordinance.

Any conditions of zoning or special use approval of the underlying district and/or parcel shall also be observed (exception: lot area, width or quantity). The applicant shall comply with all other provisions of the zoning code and all other applicable laws. Whenever the requirements of the CSO district impose a more or less restrictive standard than the provisions of the underlying zoning district stated elsewhere in the Zoning Ordinance, the requirements of the overlay district shall govern. The Director of Planning and Development shall have the authority to approve alternate methods of compliance with the provisions of this ordinance when he/she determines the overall intent of the article and/or specific guidelines can be met.

For properties which are submitted for rezoning, the applicant shall declare the intent to utilize this overlay district at the time of application. An Existing Features Site Analysis Plan and a Concept Plan meeting the requirements of this ordinance shall accompany the rezoning application. In the absence of a declaration of intent to use the overlay district with a rezoning application, the overlay district shall not be used on rezoned property for at least two (2) years from the date of the resolution adopting a zoning change or until a new application is filed in compliance with Article 15 of the Zoning Ordinance and the property rezoned for use with the regulations of this ordinance. The overlay district shall not be used on property that has been timber harvested within twenty-four (24) months prior to adoption of a zoning change or approval of a concept plan.

The tract of land to be subdivided may be held in single and separate ownership or in multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.

- B. **DEFINITIONS:** The following definitions shall be observed and applied, except when the context clearly indicates otherwise. Words used in the present tense shall include the future tense. Words used in the singular form shall include the plural form. Words used in the plural form shall include the singular. The word “shall” is mandatory and the word “may” is permissive.

BASE DENSITY: The maximum number of permitted dwelling units determined

by multiplying the Gross Tract Area by the density factor of the underlying zoning district.

COMMON OPEN SPACE: Undeveloped land that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common open space shall not be part of individual residential lots. It shall be substantially free of structures, but may contain historic structures and archaeological sites and/or such recreational facilities for residents as indicated on the approved development plan.

CONDOMINIUM: A community association combining individual unit ownership with shared use or ownership of common property or facilities. A condominium is a legal form of ownership of real estate and not a specific building type or style.

CONSERVATION EASEMENT: A covenant or scenic easement which runs in perpetuity under O.C.G.A. §44-5-60 in favor of any corporation, trust, or other organization holding land for the use of the public or certain governmental entities; or (ii) a conservation easement running in perpetuity to a third party “qualified organization” recognized by Federal Treasury Regulation Section 1.170A-14(c)(1). Qualified organizations recognized by this Treasury Regulation include, but may not be limited to: governmental entities, certain publicly supported charities, local and national land trusts, or other conservation groups that are organized or operated primarily or substantially for one of the conservation purposes specified in the Internal Revenue Code. Governmental entities qualifying to be named in covenants under O.C.G.A. §44-5-60 or to receive conservation easements under the Treasury Regulation referred to above for purposes of this ordinance shall include the Federal government, the State of Georgia, Gwinnett County, or political subdivisions or authorities of the State of Georgia or Gwinnett County. If a covenant or conservation easement is recorded in favor of a governmental entity, the written acceptance of the covenant or conservation easement by the governmental entity shall be obtained prior to the recording of the covenant or easement. The developer shall record the necessary legal instrument to accomplish protection of the open space prior to, or concurrent with, the recording of the final subdivision plat.

CONSERVATION SUBDIVISION: A housing development that is characterized by compact lots and common open space, and where the natural features of the land are maintained to the greatest extent possible.

DEVELOPMENT ENVELOPES: Areas within which grading, lawns, pavement and buildings will be located.

DEVELOPMENT REGULATIONS: The Development Regulations of the City of Snellville.

GARAGE, FRONT LOADED: A garage having its vehicular entry door facing the street.

GARAGE, SIDE LOADED: A garage having its vehicular entry door facing the side

yard.

GROSS TRACT AREA: The total area of a parcel including the area of perimeter street rights-of-way to the centerline of the street.

HOMOWNERS ASSOCIATION: A community association incorporated or not incorporated, combining individual home ownership with shared use or ownership of common property or facilities.

OPEN SPACE: Land preserved in perpetuity in compliance with Section 5.8 of the Development Regulations.

NONPROFIT CONSERVATION ORGANIZATION: Any non-profit charitable corporation, charitable association or charitable trust (such as a land trust), the purposes or powers of which include retaining or protecting the natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property. The organization shall be a third party “qualified organization” recognized by Federal Treasury Regulation Section 1.170A-14(c)(1). Qualified organizations recognized by this Treasury Regulation include, but may not be limited to: governmental entities, certain publicly supported charities, local and national land trusts, or other conservation groups that are organized or operated primarily or substantially for one of the conservation purposes specified in the Internal Revenue Code. Governmental entities qualifying to be named in covenants under O.C.G.A. §44-5-60 or to receive conservation easements under the Treasury Regulation referred to above for purposes of this ordinance shall include the Federal government, the State of Georgia, Gwinnett County, or political subdivisions or authorities of the State of Georgia or Gwinnett County.

PARENT PARCEL: The existing parcel of record, as identified by individual tax parcel numbers, as of the effective date of this ordinance.

PLANNING AND DEVELOPMENT DEPARTMENT: The Planning and Development Department of the City of Snellville.

SUB-DIVIDER: Any person, corporation, partnership, association, individual, firm, trust or agent dividing or proposing to divide land resulting in a conservation subdivision.

C. APPLICATION PROCEDURES:

- I. Existing Features Site Analysis Plan: Upon submittal of a rezoning plan or concept plan, an Existing Features Site Analysis Plan shall be included. Mapping for the initial application can be done in any combination of features as long as individual map components can be distinguished and the relationship between map components can be determined. The Existing Features Site Analysis Plan shall be prepared and sealed by a registered

engineer or landscape architect.

- a. The purposes of the Existing Features Site Analysis Plan are:
 1. Delineation of areas that have been identified as worthy of permanent protection because of their environmental values. This delineation shall include, but is not limited to, the information and steps listed in this ordinance;
 2. Set forth the particulars of the site, including boundary, topographic data, existing structures and utility easements; and
 3. Provide the starting point for design of the conservation subdivision with built areas being designed as separate from the areas delineated as worthy of permanent protection.

- b. The Existing Features Site Analysis Plan shall include an inventory and mapping of existing resources, mapped at a scale of no less than one inch = 50 feet. The following components shall be included in the Existing Features Site Analysis Plan, at a minimum:
 1. U.S.G.S. perennial and intermittent streams, FEMA designated One-Hundred-Year (100 yr) Flood Hazard Zones and Wetlands. The source of this information shall also be indicated;
 2. Identification of tree lines, native woodlands, open fields or meadows, peaks or rock outcroppings, and prime agricultural land;
 3. Delineation of tree resource areas by type such as hardwoods, pines or mixed; and old or new growth. The inventory shall include individual trees with a caliper of twelve-inches (12”) or greater, as measured at the diameter breast height (DBH) and comments on the health and condition of the vegetation;
 4. Delineation of steep slope areas (thirty-five-percent (35%) or greater). The designer shall endeavor to preserve slopes greater than forty-percent (40%);
 5. Identification and brief description of historical, archeological, or other significant features, structures, and/or landscapes and burial sites;
 6. Identification of scenic vistas. This shall include views of the site, including views onto the site from surrounding roads, public areas and elevated areas, including photographs with a map indicating the location where the photographs were taken;
 7. Identification of Conservation Space, Open Space or common areas adjacent to the project;
 8. Identification of protected plant species as listed by the Georgia Department of Natural Resources, to be certified by a registered/certified landscape architect, forester, arborist, biologist, botanist or horticulturist;
 9. Certification that timber-harvesting activity has not occurred on the property in the previous twenty-four (24) months prior to the submittal of a rezoning application or the submittal of a Concept Plan;

10. Topographic contours at two-foot (2') intervals;
11. United States Department of Agriculture, Natural Resource Conservation Service soil type locations and identification of soil type characteristics such as agricultural capability, depth to bedrock and water table, and suitability for wastewater disposal systems. Type and stability of bedrock should also be noted, particularly in karst areas and areas with high potential for groundwater contamination due to fractured bedrock or the presence of arsenic and mercury;
12. Hydrologic characteristics, including surface water bodies, floodplains, groundwater recharge and discharge areas, wetlands, natural swales, drainage ways, and steep slopes;
13. Land cover on the site, according to general cover type (pasture, woodland, etc.);
14. Current and past land use, all buildings and structures on the land, cultivated areas, brownfields, waste sites, and history of waste disposal practices, paved areas, and all encumbrances, such as easements or covenants;
15. Known critical habitat areas for rare, threatened or endangered species; and
16. Unique geological resources, such as rock outcrops and glacial features.

D. CONCEPT PLAN:

- I. Using the inventory provided in the Existing Features Site Analysis Plan and applying the performance standards specified in this ordinance, the applicant shall submit a concept plan including at least the following information at a scale of no less than one-inch (1") equals fifty-feet (50') (1"= 50'):
 - a. Open space areas indicating which areas are to remain undeveloped, improved and trail location;
 - b. Boundaries of areas to be developed and proposed general street and lot layout;
 - c. Number and type (i.e., single-family, multi-family) of housing units proposed;
 - d. Proposed methods for and location of water supply, stormwater management (e.g., best management practices), and sewage treatment;
 - e. Inventory of preserved and disturbed natural features and prominent views;
 - f. Preliminary development envelopes showing areas for lawns, pavement, buildings, and grading;
 - g. Proposed methods for ownership and management of open space; and
 - h. General location map: The applicant shall submit a map showing the general outlines of existing buildings, land use, and natural features such as water bodies or wooded areas, roads and property boundaries within five-hundred-feet (500') of the tract. This information may be presented on an aerial photograph at a scale of no less than one-inch (1") equals four-hundred-feet (400') (1"=400').

E. REVIEW OF CONCEPT PLAN / REZONING SITE PLAN:

1. At time of development, a Concept Plan shall be submitted by the developer for review and approval in accordance with the requirements and procedures of the Development Regulations. The concept plan shall include the following information:
 - a. Delineation and specifications of Conservation Space, including calculations and exclusions and any "Pocket Parks," "Neighborhood Greens," play areas, or trail system to be constructed. Conservation/Open Space must comply with Section 5.8 of the Development Regulations;
 - b. A typical detail on the plan indicating dwelling size, lot width, building setback lines, off-street parking, street trees, sidewalks, and street pavement and right-of-way width;
 - c. Area and percent of floodplain specifications in tabular form; and
 - d. Density calculations, including any bonuses.
2. Upon filing of a complete initial application, the Planning and Development Department staff shall review the application and concept plan. Staff from appropriate state and/or county agencies may also be requested by the City of Snellville to review the application. The Planning and Development Department shall make the determination of whether the initial application is complete. The Planning and Development Department staff may also schedule a visit to the site with the sub-divider to review the existing features of the site and the concept plan. Upon review and completion of site visit, if any, the Planning and Development Department staff shall issue comments to the sub-divider to be addressed in the Preliminary Plat.

F. PRELIMINARY PLAT REVIEW AND APPROVAL PROCEDURES:

1. Following review and comment of the concept plan by the Planning and Development Department on the initial application, the sub-divider or sub-divider's agent may file an application for review and approval of a preliminary plat, in compliance with the City of Snellville Development Regulations, with the Planning and Development Department.

G. DENSITY AND OPEN SPACE DETERMINATION:

1. Density Determination. Determination of the maximum number of permitted dwelling units shall be based on the Gross Tract Area of the site.
 - a. Base Density. Base density shall equal the Gross Tract Area times the density factor. The density factor is the density of the underlying zoning district expressed as dwelling units per acre and is as follows:

RS-180 Zoning District: 1.45 units per acre

RS-150 Zoning District: 2.90 units per acre

FORMULA: Base Density = Gross Tract Area x Density Factor

Gross Tract Area = _____ acres
 Density Factor x _____
 Base Density = _____ dwelling units

2. The base density may be increased if the development complies with one or more of the following standards. Each standard provides a development yield bonus of five-percent (5%) in addition to the base development yield, unless otherwise specified. Should more than one standard be implemented, the maximum bonus permitted is twenty-percent (20%) of the base density.
 - a. Public Use of Greenway Land: A density increase may be granted at the discretion of the Mayor and Council where the proposal provides for the dedication of open space for public use, such as active and passive recreation areas, in accordance with the following standards:
 1. The increase in density shall be computed on the basis of one (1) dwelling unit per five (5) acres of natural resource land including, but not limited to: woodlands, pastures, conservation meadows, farm fields or per half-mile of trail that becomes publicly accessible. The density shall not exceed ten-percent (10%) increase over the base density; and
 2. The decision whether to accept an applicant's offer to dedicate land to public usage within a proposed conservation subdivision development shall be at the discretion of the Mayor and Council, which shall be guided by the recommendations contained in the Comprehensive Plan.
 - b. Endowment for Greenway Land Maintenance:
 1. A density increase may be granted at the discretion of the Mayor and Council when the applicant provides a donation to the Open Space Maintenance Endowment Fund for maintenance of the lands to be conserved within the subdivision. This fund shall be transferred by the developer to the designated entity with ownership and maintenance responsibilities, i.e. a land trust, a non-profit conservation organization, or other public entity, as approved in accordance with this ordinance. The purpose of this donation is to generate additional income for the recipient for the sole purpose of endowing a permanent fund to offset continuing costs of maintaining the open space, including costs associated with active or passive recreation facilities. Spending from this fund shall be restricted to expenditure of interest so that the principal may be preserved. The estimate of maintenance costs shall be prepared by an agency, firm, or organization acceptable to the City of Snellville, and with experience in managing open space and recreational facilities. The amount of the donation shall be no less than thirty

(30) times the estimated annual maintenance costs. The density bonus shall not exceed a maximum ten-percent (10%) increase over the base density.

- c. Reusing historical buildings and structures: The U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Properties shall apply.
- d. Preservation of additional open space (sixty-percent 60% of the gross tract area of more): A density bonus shall be granted for those developments that preserve at least sixty-percent (60%) of the gross tract area. The density bonus shall not exceed a maximum fifteen-percent (15%) increase over the base density.
- e. Implementation: For each of the public purposes described above, dwellings resulting from density bonuses may be accommodated by reducing the amount of required open space acreage by up to ten-percent (10%) (bonus strategy "d" excluded), reducing the minimum lot size/setback requirements by up to twenty-percent (20%), or by a combination of these approaches, provided that the Mayor and Council are satisfied that the public purpose objectives are being achieved.

H. PERFORMANCE STANDARDS

- 1. Conservation subdivisions shall identify a conservation theme or themes. This theme shall be identified at the time of the initial application. Conservation themes may include, but are not limited to, forest stewardship, water quality preservation, natural habitat restoration, viewshed preservation, or archaeological and historic properties preservation. The Department of Planning and Development shall have the ability to specify which areas shall be preserved;
- 2. Lots shall be configured to minimize the amount of road length required for the subdivision;
- 3. Development envelopes shall be configured to minimize loss of woodlands;
- 4. At least fifty-percent (50%) of lots within a neighborhood shall abut open space on at least one side. A local street may separate lots from the open space;
- 5. Lots should be oriented around one or more of the following:
 - a. A central green or square; and
 - b. A physical amenity such as a meadow, a stand of trees, or some other natural or restored feature.
- 6. Development envelopes should not be located on ridges, hilltops, along peripheral public roads or in other visually prominent areas;

7. Residential structures are encouraged to be oriented to maximize solar gain in the winter months;
8. Open Space Design: A minimum of fifty-percent (50%) of the Gross Tract Area shall be permanently protected as open space, in compliance with Section 5.8 of the Development Regulations;
 - a. Open Space/Conservation Ranking (in order of significance). The areas to be preserved shall be identified on a case-by-case basis in an effort to conserve and provide the best opportunities to restore and enlarge the best quality natural features of each particular site.
 1. First priority will be given to intact natural communities, rare and endangered species, environmental corridors, natural and restored prairies, significant historic and archaeological properties, and steep slopes;
 2. Second priority will be given to areas providing some plant and wildlife habitat and open space values; and
 3. Third priority will be given to areas providing little habitat but providing viewshed, recreation, or a sense of open space.
 - b. That portion of open space designed to provide plant and animal habitat shall be kept as intact as possible. Trails shall be designed to avoid fragmenting these areas;
 - c. Accessible open space in upland areas shall be available for recreational uses such as trails, play fields, or community gardens but should be designed in a manner that avoids adversely impacting archeological sites; and
 - d. A pathway system connecting open space areas accessible to neighborhood residents, and connecting these areas to neighborhood streets and sidewalks shall be constructed.
9. Neighborhood streets may take the form of a two-way street, a pair of one-way streets on either side of a landscaped median, or a one-way loop street around a small neighborhood green. Streets shall be developed in accordance with the Development Regulations;
10. Sidewalks, trails, and other walkways shall have a minimum width of five-feet (5');
11. Average Lot Width: Lots for homes with front-loaded garages shall be a minimum of forty-feet (40') in width. Lots with side-loading garages shall be a minimum of sixty- feet (60') in width. Exception: Exterior lots abutting residential property shall meet the lot width (for the entire depth of the lot) and the rear setback of the underlying, adjacent zoning district;
12. The minimum road frontage per lot is forty-feet (40'). Exception: Road frontage may be reduced to twenty-feet (20') for lots with frontage upon cul-de-sac or "eyebrow cul-de-sac" turnarounds;

13. Minimum Setbacks/Lot Size:
 - a. Front: Twenty-feet (20') from right-of-way (*Exception: The front yard setback may be reduced to five-feet (5') if dwellings are provided side or rear entry garages. To qualify for the reduced setback on a corner lot, side entry garages must be located to the side adjacent to an abutting lot, rather than the street.*)
 - b. Rear: Twenty-feet (20');
 - c. Side: Zero-feet (0'). However, there shall be a minimum fifteen-feet (15') separation between principal dwellings on adjacent lots. Side yards may only be reduced to zero ("zero lot line") when a dwelling has either no side windows, or when the side window sills are located at least sixty-four-inches (64") above the finished floor elevation; and
 - d. Lot Size: No minimum.
14. All grassed areas on dwelling lots shall be sodded with a drought-resistant grass, such as Bermuda or Centipede;
15. Garages, having the ability to store a minimum of two vehicles, shall be required on all dwelling lots;
16. Single story homes shall be a minimum of seventeen-hundred (1,700) square feet. Two story homes shall be a minimum of eighteen-hundred (1,800) square feet;
17. A decorative yard light fixture shall be placed within each front yard. Fixture type shall be approved by the Director of Planning and Development. The fixture type shall be uniform and shall complement the architectural style of the development;
18. Prior to issuance of a Site Development Permit for each phase of the project, if any, the developer shall submit architectural elevations in the form of a "Plan Book" for typical structures for review and approval by the Director of Planning & Development. At a minimum, the "Plan Book" shall include: allowable building elevations; design criteria for entries, porches, doors, windows, dormers, columns, cornices, rakes, garages, roofs, landscaping, fencing, and retaining walls; exterior colors and materials, and other pertinent information. All structures shall be constructed in accordance with the approved "Plan Book." Said "Plan Book" shall become a binding restriction on all structures within the development and may be amended or supplemented only by approval of the Director of Planning & Development;
19. Homes/Buildings shall be constructed of traditional design with brick, stone, masonry hardi-plank horizontal siding, and masonry hardi-plank shakes/shingles. The primary material on the front elevation shall also be used on the side and rear elevations;
20. All corner lots and lots abutting external public streets shall be designated as "High Visibility Lots." High Visibility Lots shall include the following treatments on elevations visible from the public view: Foundation walls shall

be brick or stone to the level of the first floor; Window treatment, such as trim and shutters similar to the front elevation, are required; Landscaping shall be treated similarly to the grass and planting beds in the front of the home; Elevations shall require a similar architectural treatment as the front elevation. The intent of these additional requirements for High Visibility Lots is to continue the architectural theme that is presented on the front elevation of the house to other elevations exposed to frequent public view;

21. Alleys shall be a minimum sixteen-feet (16') wide. Alleys may be constructed of concrete, and/or other material approved by the Director of Planning and Development. Curb/gutter and sidewalks shall not be required on alleys. All alleys shall be owned and maintained by the mandatory Homeowners' Association. The ingress and egress points to the alleys from the public streets shall be enhanced with landscaping and decorative pavers, to be approved by the Director of Planning and Development;
22. All homes with front-loaded garages shall have garage faces with decorative design treatments to minimize their appearances. Garages for homes located on rear alleys shall be located to the rear of the unit and accessed via alley only;
23. A four-foot (4') wide walkway, constructed of concrete or decorative pavers, shall extend from the sidewalk to the steps, stoop, or porch of all homes;
24. Porches are required on at least sixty percent (60%) of the homes. Porches shall be a minimum six-feet (6') deep and seventy-two (72) square feet. The material, scale, proportion, and details of the porch shall complement the overall architectural character and style of the home. All porches shall have a minimum roof pitch of 3:12 and a maximum roof pitch of 10:12;
25. All front doors must have either a glass element in the door or sidelights and a transom surrounding it; and
26. Columns on the front elevation or otherwise visible from the public view shall have a minimum two-foot (2') base constructed of brick or stone to match the front elevation.

SECTION 9.17 RVO, RESIDENTIAL VILLAGE OVERLAY DISTRICT.**A. PURPOSES, APPLICABILITY AND DEFINITIONS:**

1. **TITLE:** These regulations shall officially be known, cited, and referred to as the Residential Village Overlay District of the City of Snellville, Georgia (hereinafter “ordinance”).
2. **PURPOSES AND BENEFITS:** This ordinance is adopted for the following purposes:
 - a. To create a distinct physical settlement surrounded by protected conservation space used for agricultural, silvicultural, recreational, and environmental protection purposes;
 - b. To develop a settlement of modest size and scale that accommodates and promotes pedestrian travel rather than motor vehicle trips;
 - c. To promote design that results in residential homes fronting on, and aligned with, streets;
 - d. To encourage the inclusion of a diversity of household types, age groups, and income levels in the City of Snellville;
 - e. To promote traditional village building and site development patterns with an interconnected and generally rectilinear pattern of streets, alleys, and blocks, providing for a balanced mix of pedestrians and automobiles;
 - f. To encourage creation of a functionally diverse, but visually unified, community focused on a central square;
 - g. To promote use of neighborhood greens, landscaped streets, boulevards, parkways, and “single-loaded” streets woven into street and block patterns in order to provide neighborhood identity and space for social activity, parks, and visual enjoyment; and
 - h. To preserve conservation land, scenic vistas, agricultural lands, and natural areas.
3. **APPLICABILITY AND COMPLIANCE:** The residential village standards may apply to any parcel of fifteen (15) acres or more. The overall development density for the parent parcel is the same as would be allowed for a conventional subdivision in the existing zoning district, except for those residential villages which qualify for a density bonus. The provisions of this ordinance shall apply to residential development within the following districts established in the City of Snellville Zoning Ordinance, as of the effective date of this ordinance: RS-180 and RS-150 (Single Family Residential Districts); The use of the Residential Village Overlay district regulations shall be considered a rezoning and said action shall comply with Article 15 of the Zoning Ordinance.

Any conditions of zoning or special use approval of the underlying district and/or parcel shall also be observed (exception: lot area, width or quantity). The applicant shall comply with all other provisions of the zoning code and all other applicable laws. Whenever the requirements of the Village Residential Overlay district impose a more or less restrictive standard than the provisions of the underlying zoning district stated elsewhere in the Zoning Ordinance, the requirements of the overlay district shall govern. The Director of Planning and Development shall have the authority to approve alternate methods of compliance with the provisions of this ordinance when he/she determines the overall intent of the article and/or specific

guidelines can be met.

For properties which are submitted for rezoning, the applicant shall declare the intent to utilize this overlay district at the time of application. An Existing Features Site Analysis Plan and a Concept Plan meeting the requirements of this ordinance shall accompany the rezoning application. In the absence of a declaration of intent to use the overlay district with a rezoning application, the overlay district shall not be used on rezoned property for at least two (2) years from the date of the resolution adopting a zoning change or until a new application is filed in compliance with Article 15 of the Zoning Ordinance and the property rezoned for use with the regulations of this ordinance. The overlay district shall not be used on property that has been timber harvested within twenty-four (24) months prior to adoption of a zoning change or approval of a concept plan.

The tract of land to be subdivided may be held in single and separate ownership or in a multiple ownership. If held in a multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.

4. DEFINITIONS:

BASE DENSITY: The maximum number of permitted dwelling units determined by multiplying the Gross Tract Area by the density factor of the underlying zoning district.

BUILD-UP LINE: The height of a building's cornice, which establishes the vertical visual dimension of a building and defines its proportion in relation to the street.

BUILDING-TO-BUILDING DISTANCE: The horizontal distance between the facades of buildings on opposite sides of a street, excluding porches, stoops and projecting eaves.

DEVELOPMENT ENVELOPES: Areas within which grading, lawns, pavement and buildings will be located.

DEVELOPMENT REGULATIONS: The Development Regulations of the City of Snellville

DWELLING, FRONT FAÇADE: The plane of the façade of the building closest to the street right-of-way, excluding stoops, porticos, open colonnades, and open porches.

FLAG LOT: A lot that does not meet the minimum frontage requirements and where access to the public street is by a narrow right-of-way or driveway.

GARAGE, FRONT LOADED: A garage having its vehicular entry door facing the street.

GARAGE, SIDE LOADED: A garage having its vehicular entry door facing the side yard.

GARAGE, REAR LOADED: A garage having its vehicular entry door facing an alley or rear lane.

GREENWAY LAND: A given percentage of Gross Tract Area. Greenway land consists of open space, as defined by Section 5.8 of the Development Regulations.

GROSS TRACT AREA: The total area of a parcel including the area of perimeter street rights-of-way to the centerline of the street.

HOMEOWNER'S ASSOCIATION (HOA): A community association incorporated or not incorporated, combining individual home ownership with shared use or ownership of common property or facilities.

NON-COMON OWNERSHIP: That part of the Greenway Land now owned jointly by the residents of a community association.

NON-PROFIT CONSERVATION ORGANIZATION: Any non-profit charitable corporation, charitable association or charitable trust (such as a land trust), the purposes or powers of which include retaining or protecting the natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property. The organization shall be a third party "qualified organization" recognized by Federal Treasury Regulation Section 1.170A-14(c)(1). Qualified organizations recognized by this Treasury Regulation include, but may not be limited to: governmental entities, certain publicly supported charities, local and national land trusts, or other conservation groups that are organized or operated primarily or substantially for one of the conservation purposes specified in the Internal Revenue Code. Governmental entities qualifying to be named in covenants under O.C.G.A. §44-5-60 or to receive conservation easements under the Treasury Regulation referred to above for purposes of this ordinance shall include the Federal government, the State of Georgia, Gwinnett County, or political subdivisions or authorities of the State of Georgia or Gwinnett County.

OPEN SPACE: Land preserved in perpetuity in compliance with Section 5.8 of the Development Regulations.

PARENT PARCEL: The existing parcel of record, as identified by individual tax parcel numbers, as of the effective date of this ordinance.

PLANNING AND DEVELOPMENT DEPARTMENT: The Planning and Development Department of the City of Snellville.

SUB-DIVIDER: Any person, corporation, partnership, association, individual, firm, trust or agent dividing or proposing to divide land resulting in a conservation subdivision.

TERMINAL VISTA: The building or landscape element that is visible at the end of a street, or along the outside edge of a curve, where the view is focused or ends.

B. VILLAGE AREAS AND USES:

1. Standards Applicable to Village as a Whole:
 - a. All villages shall contain both a Village Residential Area and a Village Greenway; and
 - b. A minimum of forty-percent (40%) of the Gross Tract Area shall be permanently protected as open space for a Village Greenway, in compliance with Section 5.8 of the Development Regulations.
2. Village Residential Area:
 - a. Uses Permitted in the Village Residential Area. The following uses are permitted:
 1. Single-family detached dwellings;
 2. Accessory units that are architecturally integrated with the primary structure;
 3. Home occupations; and
 4. Uses accessory to residential uses.
3. Village Greenway Area:
 - a. Purpose. The Village Greenway Area consists of all the open space required in the Village. Greenway Land shall consist of Primary Conservation Areas and Secondary Conservation Areas. At least fifteen-percent (15%) of the minimum required Greenway Land shall consist of multiple greens, commons, squares, or parks.
 - b. Uses Permitted in the Village Greenway Area. Village Greenway uses shall comply with the permitted and prohibited uses of open space, as defined by Section 5.8 of the Development Regulations.

C. APPLICATION PROCEDURES:

1. Existing Features Site Analysis Plan: Upon submittal of a rezoning application or concept plan, an Existing Features Site Analysis Plan shall be included. Mapping for the initial application can be done in any combination of features as long as individual map components can be distinguished and the relationship between map components can be determined. The Existing Features Site Analysis Plan shall be prepared and sealed by a registered engineer or landscape architect.
 - A. The purposes of the Existing Features Site Analysis Plan are:
 1. Delineation of areas that have been identified as worthy of permanent protection because of their environmental values. This delineation shall include, but is not limited to, the information and steps listed in this ordinance;
 2. Set forth the particulars of the site, including boundary, topographic data, existing structures and utility easements; and
 3. Provide the starting point for design of the residential village with built areas being designed as separate from the areas delineated as worthy of permanent protection.
 - B. The Existing Features Site Analysis Plan shall include an inventory and mapping of existing resources, mapped at a scale of no less than one-inch (1") equals fifty-feet (50') (1":50'). The following components shall be included in the Existing Features Site Analysis Plan, at a minimum:

1. U.S.G.S. perennial and intermittent streams, FEMA designated One-Hundred-Year (100-yr) Flood Hazard Zones and Wetlands. The source of this information shall also be indicated;
2. Identification of tree lines, native woodlands, open fields or meadows, peaks or rock outcroppings, and prime agricultural land;
3. Delineation of tree resource areas by type such as hardwoods, pines or mixed; and old or new growth. The inventory shall include individual trees with a caliper of twelve-inches (12") or greater, as measured at the diameter breast height (DBH) and comments on the health and condition of the vegetation;
4. Delineation of steep slope areas (thirty-five-percent (35%) or greater). The designer shall endeavor to preserve slopes greater than forty-percent (40%);
5. Identification and brief description of historical, archeological, or other significant features, structures, and/or landscapes and burial sites;
6. Identification of scenic vistas. This shall include views of the site, including views onto the site from surrounding roads, public areas and elevated areas, including photographs with a map indicating the location where the photographs were taken;
7. Identification of Conservation Space, Open Space or common areas adjacent to the project;
8. Identification of protected plant species as listed by the Georgia Department of Natural Resources, to be certified by a registered/certified landscape architect, forester, arborist, biologist, botanist or horticulturist;
9. Certification that timber-harvesting activity has not occurred on the property in the previous twenty-four (24) months prior to the submittal of a rezoning application or the submittal of a Concept Plan. This certification shall be prepared and sealed by a Certified Arborist or Registered Landscape Architect;
10. Topographic contours at two-foot (2') intervals;
11. United States Department of Agriculture, Natural Resource Conservation Service soil type locations and identification of soil type characteristics such as agricultural capability, depth to bedrock and water table, and suitability for wastewater disposal systems. Type and stability of bedrock should also be noted, particularly in karst areas and areas with high potential for groundwater contamination due to fractured bedrock or the presence of arsenic and mercury;
12. Hydrologic characteristics, including surface water bodies, floodplains, groundwater recharge and discharge areas, wetlands, natural swales, drainage ways, and steep slopes;
13. Land cover on the site, according to general cover type (pasture, woodland, etc.);
14. Current and past land use, all buildings and structures on the land, cultivated areas, brownfields, waste sites, and history of waste disposal practices, paved areas, and all encumbrances, such as easements or covenants;
15. Known critical habitat areas for rare, threatened or endangered species; and
16. Unique geological resources, such as rock outcrops and glacial features.

D. CONCEPT PLAN:

1. Using the inventory provided in the Existing Features Site Analysis Plan and applying

the performance standards specified in this ordinance, the applicant shall submit a concept plan including at least the following information at a scale of no less than one-inch (1") equals fifty-feet (50') (1":50'):

- a. Open space/greenway areas indicating which areas are to remain undeveloped, improved, and trail location;
- b. Boundaries of areas to be developed and proposed general street and lot layout;
- c. Number and type (i.e., single-family, multi-family) of housing units proposed;
- d. Proposed methods for and location of water supply, stormwater management (e.g., best management practices), and sewage treatment;
- e. Inventory of preserved and disturbed natural features and prominent views;
- f. Preliminary development envelopes showing areas for lawns, pavement, buildings, and grading;
- g. Proposed methods for ownership and management of greenway land; and
- h. General location map: The applicant shall submit a map showing the general outlines of existing buildings, land use, and natural features such as water bodies or wooded areas, roads and property boundaries within five-hundred-feet (500') of the tract. This information may be presented on an aerial photograph at a scale of no less than one-inch (1") equals four-hundred-feet (400') (1":400').

E. REVIEW OF CONCEPT PLAN/REZONING SITE PLAN:

1. At time of development, a Concept Plan shall be submitted by the developer for review and approval in accordance with the requirements and procedures of the Development Regulations. The concept plan shall include the following information:
 - a. Delineation and specifications of greenway land, including calculations and exclusions and any "Pocket Parks," "Neighborhood Greens," play areas, or trail system to be constructed. Greenway land must comply with Section 5.8 of the Development Regulations;
 - b. A typical detail on the plan indicating dwelling size, lot width, building setback lines, off-street parking, street trees, sidewalks, and street pavement and right-of-way width;
 - c. Area and percent of floodplain specifications in tabular form; and
 - d. Density calculations, including any bonuses.
2. Upon filing of a complete initial application, the Planning and Development Department staff shall review the application and concept plan. Staff from appropriate state and/or county agencies may also be requested by the City of Snellville to review the application. The Planning and Development Department shall make the determination of whether the initial application is complete. The Planning and Development Department staff may also schedule a visit to the site with the sub-divider to review the existing features of the site and the concept plan. Upon review and completion of site visit, if any, the Planning and Development Department staff shall issue comments to the sub-divider to be addressed in the Preliminary Plat.

F. PRELIMINARY PLAT REVIEW AND APPROVAL PROCEDURES:

- I. Following review and comment of the concept plan by the Planning and Development Department on the initial application, the subdivider or subdivider’s agent may file an application for review and approval of a preliminary plat, in compliance with the City of Snellville Development Regulations, with the Planning and Development Department.

G. DENSITY AND OPEN SPACE DETERMINATION:

- a. Density Determination. Determination of the maximum number of permitted dwelling units shall be based on the Gross Tract Area of the site.

- I. Base Density. Base density shall equal the Gross Tract Area times the density factor. The density factor is the density of the underlying zoning district expressed as dwelling units per acre and is as follows:

RS-180 Zoning District: 1.45 units per acre
 RS-150 Zoning District: 2.90 units per acre

FORMULA: Base Density = Gross Tract Area x Density Factor

Gross Tract Area	=	_____	acres
Density Factor	x	_____	
Base Density	=	_____	dwelling units

- 2. Standard Residential Density Bonus for Village Development: This bonus is provided to encourage applicants to select the village design option. Compliance with all open space, Greenway Land and development standards in this article and in the Development Regulations is required. To determine the residential density bonus for village design, base density shall be multiplied by 1.5.

FORMULA: Village Density Bonus = Base Density x 1.5

- 3. Additional Residential Density Bonuses to Further Certain Public Objectives. Village residential density may be further increased beyond base density and the standard residential density bonus when certain public objectives pertaining to public land dedication, and conservation land endowments are achieved. Each standard provides a density bonus of five-percent (5%) in addition to the base density, unless otherwise specified. The maximum bonus permitted is twenty-percent (20%) of the base development yield.

- b. Public Use of Greenway Land. A density increase may be granted at the discretion of the Mayor and Council where the proposal provides for the dedication of Greenway Land for public use, such as active and passive recreation areas, in accordance with the following standards:

- I. The increase in density shall be computed on the basis of one (1) dwelling unit per five (5) acres of natural resource land including, but not limited to:

- woodlands, pastures, conservation meadows, farm fields, or per half-mile of trail that becomes publicly accessible. The density shall not exceed ten-percent (10%) increase over the base density; and
2. The decision whether to accept an applicant's offer to dedicate land to public usage within a proposed village development shall be at the discretion of the Mayor and Council, which shall be guided by the recommendations contained in the Comprehensive Plan.
- c. Endowment for Greenway Land Maintenance: A density increase may be granted at the discretion of the Mayor and Council when the applicant provides a donation to the Greenway Land Maintenance Endowment Fund for maintenance of the lands to be conserved within the subdivision. This fund shall be transferred by the developer to the designated entity with ownership and maintenance responsibilities, i.e. a land trust, a non-profit conservation organization, or other public entity, as approved in accordance with this ordinance. The purpose of this donation is to generate additional income for the recipient for the sole purpose of endowing a permanent fund to offset continuing costs of maintaining the Greenway Land, including costs associated with active or passive recreation facilities. Spending from this fund shall be restricted to expenditure of interest so that the principal may be preserved. The estimate of maintenance costs shall be prepared by an agency, firm, or organization acceptable to the City of Snellville, and with experience in managing Greenway Land and recreational facilities. The amount of the donation shall be no less than thirty (30) times the estimated annual maintenance costs. The density bonus shall not exceed a maximum ten-percent (10%) increase over the base density.
 - d. Preservation of additional open space (50% of the gross tract area of more): A density bonus shall be granted for those developments that preserve at least fifty-percent (50%) of the gross tract area. The density bonus shall not exceed a maximum fifteen-percent (15%) increase over the base density.
 - e. Implementation: For each of the public purposes described above, dwellings resulting from density bonuses may be accommodated by reducing the amount of required Greenway Land acreage by up to ten-percent (10%) (bonus strategy "c" excluded), reducing the minimum lot size/setback requirements by up to twenty-percent (20%), or by a combination of these approaches, provided that the Mayor and Council are satisfied that the public purpose objectives are being achieved.

H. AREA AND DIMENSIONAL STANDARDS:

- I. Each lot shall meet the following dimensional standards:
 - a. Area: No minimum;
 - b. Width, right-of-way line: Twenty-feet (20') at the right-of-way line. Lots shall have frontage on a street or rear lane/alley. Dwellings served by a rear lane/alley may front directly onto parks or greens, with no minimum front street width requirement;
 - c. Width, building line: Thirty-Five-feet (35'). Exception: Exterior lots abutting residential property shall meet the lot width (for the entire depth of the lot) and the rear setback of the underlying, adjacent zoning district;

- d. Front Yard Setback from right-of-way, Minimum: Twelve-feet (12') for the principal dwelling, excluding the porch;
 - e. Front Yard Setback from right-of-way, Maximum: Twenty-feet (20');
 - f. Side Yard Setback: Zero-feet (0'). However, there shall be a minimum fifteen-feet (15') separation between principal dwellings on adjacent lots. Side yards may only be reduced to zero ("zero lot line") when a dwelling has either no side windows, or when the side window sills are located at least sixty-four-inches (64") above the finished floor elevation;
 - g. Rear Yard Setback: twenty-feet (20'). Exception: Exterior lots abutting residential property shall meet the lot width (for the entire depth of the lot) and the rear setback of the underlying, adjacent zoning district;
 - h. Porches shall meet the following minimum front yard setbacks:
 1. Open front porch and steps: Six-feet (6');
 2. Screened front porch: Ten-feet (10'); and
 3. Front porch enclosed by windows: Twelve-feet (12').
 - i. Garages shall meet the following minimum front yard or rear lane/alley setbacks, where appropriate:
 1. Attached, side-loading garage: Twelve-feet (12'). On a corner lot, side entry garages must be located to the side adjacent to an abutting lot, rather than the street;
 2. Attached, front-loading garage: Ten-feet (10') behind the plane of the front façade of the principal building; and
 3. Detached garage: Forty-feet (40').
2. Greens, Commons, Squares and Parks shall meet the following standards:
 - a. At least fifteen-percent (15%) of the minimum required Greenway Land shall consist of multiple greens, commons, squares or parks; and
 - b. Active recreation facilities located in greens, commons, squares or parks shall be set back a minimum of one-hundred-feet (100') from adjoining residential lot lines.
- I. STANDARDS APPLICABLE TO ALL VILLAGE AREAS:
1. Area contained within a lot shall be exclusive of 100-year floodplains, wetlands and slopes exceeding thirty-five (35%);
 2. Flag lots shall have at least twenty-feet (20') of frontage on a street. No more than two contiguous flag lots shall be created, and flag lots shall not comprise more than ten-percent (10%) of all lots within a village. The "pole" end of such lots shall not exceed one-hundred-fifty-feet (150') in length measured to the street right-of-way; and
 3. Building height shall be between 1.5 and 2.5 stories above grade at the front elevation, with a maximum height of thirty-five-feet (35'), except as provided below:
 - a. The height limitations of this ordinance shall not apply to chimneys, spires, gables, cupolas, etc.

J. DESIGN STANDARDS FOR VILLAGE DEVELOPMENT AND GREENWAY AREAS:

1. Overall Form: New village development shall be generally compact with a well-defined edge between new developed areas of the village and adjacent rural, undeveloped lands, and when extending the geographical boundaries of an existing village. This shall not apply in the case of infill parcels within an existing village. Areas of new construction shall be located to best preserve natural resources, cultural features, and scenic vistas. Modification of existing topography shall be minimized to the greatest extent possible.
2. Block Design:
 - a. Villages shall be designed in a generally rectilinear pattern of blocks and interconnecting streets and rear lanes, defined by buildings, landscaping, pedestrian ways, sidewalks and street furniture. Cul-de-sacs shall be avoided, wherever possible. To avoid the monotony of a rigid grid layout and to better conform to the natural terrain, streets may include frequent gentle curves;
 - b. Neighborhood streets may take the form of a two-way street, a pair of one-way streets on either side of a landscaped median, or a one-way loop street around a small neighborhood green. Streets shall be developed in accordance with the Development Regulations;
 - c. The maximum length of a block shall be five-hundred-feet (500'). This length may be extended up to eight-hundred-feet (800') when mid-block footpaths are provided to connect to other streets;
 - d. Where cul-de-sacs and/or loop roads must be used, a minimum five-foot (5') wide concrete path shall be provided to connect with other nearby streets;
 - e. Where cul-de-sacs must be used, a planter island shall be incorporated at the center of the terminus. The planter island shall have a minimum inside radius of forty-feet (40') and shall be reinforced with a mountable rolled curb, at a minimum;
 - f. Rectilinear blocks of the dimensions required above may be reshaped at the discretion of the Director of Planning and Development when topography, existing vegetation, or hydrology considerations influence block shape and size;
 - g. Traffic calming techniques shall include "T" intersections, traffic islands, circles, loops or crescents, and/or roundabouts. Speed bumps shall be prohibited; and
 - h. At least twenty-five-percent (25%) of local access streets shall terminate in "T" intersections. The distance between "T" intersections shall not exceed three blocks or fifteen-hundred-linear feet (1,500'), which ever is less. "T" intersections shall meet the offset requirements from other intersections set forth in the Development Regulations.

K. DESIGN STANDARDS FOR GREENWAY LAND:

1. Greenway Land shall be delineated in accordance with the standards in Section 5.8 of the Development Regulations and additional design considerations.
2. Greenway Land shall consist of two types:
 - a. Natural Greenway Land consists of, but is not limited to: meadows, woodlands, large specimen trees, hedgerows, wetlands, floodplain and steep slopes; and
 - b. Formal Greenway Land consists of: greens, commons, squares and parks that

are defined by building walls, streets and street trees.

3. Greens, Commons, Squares and Parks
 - a. Greens, commons, squares, and parks shall serve a variety of outdoor leisure and assembly needs of village residents and enhance the form and appearance of the village;
 - b. Greens, commons, squares, and parks shall be distributed throughout the village, dispersed throughout the village in such a way that no lot is more than twelve-hundred-fifty-feet (1,250') from a green, common or square. No green, commons and/or square shall be less than eight-thousand (8,000) square feet in size;
 - c. All greens shall be planted with shade trees along their edges, at intervals not greater than fifty-feet (50');
 - d. The views of greens, commons and squares shall be maximized by locating Greenway Land in "terminal vista" locations as often as possible, such as the ends of streets at three-way intersections, and/or along the outer edges of curving streets;
 - e. Public benches of a design and color approved by the Director of Planning and Development shall be provided on each block; and in greens, commons, squares, and parks, at a rate of one bench per five-thousand (5,000) square feet;
 - f. At least one bicycle rack shall be provided in each green, common, square or park; and
 - g. A pathway system connecting greenway/open space areas accessible to neighborhood residents, and connecting these areas to neighborhood streets and sidewalks shall be constructed.

L. ARCHITECTURAL DESIGN STANDARDS:

1. Prior to issuance of a Site Development Permit for each phase of the project, if any, the developer shall submit architectural elevations in the form of a "Plan Book" for typical structures for review and approval by the Director of Planning & Development. At a minimum, the "Plan Book" shall include: allowable building elevations; design criteria for entries, porches, doors, windows, dormers, columns, cornices, rakes, garages, roofs, landscaping, fencing, and retaining walls; exterior colors and materials, and other pertinent information. All structures shall be constructed in accordance with the approved "Plan Book." Said "Plan Book" shall become a binding restriction on all structures within the development and may be amended or supplemented only by approval of the Director of Planning & Development.
2. Homes/Buildings shall be constructed of traditional design with brick, stone, masonry hardi-plank horizontal siding, and masonry hardi-plank shakes/shingles. The primary material on the front elevation shall also be used on the side and rear elevations.
3. All corner lots and lots abutting external public streets shall be designated as "High Visibility Lots." High Visibility Lots shall include the following treatments on elevations visible from the public view: Foundation walls shall be brick or stone to the level of the first floor; Window treatment, such as trim and shutters similar to

the front elevation, are required; Landscaping shall be treated similarly to the grass and planting beds in the front of the home; Elevations shall require a similar architectural treatment as the front elevation. The intent of these additional requirements for High Visibility Lots is to continue the architectural theme that is presented on the front elevation of the house to other elevations exposed to frequent public view.

4. Alleys shall be a minimum sixteen-feet (16') wide. Alleys may be constructed of concrete, and/or other material approved by the Director of Planning and Development. Curb/gutter and sidewalks shall not be required on alleys. All alleys shall be owned and maintained by the mandatory Homeowners' Association. The ingress and egress points to the alleys from the public streets shall be enhanced with landscaping and decorative pavers, to be approved by the Director of Planning and Development.
5. All homes with front-loaded garages shall have garage faces with decorative design treatments to minimize their appearances. Garages for homes located on rear alleys shall be located to the rear of the unit and accessed via alley only.
6. A four-foot (4') wide walkway, constructed of concrete or decorative pavers, shall extend from the sidewalk to the steps, stoop, or porch of all homes.
7. Porches are required on all homes. Porches shall be a minimum six-feet (6') deep and seventy-two (72) square feet. The material, scale, proportion, and details of the porch shall complement the overall architectural character and style of the home. All porches shall have a minimum roof pitch of 3:12 and a maximum roof pitch of 10:12.
8. All front doors must have either a glass element in the door or sidelights and a transom surrounding it.
9. Columns on the front elevation or otherwise visible from the public view shall have a minimum two-foot (2') base constructed of brick or stone to match the front elevation.
10. Chimneys located on an exterior elevation of the dwelling must extend to the ground and be clad in masonry or same as adjacent materials.
11. All grassed areas on dwelling lots shall be sodded with a drought-resistant grass, such as Bermuda or Centipede.
12. Single story homes shall be a minimum of seventeen-hundred (1,700) square feet. Two story homes shall be a minimum of eighteen-hundred (1,800) square feet.
13. Garages, having the ability to store a minimum of two vehicles, shall be required on all dwelling lots.
14. A decorative yard light fixture shall be placed within each front yard. Fixture type shall be approved by the Director of Planning and Development. The fixture type shall be uniform and shall complement the architectural style of the development.

SECTION 9.18 R-HOP, HOUSING FOR OLDER PERSONS.

PURPOSE: These districts are designed to serve the housing needs of adults who are 55 years of age or older. It is recommended that these districts be located in areas that facilitate pedestrian access to nearby commercial goods and services, and/or amenities/cultural facilities. These areas are intended to function as communities with parks and open spaces. At least 80% of the occupied units shall be occupied by at least one person who is 55 years of age or older. The other 20% is not intended as a set aside for younger residents and efforts should be made to minimize the number of units that do not meet this requirement. A rezoning to the R-HOP classification will not serve as a precedent for medium-density zoning in an otherwise low-density residential area.

The following design standards shall apply to all R-HOP districts:

SITE AND ARCHITECTURAL DESIGN STANDARDS:

- A. A landscape strip(s) shall be provided on the property. The landscape strip may incorporate natural vegetation and shall be supplemented with a minimum of one of the following: 1) a landscaped berm (minimum of four-feet (4') as measured from the elevation of the public right-of-way, 2) wrought-iron style fence with brick or stone columns (30 feet on-center), or 3) a decorative brick wall. Alternate decorative fence materials may be utilized, subject to review and approval of the Director. Plantings shall comply with Article XX of the Zoning Ordinance;
- B. Street trees shall be planted in the right-of-way, in accordance with the details provided in Appendix XX-A. Street trees shall be planted no further than fifty-feet (50') apart and no closer than twenty-five feet (25') from street intersections. The City Arborist may approve alternate spacing when the fifty-foot (50') spacing requirement cannot be met due to driveways and other improvements. All street trees must comply with requirements listed in section 20.6 of the City of Snellville's zoning ordinance;
- C. All grassed areas shall be sodded;
- D. Homes/Buildings shall be constructed of traditional design with brick, stone, masonry horizontal siding, and masonry shakes/shingles. Brick and/or stone shall constitute no less than seventy percent (70%) of the materials used, with accents of masonry siding or shakes/shingles for each building elevation;
- E. All dwellings shall contain single-car garages, at a minimum, which may be attached or detached. All units with front-loaded garages shall have garage faces with decorative design treatments to enhance their appearances, i.e. carriage-style doors, window inserts, etc.;
- F. Provide five-foot (5') wide sidewalks and street trees adjacent to both sides of interior streets or private driveways;
- G. A paved five-foot (5') wide pathway/sidewalk system shall be constructed which connects outdoor amenities/recreation areas, homes, clubhouse, and other amenities;
- H. A four-foot (4') wide walkway, constructed of concrete or decorative pavers, shall extend from the sidewalk to the steps, stoop, or porch of all homes;
- I. There shall be no open space requirement for developments in the R-HOP districts; and
- J. Street lights within the subdivision shall be located seventy-five feet (75') apart on average.

BUILDING DESIGN STANDARDS:

- A. All dwellings shall incorporate accessibility standards which shall include the following:
 - 1) A step-free feature to at least one entrance of the unit;
 - 2) 36-inch wide, clear passage doorways throughout the unit;
 - 3) Wheelchair, step-free access to the following areas, at a minimum: kitchen; dining area; entertainment area (e.g., living room/den, great room, etc.); at least one bedroom; at least one full bathroom; and laundry room with washer/dryer connection; and
 - 4) The installation of full sheets of ¾" plywood, blocking and/or its equivalent in all bathrooms to allow for future installation, if necessary, of grab bars.

MANDATORY HOMEOWNER'S ASSOCIATION REQUIRED:

A mandatory homeowners association shall be incorporated for all R-HOP districts which provides for building and grounds maintenance and repair, insurance and working capital. Said association shall publish and adhere to policies and procedures that demonstrate that the community is intended to provide housing for persons 55 years of age and older including maintaining surveys or affidavits verifying compliance with 55 years of age and older occupancy requirements as permitted by 42 U.S.C. Section 3607, (b)(2)(c) of the Federal Fair Housing Act and implementing regulations. Said association shall provide an affirmative declaration to be governed by the "Georgia Property Owners' Association Act" (POA) and the applicable provisions of O.C.G.A. §44-3-220 Et. Seq. Said association shall also include declarations and bylaws including rules and regulations, which shall at a minimum, regulate and control the following:

- A. Restriction on homes being occupied, with at least 80% of the occupied units occupied by at least one resident who is age 55 years of age or older;
- B. Restrictions on persons under 18 years of age permanently residing in the community. Permanently residing in the community shall mean longer than 90 consecutive days in any 180 day period or establishing residency as defined by state or local law. However, the HOA shall provide for a hardship provision allowing for an owner/occupant to house and care for a child less than 18 years of age in situations where the owner/occupant assumes responsibility for caring for the child due to urgent circumstances stemming from actions not under the owner/occupant's control. The association may, but is not required to, allow for hardship exceptions to this requirement;
- C. Restrictions on single-family residential use only and leasing of units. Except in CCRC units, no more than 10% of the total units may be leased by individual owners at any one time;
- D. Except for a central amenity package, prohibit playground equipment, trampolines or like fixtures;
- E. The HOA shall also provide that the covenants automatically renew at the end of the 20 year term, unless 100% of the owners at that time vote that the covenants should not renew; and
- F. The HOA and/or community management association for the HOA shall give written notice to any grantee of the restrictions covered in this zoning at or before any sale or transfer of any property.

COVENANTS AND RESTRICTIONS:

Legally binding covenants and/or deed restrictions that run with the land shall apply to all R-HOP housing units that will bind the applicant, any assignee, mortgagee, or buyer, and all other parties that receive title to the property. The grantor must state in any deed or instrument conveying title to an R-HOP housing unit, that the property conveyed is intended to be housing for older persons and is subject to the restrictions contained in this Section. No covenant referencing any of the regulations or restrictions herein for a housing for older persons housing unit shall be recorded until and unless said covenant contains restrictions approved by the Director of Planning and Development that are consistent with the requirements of this Section. Such review and response shall be completed within thirty (30) calendar days following date of submission of such documents to the Director of Planning and Development.

CONCEPT PLAN REVIEW REQUIRED:

All rezoning applications for the R-HOP districts shall be accompanied by a concept plan in compliance with this Article. 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 or his/her designee shall review plans for compliance with concept plan review criteria and the Zoning Ordinance. The recommendations of both the Director of Planning and Development and the Planning Commission shall be transmitted to the Mayor and Council. Through the rezoning process, the Mayor and Council may condition approval of an R-HOP request to a specific concept plan or require an additional future site plan review by the Planning Commission and Mayor and Council.

The following exhibits shall be prepared by registered design professionals, such as planners, engineers, architects or landscape architects, and submitted to the Department of Planning and Development. No application for an R-HOP development 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 (1") equals one-hundred-feet (100') (1" = 100'), including the following information;
 - a. Lot lines and setbacks;
 - b. Topography with contour intervals no greater than four-feet (4');
 - c. Lakes, ponds and floodplains and the sources of floodplain data;
 - d. Stormwater detention areas;
 - e. Recreation facilities and active adult or senior amenities;
 - f. Location of typical off-street parking;
 - g. Color elevations of front, sides, and rear of all typical units, including proposed building material, and any other structures such as recreation buildings;
 - h. Acreage and proposed density;
 - i. Lot sizes (typical dimensions and square footage);
 - j. Amount of common open space in square feet (if applicable); and
 - k. Such other architectural and engineering data as may be required to evaluate the project.

AUTHORITY TO ADOPT ADDITIONAL STANDARDS AND REQUIREMENTS:

Where the provisions of this Article do not provide sufficient specificity in terms of administration, the Director of Planning and Development is hereby authorized to prepare and apply additional standards and qualifications for administering the requirements of this Section. If prepared, said standards and requirements shall be titled "Housing for Older Persons Zoning Implementation Standards and Procedures" and shall be public record. The Director of Planning and Development is required to seek approval by resolution of said administrative procedures and standards by the Mayor and Council.

The Director of Planning and Development shall be responsible for adopting and implementing policies for the monitoring and enforcement of mandatory homeowner's association requirements.

The Director of Planning and Development shall publish and the City shall adhere to policies and procedures that demonstrate that communities in this zoning classification are intended to provide housing for persons 55 years of age and older including maintaining surveys or affidavits verifying compliance with 55 years of age and older occupancy requirements as permitted by 42 U.S.C. Section 3607, (b)(2)(c) of the Federal Fair Housing Act and implementing regulations.

SECTION 9.19 R-HOP(55)-SF: SINGLE-FAMILY DISTRICT.

PURPOSE: This district is intended for single-family detached or attached residences and accessory uses for older persons 55 and over.

PERMITTED USES:

1. Detached single-family homes; and
2. Attached one-story single-family homes.

AREA, DIMENSIONAL, AND DESIGN STANDARDS:

- A. A landscape strip shall be provided on the property as follows:
 - (1) Fifteen-feet (15') adjacent to principal, major arterial, minor arterial and major collectors; and
 - (2) Eight feet (8') adjacent to minor non-residential/residential collector streets.
- B. All dwellings shall have a minimum 1,600 square feet for two bedroom homes, and 1,800 square feet for three or more bedroom homes;
- C. All attached dwellings shall be limited to single story, however, bonus rooms over garages and/or basements shall be allowed; and
- D. Attached homes shall have a maximum of four units per building.

Within the R-HOP(55)-SF District, the following requirements shall be met for **detached** homes:

- A. Maximum density: Five (5) units per acre;
- B. Minimum lot area: 5,000 (Five-thousand) square feet;
- C. Minimum lot width: Fifty feet (50');
- D. Maximum height of building: Thirty-Five feet (35');
- E. Minimum front yard: Twelve feet (12') from right-of-way line, excluding any porches;
- F. Minimum side yard: Five feet (5'), with a minimum of at least fifteen feet (15') between buildings;
- G. Minimum rear yard: Five feet (5'), with a minimum of at least fifteen feet (15') between buildings; and
- H. Any home that abuts a low density residential land use designation shall be set back a minimum of twenty-five feet (25') from said property line.

Within the R-HOP(55)-SF District, the following requirements shall be met for **attached** homes or for developments which contain a combination of attached and detached homes:

- A. Maximum density: Six (6) units per acre;
- B. Minimum Lot Area: No Minimum;
- C. Minimum Lot Width: No Minimum;
- D. External Road Frontage For Overall Development: Fifty feet (50');
- E. Average unit width: Forty feet (40');
- F. Minimum front yard: Twelve feet (12') from right-of-way line, excluding any porches;
- G. Minimum distance between buildings: Fifteen feet (15');
- H. Minimum rear yard: Five feet (5') with a minimum of fifteen feet (15') between buildings; and
- I. A buffer of twenty-five feet (25') shall be maintained and planted per Article X of the Zoning Ordinance where the development abuts a low density residential land use designation.

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SECTION 9.20 R-HOP(55)-V: VILLA DISTRICT.

PURPOSE: This district is intended for low- to mid-rise attached villa homes and accessory uses for older persons 55 and over. This district shall be located only in the Town Center Overlay District.

PERMITTED USES:

- I. Low- to mid-rise attached villa homes in the Town Center Overlay District.

AREA, DIMENSIONAL, AND DESIGN STANDARDS:

- A. These units must be located within the currently zoned Town Center Overlay District;
- B. Maximum density: Eight (8) units per acre;
- C. Maximum Height: Thirty-five feet (35');
- D. Minimum Lot Area: No Minimum;
- E. Minimum Lot Width: No Minimum;
- G. External Road Frontage for Overall Development: Fifty feet (50');
- H. Minimum unit width: No Minimum;
- I. Minimum front yard: Twelve feet (12') from right-of-way line, excluding any porches;
- J. Minimum distance between buildings: Fifteen feet (15');
- K. Minimum rear yard: Five feet (5') with a minimum of fifteen feet (15') between buildings; and
- L. A buffer of twenty-five feet (25') shall be maintained and planted per Article X of the Zoning Ordinance where the developments abut a low density residential land use designation.

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SECTION 9.21 R-HOP(55)-VC: VILLA CLUSTER DISTRICT.

PURPOSE: This district is intended for a mixture of single-story attached or detached homes and low to mid-rise attached villa homes and accessory uses in larger acreage areas for older persons 55 and over. This district shall be located only in the Town Center Overlay District.

PERMITTED USES:

1. Low- to mid-rise attached villa homes;
2. Single-Story attached homes; and
3. Single-Family detached homes.

AREA, DIMENSIONAL, AND DESIGN STANDARDS:

Within the R-HOP(55)-VC District, the following requirements shall be met for **detached** homes:

- A. Maximum density: Five (5) units per acre;
- B. Minimum lot area: Five thousand (5,000) square feet;
- C. Minimum lot width: Fifty feet (50');
- D. Maximum Height of Building: Thirty-Five feet (35');
- E. Minimum front yard: Twelve feet (12') from right-of-way line, excluding any porches;
- F. Minimum side yard: Five feet (5'), with a minimum of fifteen feet (15') between buildings;
- G. Minimum rear yard: Five feet (5'), with a minimum of fifteen feet (15') between buildings; and
- H. Any home that abuts a low density residential land use designation shall be set back a minimum of twenty-five feet (25') from said property line.

Within the R-HOP(55)-VC District, the following requirements shall be met for **attached single-story** homes:

- A. Maximum density: Six (6) units per acre;
- B. Minimum Lot Area: No Minimum;
- C. Minimum Lot Width: No Minimum;
- D. External Road Frontage for Overall Development: Fifty feet (50');
- E. Average unit width: Forty feet (40');
- F. Minimum front yard: Twelve feet (12') from right-of-way line, excluding any porches;
- G. Minimum distance between buildings: Fifteen feet (15');
- H. Minimum rear yard: Five feet (5') with a minimum of fifteen feet (15') between buildings;
- I. A buffer of twenty-five feet (25') shall be maintained and planted per Article X of the Zoning Ordinance where the development abuts a low density residential-land use designation; and
- J. Single story dwellings may have a bonus room over the garage and/or a basement.

Within the R-HOP(55)-VC District, the following requirements shall be met for **attached low-to-mid rise** dwellings:

- A. Maximum density: Eight (8) units per acre;
- B. Maximum Height: Thirty-five feet (35');
- C. Minimum Lot Area: No Minimum;
- D. Minimum Lot Width: No Minimum;
- E. External Road Frontage for Overall Development: Fifty feet (50');
- F. Minimum unit width: No Minimum;

- G. Minimum front yard: Twelve Feet (12') from right-of-way line, excluding any porches;
- H. Minimum distance between buildings: Fifteen feet (15');
- I. Minimum rear yard: Five feet (5') with a minimum of fifteen feet (15') between buildings;
and
- J. A buffer of twenty-five feet (25') shall be maintained and planted per Article X of the Zoning Ordinance where the developments abut a low density residential-land use designation.

SECTION 9.22 R-HOP(62)-CC: CONTINUOUS CARE CAMPUS DISTRICT.

PURPOSE: This district is intended for a mixture of single-story attached homes, detached homes, low-to-mid rise attached villa homes, continuing care retirement communities and accessory uses in larger acreage areas. The R-HOP Continuous Care Campus district is designed to serve the varying housing needs of older persons 62 and over. This district shall be located in areas that facilitate pedestrian access to nearby commercial goods and services, medical services and/or amenities/cultural facilities. These housing units are intended for and shall be solely occupied by persons 62 years of age or older unless one of the exceptions set forth in the implementing regulations applies.

PERMITTED USES:

1. Low- to mid-rise attached villa homes;
2. Single-Story attached homes;
3. Detached homes;
4. Continuing Care Retirement Communities (CCRC)
Within the CCRC the buildings and lots may be used or occupied for the following uses:
 - a. Continuing Care Retirement Community (CCRC);
 - b. CCRC Independent Living Units;
 - c. CCRC Assisted Living Facilities, which may be phased into the development and provided as needed;
 - d. CCRC Skilled Care Nursing Facilities, which may be phased into the development and provided as needed;
 - e. Accessory uses: Accessory Uses within a CCRC shall mean any accessory use necessary for the operation of the facility or for the benefit or convenience of the residents and their guests including, but not limited to: kitchen and dining facilities; restaurants; places of worship; indoor and outdoor recreational buildings and uses; retail and banking facilities; beauty salons and barber shops; gift shops; class rooms; security facilities; conference rooms; social rooms; common areas; guest rooms; medical offices; medical clinic; dialysis center; laboratory services; dental offices; physical therapy and rehabilitation center; wellness center; ambulatory surgery; diagnostic imaging services; postal center; pharmacy; maintenance facilities; craft and music rooms; various craft, health, exercise and vocational activities; classrooms; swimming pools; library and television room; facilities related to the operation of the facility, such as but not limited to, administrative offices, food and record storage areas, property maintenance facilities, radio and satellite dish antennae, adult day care center, non-age restricted day care center for relatives of employees, security operations, off-street parking and heating and cooling equipment structures. Any CCRC Accessory Uses shall be for the primary benefit of the CCRC; and
 - f. Conditional Uses: The following uses may be approved by the Mayor & Council through issuance of a Conditional Use Permit:
 1. Heliport and/or helistop

AREA, DIMENSIONAL, AND DESIGN STANDARDS:

Within the R-HOP(62)-CC District, the following requirements shall be met for **detached** homes:

- A. Maximum density: Five (5) units per acre;
- B. Minimum lot area: Five thousand (5,000) square feet;

- C. Minimum lot width: Fifty feet (50');
- D. Maximum Height of Building: Thirty-Five feet (35');
- E. Minimum front yard: Twelve feet (12') from right-of-way line, excluding any porches;
- F. Minimum side yard: Five feet (5'), with a minimum of fifteen feet (15') between buildings;
- G. Minimum rear yard: Five feet (5'), with a minimum of fifteen feet (15') between buildings; and
- H. Any home that abuts a low density residential land use designation shall be set back a minimum of twenty-five feet (25') from said property line.

Within the R-HOP(62)-CC District, the following requirements shall be met for **attached single-story** homes:

- A. Maximum density: Six (6) units per acre;
- B. Minimum Lot Area: No Minimum;
- C. Minimum Lot Width: No Minimum;
- D. External Road Frontage for Overall Development: Fifty feet (50');
- E. Average unit width: Forty feet (40');
- F. Minimum front yard: Twelve feet (12') from right-of-way line, excluding any porches;
- G. Minimum distance between buildings: Fifteen feet (15');
- H. Minimum rear yard: Five feet (5') with a minimum of fifteen feet (15') between buildings; and
- I. A buffer of twenty-five feet (25') shall be maintained and planted per Article X of the Zoning Ordinance where the developments abut low density residential land use designation.

Within the R-HOP(62)-CC District, the following requirements shall be met for **low- to mid-rise attached** dwellings:

- A. Maximum density: Eight (8) units per acre;
- B. Maximum Height: Thirty-five feet (35');
- C. Minimum Lot Area: No Minimum;
- D. Minimum Lot Width: No Minimum;
- E. External Road Frontage for Overall Development: Fifty feet (50');
- F. Minimum unit width: No Minimum;
- G. Minimum front yard: Twelve feet (12') from right-of-way line, excluding any porches;
- H. Minimum distance between buildings: Fifteen feet (15');
- I. Minimum rear yard: Five feet (5') with a minimum of fifteen feet (15') between buildings; and
- J. A buffer of twenty-five feet (25') shall be maintained and planted per Article X of the Zoning Ordinance where the developments abut low density residential land use designation.

Within the R-HOP(62)-CC District, the following requirements shall be met for **CCRC** dwellings:

- A. **Density:** The number of CCRC Independent Living Units shall not exceed thirty five (35) CCRC Independent Living Units per acre of the developable area. In addition to and in conjunction with the CCRC Independent Living Units, at build-out, the CCRC must also contain a minimum of 0.05 CCRC Assisted Living Units and 0.05 CCRC Skilled Nursing Units for each CCRC Independent Living Unit constructed and may contain up to a maximum of 0.30 CCRC Assisted Living Units an/or 0.30 CCRC Skilled Nursing Units for each CCRC Independent Living Unit constructed. Phasing of the units shall be at the

discretion of the owner or operator of the development and subject to certificate of need regulations within the State of Georgia;

- B. Minimum Distance Between Buildings: Twenty-five feet (25') between principal buildings; and
- C. Height requirements: The maximum height of any building of a CCRC shall be five (5) stories. No building shall be taller than three (3) stories when abutting a residential property unless a buffer of seventy feet (70') is provided per Article X of the Zoning Ordinance.

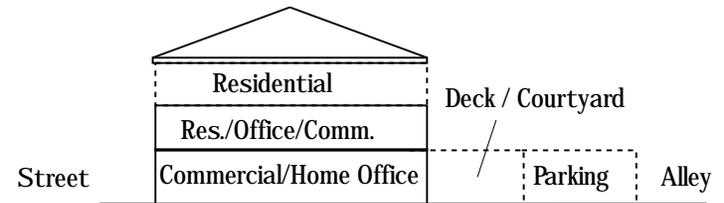
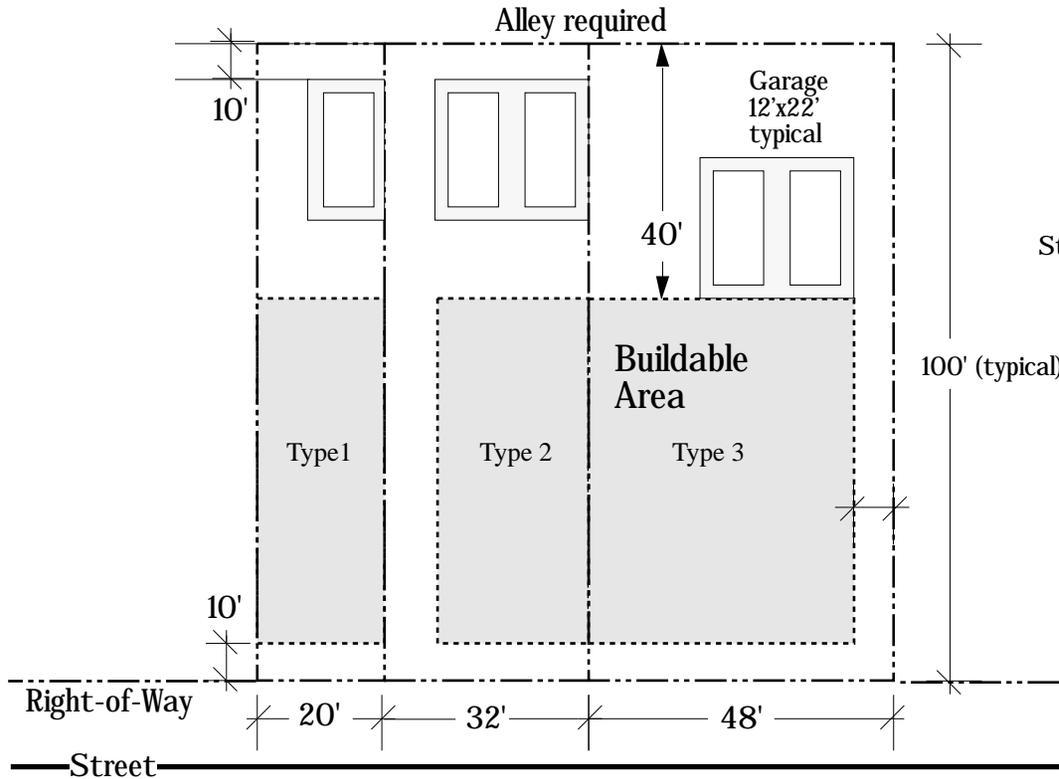
SITE AND ARCHITECTURAL DESIGN STANDARDS:

- A. A fifty-foot (50') wide landscape strip shall be provided along all exterior street frontages and shall be planted in accordance with Article XX of the Zoning Ordinance. The landscape strip may incorporate natural vegetation and shall include a decorative fence/wall and entrance monument. The fence shall be constructed as a solid brick or stacked stone wall, or as a wrought iron-style fence with brick or stacked stone columns (maximum of thirty-foot (30') on-center);
- B. Homes/Buildings shall be constructed of traditional design with brick, stone, masonry horizontal siding, and masonry shakes/shingles. Brick and/or stone shall constitute no less than seventy percent (70%) of the materials used, with accents of masonry siding or shakes/shingles for each building elevation. Brick and or/stone must be used on all facades of all buildings for at least the first two stories, with accents of masonry siding, shakes/shingles, or stucco. On buildings consisting of more than two stories the remaining stories may be composed of brick and/or stone and/or masonry siding with accents of shakes/shingles and/or stucco;
- C. All multi-story dwellings shall have a minimum 850 square feet for one bedroom homes, 1,000 square feet for two bedroom homes, and 1,200 square feet for three or more bedroom homes. All single story dwellings and detached homes shall have a minimum of 1,200 square feet for two bedroom homes, and 1,400 square feet for three or more bedroom homes;
- D. Off-street parking shall be provided in accordance of Article XI of the Zoning Ordinance;
- E. At build out there may be no more than seventy-five percent (75%) of the acreage of a subject property developed for a single use permitted hereunder;
- F. Single story dwellings may have a bonus room over the garage and/or a basement; and
- G. This zoning will only be permitted on tracts of land which are twenty acres or larger and must have access onto a principal arterial, major arterial, minor arterial or major collector road and in close proximity to major medical facilities.

SECTION / ARTICLE	DESCRIPTION	AMENDMENT DATE
Section 9.7	OI, Office/Institutional (amended)	03/25/1995
Section 9.2	Uses Common to All Residential Districts (amended)	04/17/1995
Section 9.2	Uses Common to All Residential Districts (amended)	09/15/1997
Section 9.10	BG, General Business District (amended)	09/15/1997
Section 9.7	OI, Office/institutional District (amended)	09/20/1999
Section 9.10	BG, General Business District (amended)	02/21/2000
Section 9.5A	PRC, Planned Residential Conservation District (adopted)	04/24/2000
Section 9.9	BN, Neighborhood Business District (amended)	08/28/2000
Section 9.10	BG, General Business District (amended)	08/28/2000
Section 9.2	Uses Common to All Residential Districts (amended)	03/26/2001
Section 9.13	FH, Flood Hazard District (amended)	03/26/2001
Section 9.3	RS-180, Single-family Residence District (amended)	06/11/2001
Section 9.4	RS-150, Single-Family Residence District (amended)	06/11/2001
ARTICLE IX	DELETED AND REPLACED TO ADOPT AMENDMENTS	11/26/2001
Section 9.10	BG, General Business District (amended)	02/25/2002
Section 9.11	HSB, Highway Service Business District (amended)	02/25/2002
Section 9.14	TC, Town Center Overlay District (amended)	02/25/2002
Section 9.9	BN, Neighborhood Business District (amended)	06/24/2002
Section 9.10	BG, General Business District (amended)	06/24/2002
ARTICLE IX	DELETED AND REPLACED TO ADOPT AMENDMENTS	02/24/2003
Section 9.15	CO, Corridor Overlay District (adopted)	03/22/2004
Section 9.10	BG, General Business District (deleted and replaced)	07/26/2004
Section 9.15	CO, Corridor Overlay District (deleted and replaced)	04/25/2005
Section 9.16	CSO, Conservation Subdivision Overlay District (adopted)	05/23/2005
Section 9.17	RVO, Residential Village Overlay District (adopted)	05/23/2005
Section 9.5A	PRC, Planned Residential Conservation District (made inactive)	05/23/2005
Section 9.2	Uses Common to All Residential Districts (amended)	10/24/2005
Section 9.5	RG-75, General Residence District (amended)	10/24/2005
Section 9.6	RM, General Residence District (amended)	10/24/2005
Section 9.5B	R-TH, Single-Family Residential Townhome District (adopted)	10/24/2005
Section 9.9	BN, Neighborhood Business District (amended)	10/24/2005
Section 9.18	R-HOP, Housing for Older Persons (adopted)	01/22/2007
Section 9.19	R-HOP(55)-SF, Single-Family Housing for Older Persons District (adopted)	01/22/2007
Section 9.20	R-HOP(55)-V, Villa Housing for Older Persons District (adopted)	01/22/2007
Section 9.21	R-HOP(55)-VC, Villa Cluster Housing for Older Persons District (adopted)	01/22/2007
Section 9.22	R-HOP(62)-CC, Continuous Care Campus Housing for Older Persons District (adopted)	01/22/2007
Section 9.18	R-HOP, Housing for Older Persons (amended)	07/23/2007
Section 9.9	BN, Neighborhood Business District (amended)	10/08/2007
Section 9.10	BG, General Business District (amended)	10/08/2007
Section 9.11	HSB, Highway Service Business District (amended)	10/08/2007
Section 9.2	Uses Common to All Residential Districts (amended)	05/12/2008
Section 9.7	CI, Civic Institutional District (amended)	05/12/2008
Section 9.9	BN, Neighborhood Business District (amended)	05/12/2008
Section 9.8	OP, Office Professional District (amended)	11/10/2008
Section 9.9	BN, Neighborhood Business District (amended)	05/23/2011
Section 9.10	BG, General Business District (amended)	05/23/2011
Section 9.8	OP, Office Professional District (deleted and replaced)	11/14/2011
Section 9.14	TCO, Town Center Overlay District (deleted and replaced)	01/23/2012
Section 9.2	Uses Common to All Residential Districts	02/27/2012
Section 9.3	RS-180, Single-Family Residence District	02/27/2012
Section 9.4	RS-150, Single-Family Residence District	02/27/2012
Section 9.3	RS-180, Single-Family Residence District	09/09/2013
Section 9.4	RS-150, Single-Family Residence District	09/09/2013
Section 9.10	BG, General Business District (deleted and replaced)	04/27/2015
Section 9.2	Uses Common to All Residential Districts (amended)	05/23/2016
Section 9.7	CI, Civic-Institutional District (amended)	05/23/2016
Section 9.9	BN, Neighborhood Business District (amended)	05/23/2016
Section 9.10	BG, General Business District (amended)	05/23/2016
Section 9.14	TCO, Town Center Overlay District (amended)	05/23/2016

Appendix IX-A: Architectural Design Standards

Live-Work Townhouses



Example – Live-work Units

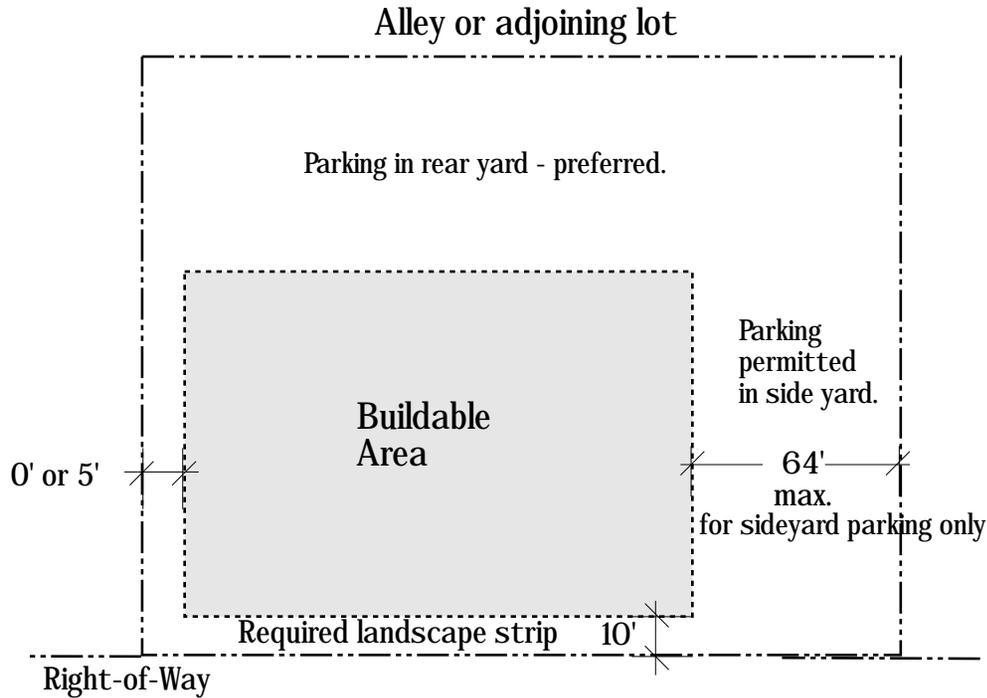
Height	2 floors minimum; 3 floors maximum	
Lot area	Type 1	2,000 sf (minimum)
	Type 2	3,200 sf (minimum)
	Type 3	5,100 sf (minimum)
	maximum	6,400 sf
Lot widths	20, 32, or 48 feet (maximum width: 64 ft)	
Setbacks	front	10 foot build-to-line
	side	Zero lot line allowed for Type 1 (20 ft) lots. 6 ft. min. required on one side for 32 ft. and 48 ft. lot widths; zero lot line allowed on remaining side.
	rear	minimums: 40 ft.-principal building; 10 ft.- garage; 3 ft.-other bldgs

1. Front entrance shall be at grade.
2. Work space shall be provided according to table below.
3. Work space in types 2 and 3 shall be built to appropriate building codes.
4. Customers and employees permitted in types 2 and 3.

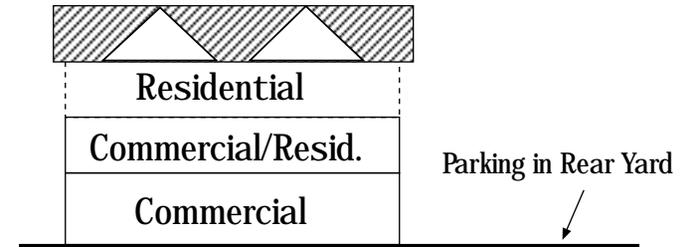
Requirements	Work space (SF)	Parking
Type 1	400	1 space
Type 2 -	1,000	2 spaces
Type 3 -	2,000	2 spaces

Parking garage or carport:

- shall be accessed from rear alley
- may be attached or detached to dwelling.



Gabled roof required.



Example: Commercial Mixed-Use Loft

Height 2 floors minimum; 3 floors maximum

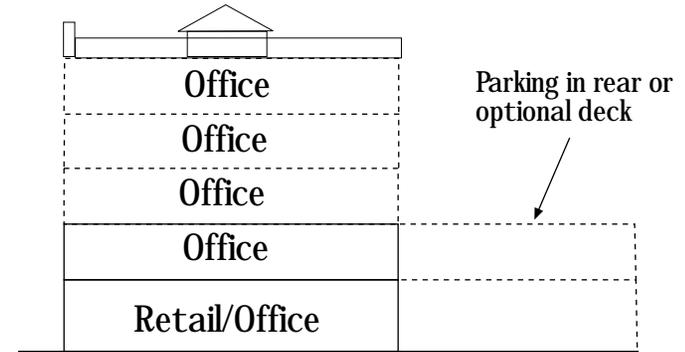
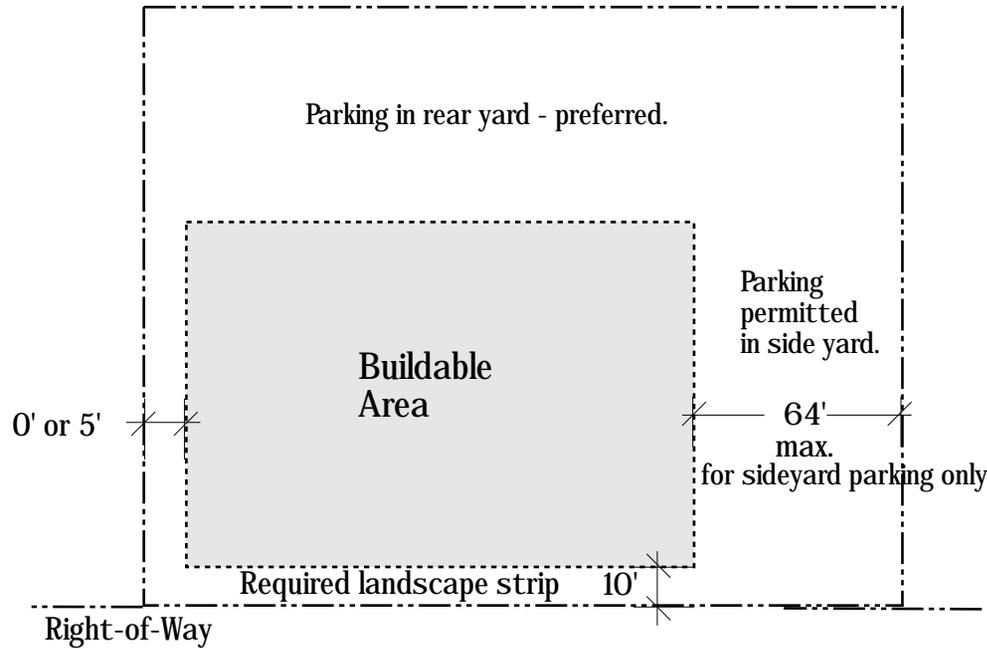
Lot area
 minimum 2,500 sf
 maximum 160,000 sf

Lot widths min. - 48 feet
 max. - 400 feet

Setbacks
 front 10 foot build-to-line
 side zero or max. 64 feet on one side for sideyard parking
 zero or 5 feet on one side
 rear 40 feet -if adjoining residential use

Additional Regulations

1. Parking prohibited beyond front building line.
2. Twenty percent (20%) of required parking may be provided off-site.
3. All principal commercial loft buildings shall have a proportionate gabled or hipped roof at 6:12 to 12:12 slope.
4. Façades shall be varied and articulated using windows and multiple building entrances. Arcades, bays, balconies, or front porches shall be utilized in some combination to articulate the building.



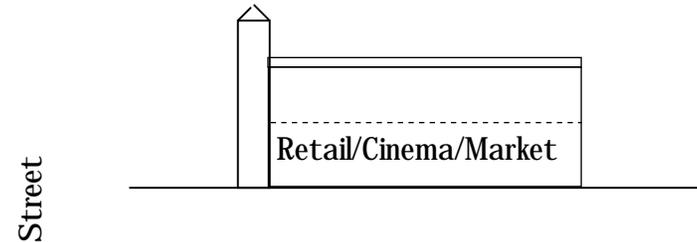
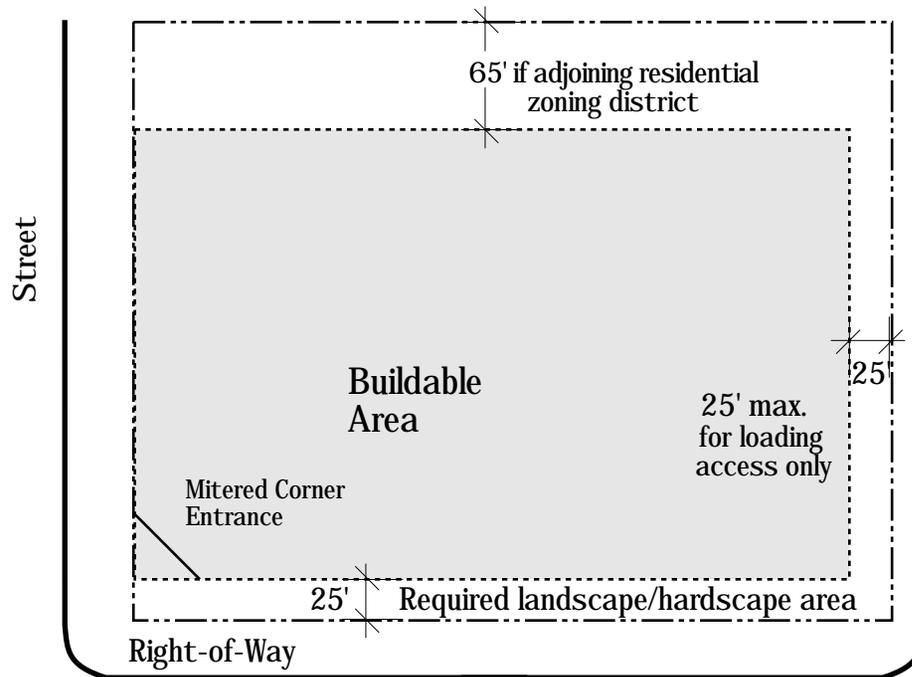
Street

Height	2 floors minimum; 5 floors maximum	
Lot area	minimum	5,000 sf
	maximum	160,000 sf
Lot widths	min. -	48 feet
	max. -	400 feet
Setbacks	front	10 foot build-to-line
	side	zero or max. 64 feet on one side for sideyard parking
		zero or 5 feet on one side
	rear	20 feet or 65 feet if adjoining residential zoning district



Additional Regulations

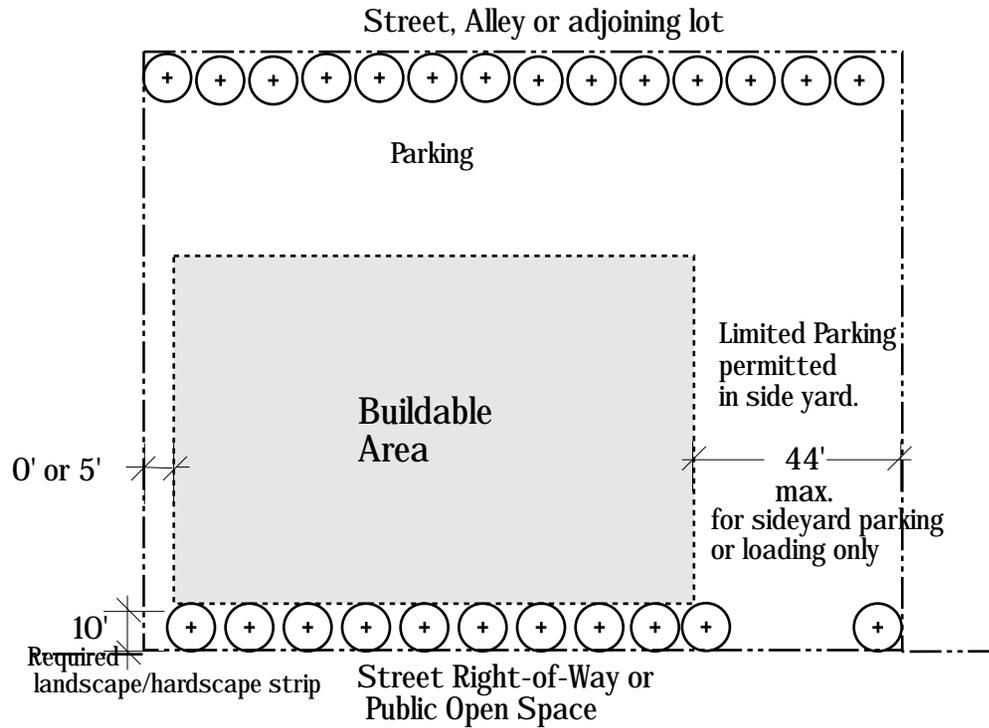
1. Parking prohibited beyond front building line.
2. Twenty percent (20%) of required parking may be provided off-site.
3. Buildings 4 flrs or less in height shall have a proportional gabled or hipped roof at 6:12 to 12:12 slope. Five -floor buildings shall have a parapet roof at less than 2:12 slope.



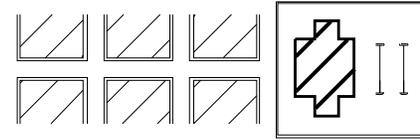
Height	minimum: 24 feet (equivalent to 2 floors) 3 floors maximum
Lot area	minimum 50,000 sf maximum 160,000 sf
Lot widths	min. - 200 feet max. - 500 feet
Setbacks	front 25 foot build-to-line side zero or max. 25 feet on one side for access to rear loading areas. rear 25 feet or 65 feet if adjoining residential uses.

Additional Regulations

1. New anchor uses within the Town Center shall subdivide the proposed site so as to occupy a block surrounded by public streets or public open space. Surface parking areas shall be placed on separate adjoining blocks that are under control of the anchor building.
2. Anchor buildings within existing shopping centers when renovated or expanded shall comply with all height, roof, and material requirements but are exempt from the site plan requirement above.
3. Blank walls (without articulation) fronting a public street for greater than 40 feet are prohibited.
4. Anchors occupying blocks shall provide at least one entrance at a street corner and the entrance shall miter the building corner.

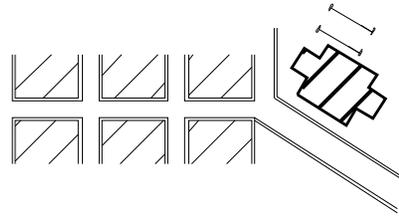


Height	day care: 1 1/2 floors minimum; all others: 2 floor minimum; 5 floors maximum
Lot area	minimum 2,500 sf maximum 160,000 sf
Lot widths	min. - 48 feet max. - 400 feet
Setbacks	front 10 foot build-to-line side zero or max. 44 feet on one side for sideyard parking zero or 5 feet on other side(s) rear 40 feet -if adjoining residential use



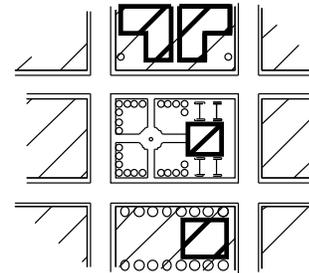
Terminating an axis

At the end of a major street at least three blocks in length. Building should be centered on the street with a facade element addressing the street. Parking shall be to the rear of the building.



Terminating a Vista

At a bend in a street where the street building support the view. Building should address the street with a facade element. Parking should generally be to the rear of the building.



Defining it's own plaza

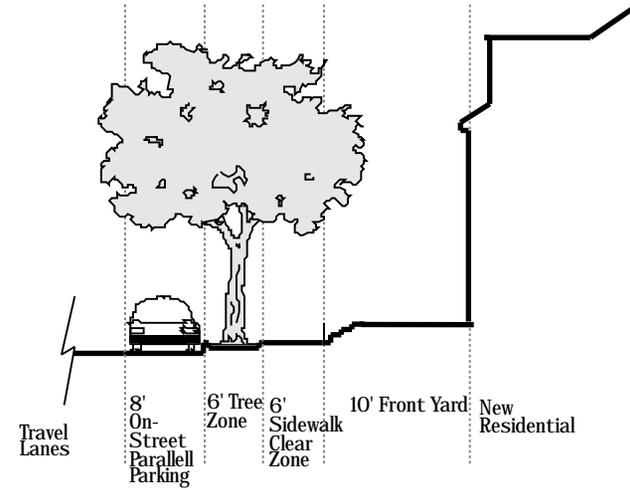
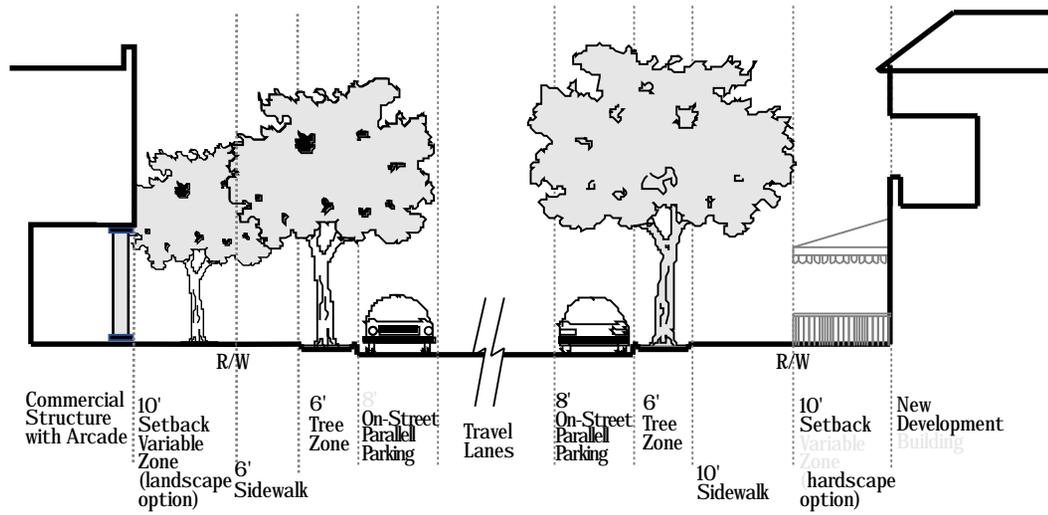
Located at a significant point on an open site within a network of streets. Landscaping should be oriented to reinforce the plaza. Parking should be placed to the side or rear fronting no more than 120' of street.

Additional Regulations

1. All civic buildings shall be located according to one of the alternative patterns shown above or a comparable pattern as illustrated in *Architectural Graphic Standards (2000 ed.)*.
2. Day care and other civic buildings located in or adjoining residential zones may request exemption from height and open space design requirements.
3. All civic buildings are subject to site plan review and approval by Snellville Mayor and City Council.

Architectural Design Standards

Landscaping / Streetscape



Example: Supplemental zone showing use of landscaping and hardscape.

WALLS**MATERIAL**

Walls shall be in brick, stone, stucco; wood clapboard; or Hardiplank lapsiding. Lapsiding shall show no more than 7.5 inch face and no less than 5 inch face.

Streetwalls shall be in brick or stucco or use an evergreen hedge as a special exception with approval of the city planner.

Clapboard and siding shall be painted; brick may be painted.

Arches and piers shall be brick or stone.

Posts shall be wood.

Stoops shall be made of wood, brick, stone or concrete.

Undercrofts or watertables of all civic, commercial mixed use, or office buildings shall be enclosed and utilize granite quarried in Georgia or Tennessee.

Garden Walls shall be stucco or brick.

Fences along frontages and in front yards shall be made of wood pickets or iron sections. Fences at all other yards may be made of wood boards. Wood fences may have stucco, brick, or stone columns.

Wood, if visible shall be painted or stained with an opaque stain, except walking surfaces, which may be left natural if pressure treated.

CONFIGURATION

Walls shall show no more than two materials above the basement or undercroft. Materials shall change along a horizontal line, with the heavier material below the lighter.

Stucco shall be cement with smooth sand-finish.

Trim shall be highest grade lumber; and shall be 3.5 inches to 6 inches in width at corners and around openings, except at the front door which may be any size or configuration.

Arches and Piers of masonry shall be no less than 12 inches x 12 inches in plan.

Posts shall be no less than 6 inches x 6 inches.

Undercrofts / watertables shall have minimum height as follows: 36 inches from grade for civic buildings (with the exception of day care facilities); 24 inches from grade for commercial mixed use buildings and office buildings.

Arcades shall have vertically proportioned openings.

Streetwalls shall be minimum 8 inches in thickness with a projecting cap. Streetwalls shall be 4 ft. to 6 ft. in height.

Fences at frontages shall be 4 ft. to 6 ft. in height.

ELEMENTS**MATERIAL**

Chimneys shall be brick, stone, or stucco.

Flues may be galvanized or painted metal.

Porches and galleries shall have their columns, and posts made of wood, fiberglass, iron, cast metal, or precast concrete. Porch enclosures are not permitted at frontage locations.

Porch Screen frames shall be made of wood.

Decks shall be wood and located in rear yards only.

Signs shall be made of painted wood or metal.

Awnings shall have a metal armature covered with canvas membrane open to the sides.

Railings shall be made of wood; cast metal may be used in the Town Center District.

Equipment including HVAC, utility meters, clotheslines, satellite dishes, play equipment, and hot tubs, shall be permitted in rear yards, and on flat roofs behind parapets not visible from the primary frontage.

Front Walks shall be brick or concrete to match the sidewalk.

CONFIGURATION

Chimneys shall be capped. Visible chimneys shall extend to the ground.

Porches shall have vertically proportioned openings.

Railings shall have horizontal top and bottom rails centered on the balusters. The openings between balusters shall not exceed 4 inches. Bottom rails shall be raised above the level of the floor.

Balconies that cantilever shall be visibly supported by structural brackets. Balconies shall not exceed 3 ft. in depth.

Signs attached to buildings shall be integral to the storefronts, no larger than 3 ft. in height by any length, and shall be externally illuminated.

Pedestrian Signs may be attached perpendicular to the façade extending up to 4 ft. from the frontage line and shall not exceed 2 ft. in height.

Storefronts and Signage shall be painted a single background gloss color. Letters may be any color.

Awnings shall be sloping rectangles. Awnings shall not have side or bottom soffit panels. Awnings shall not be internally backlit.

Panelized Materials, including keystones and quoins shall be permitted only by special approval.

ROOFS**MATERIAL**

Roofs, when sloped, shall be clad in slate, coated metal in earth tones only or architectural composition shingles.

Gutters, downspouts and projecting drainpipes shall be made of copper, galvanized metal, or painted or anodized aluminum in white or same color as building.

Flashing shall be copper or galvanized metal. Unlike metals shall not be used on the same roof.

CONFIGURATION

Principal Roofs shall have a symmetrical gable or hip with a slope between 6:12 and 8:12, or if flat, shall have a horizontal parapet wall no less than 1/10 of overall wall height.

Ancillary Roofs (attached to walls of the principal building) may be sheds sloped no less than 3:12.

Eaves shall be continuous. Eaves which overhang less than 1 ft. shall have a closed soffit. Eaves which overhang more than 1 ft. shall have exposed rafters.

Rafter Tails shall not exceed 6 inches in depth at the tip.

Gutters shall be profiled at closed soffits and half-round at exposed eaves.

Dormers shall be habitable, placed a minimum of 3 ft. from side building walls with gable or shed roofs.

Roof Penetrations, including vent stacks, shall be placed on the rear slope of the roof. Roof penetrations shall be finished to match the color of the roof.

Skylights shall be flat and mounted only on the rear slope of the roof.

OPENINGS**MATERIAL**

Windows shall be made of wood, aluminum, or vinyl clad and glazed with clear glass.

Doors (including garage doors) shall be painted or stained.

Storefront inserts shall be made of wood or metal.

Openings shall comprise not less than 25% nor more than 75% of the length of walls facing public streets.

CONFIGURATION

Windows shall be rectangular single, double, triple-hung, or operable casement types. Windows shall be with a vertical or square proportion, except that transoms may be oriented horizontally. Multiple windows in the same rough opening shall be separated by a post with a minimum 4 inches in width. The centerline of the window sash shall align within the centerline of the wall (flush mounted windows shall not be permitted).

Muntins shall be true divided panes or fixed on the interior and exterior surfaces. Panes shall be of square or vertical proportion.

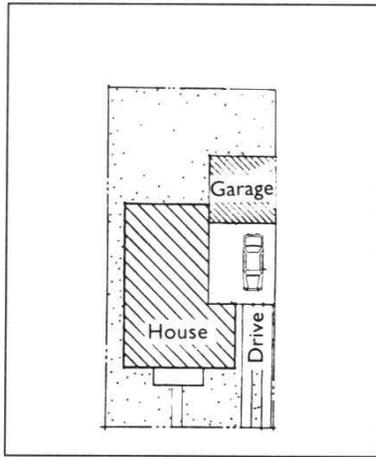
Bay Windows shall have a minimum of 3 sides and shall extend to the floor inside and to the ground outside, or be visually supported by structural brackets.

Storm Windows and Screens, if provided, shall cover the entire window area.

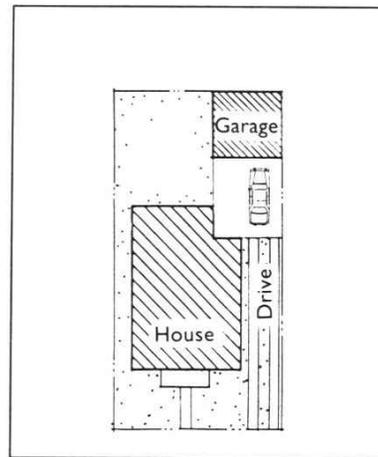
Doors (except garage doors) shall be side hinged (no sliders) at frontages.

Garage Doors at frontages shall be a maximum of 9 ft. wide.

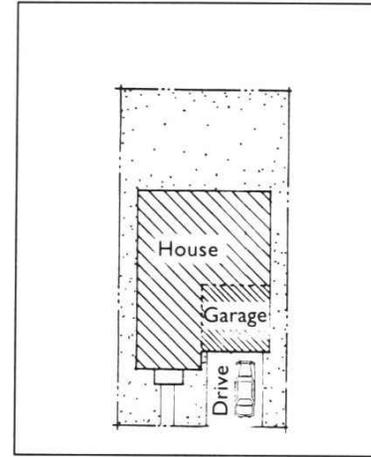
Shutters shall be sized and shaped to match the associated openings.



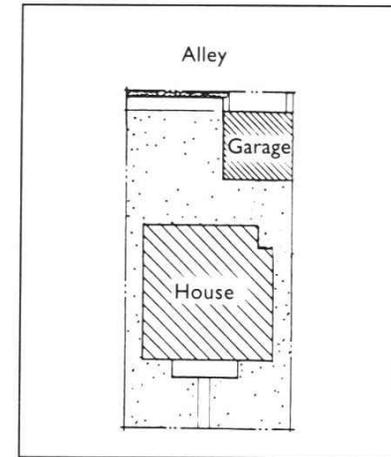
Attached - side driveway



Detached - side driveway



Attached - front garage
(off-set minimum 6 feet
from front building line)



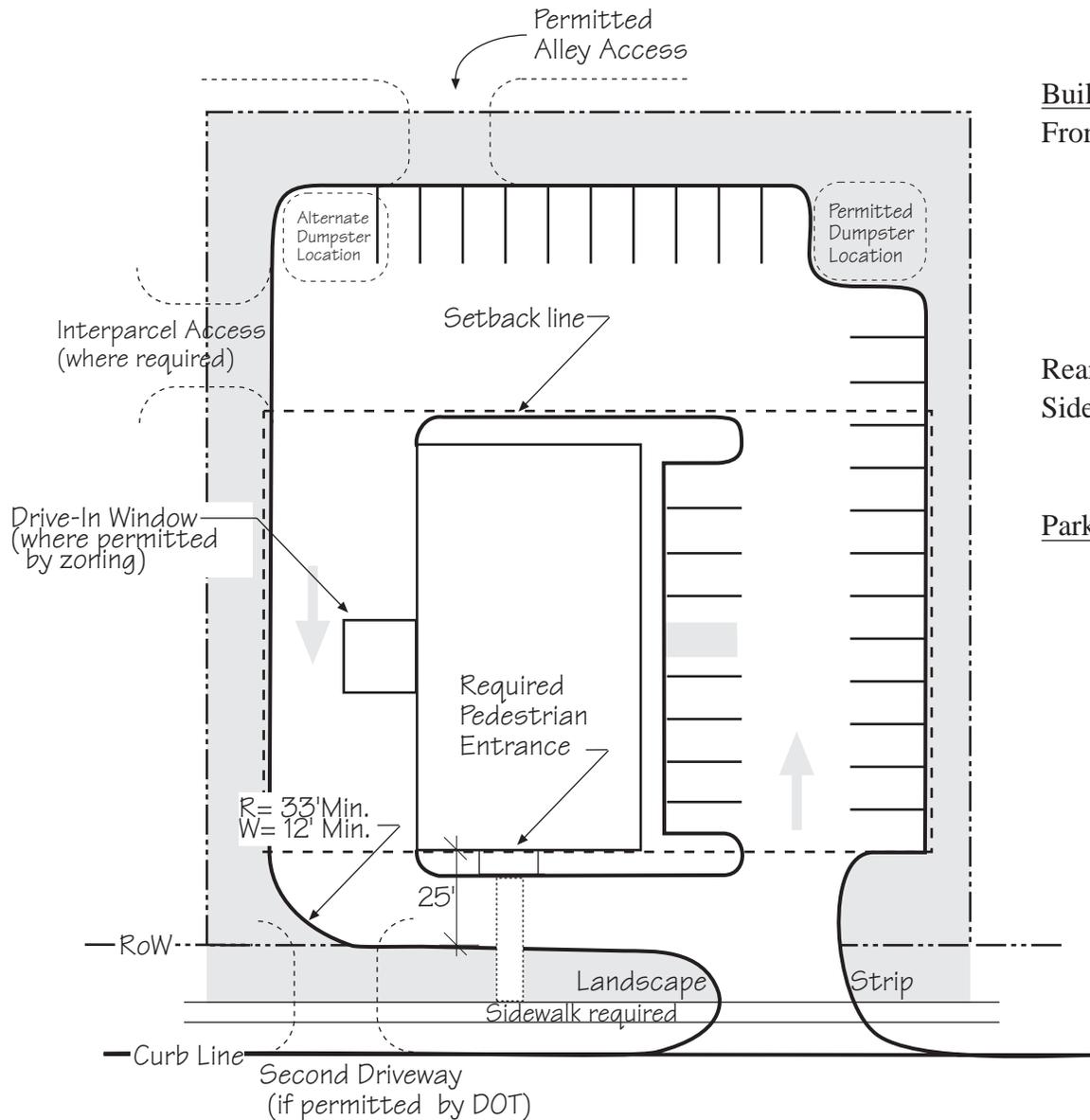
Alley
(attached or detached garage)

Walls shall be in brick, stone, stucco; wood or Hardiplank lapsiding. Lapsiding shall show no more than 7.5 inch face and no less than 5 inch face.

Windows shall be made of wood, aluminum, or vinyl clad and glazed with clear glass.

Doors (including garage doors) shall be painted or stained.

Openings for each auto shall be a separate bay --double doors are prohibited.



Single Curb-Cut Layout

Building Setbacks

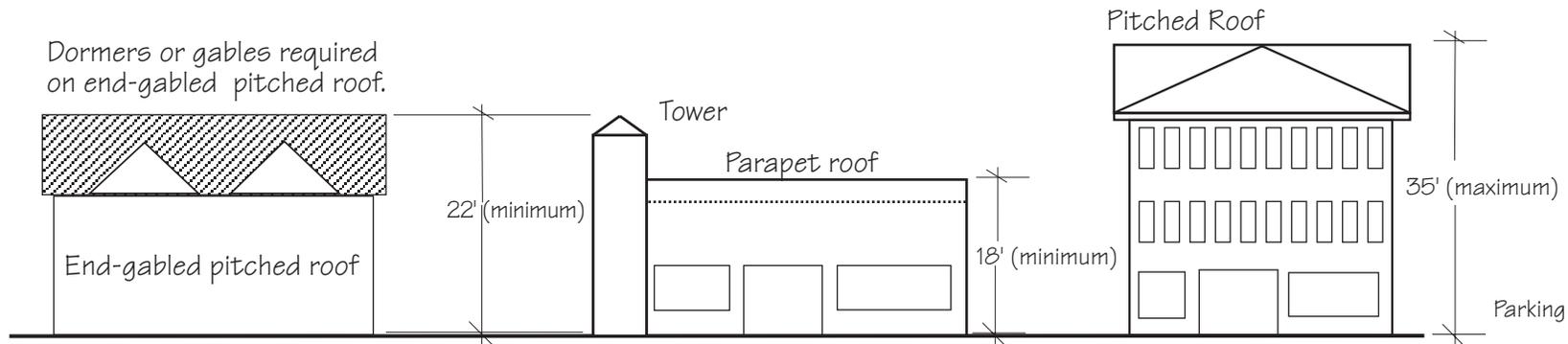
Front (Note: front setback is a build-to line; principal building shall be placed within one (1) foot of this line.
 15 ft.– if two vehicular access points are available and circulation around building is not necessary
 25 ft.– if access is limited to one curb cut and circulation around building to exit is required

Rear – Minimum – 65 ft.

Side – Minimum – 5 ft.

Parking and Circulation

- Parking prohibited in required front yard.
- Drive-through window prohibited on front façade.
- Pedestrian service windows are permitted on front façade.
- Pedestrian entry to building is required on front façade (entry at a mitered corner may fulfill this requirement). A paved walk is required from sidewalk to front entrance.



ROOF MATERIALS

Roofs, if pitched, shall be clad in slate, coated metal in earth tones defined in the Sherwin Williams Exterior Color Palette (SW 2421 to SW 2742) only or architectural composition shingles.

Gutters, downspouts and projecting drainpipes shall be made of copper, galvanized metal, or aluminum. These metals shall be either painted or anodized or have baked-on enamel. Color shall be white or same color as building if coated.

Flashing shall be copper or galvanized metal. Unlike metals shall not be used on the same roof.

ROOF CONFIGURATION

Principal Roofs shall be either pitched or flat as defined. Pitched roofs shall have a symmetrical gable or hip with a slope between 6:12 and 12:12. Flat roofs shall have slopes less than 3:12 and shall have a horizontal parapet wall no less than 1/10 of overall wall height. Roofs with slopes between 3:12 and 6:12 shall be prohibited. Arched principal and ancillary roofs shall be approved by the Planning Commission and Mayor and Council.

Ancillary Roofs (attached to walls of principal building) may be sheds sloped no less than 3:12.

Eaves shall be continuous. Eaves which overhang less than 1 ft. shall have a closed soffit. Eaves which overhang more than 1 ft. shall have exposed rafters. Rafter tails shall not exceed 6 inches in depth at the tip.

Gutters shall be profiled at closed soffits and half-round at exposed eaves.

Dormers shall be placed a minimum of 3 ft. from side building walls with gable or shed roofs.

BUILDING HEIGHT AND MASS

Height: Maximum height shall be 35 ft.; minimum height shall be as follows:

- parapet wall buildings – 18 ft.;
- pitched roof buildings – 22 feet.

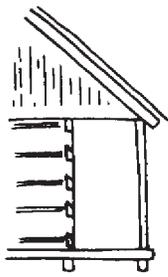
Parapet (flat) roof buildings shall be required to have a tower or other vertical feature (not necessary to be occupiable). The tower or other vertical feature shall be a minimum of 22 ft. in height.

WALLS

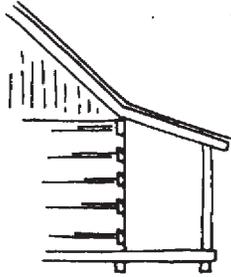
Exterior Wall materials shall be lap siding, masonry stucco, stone, brick, splitface concrete masonry or tile. Not permitted: synthetic stucco, panel siding, extruded plastic, metal, or concrete block. Walls higher than 24 ft. shall have a horizontal banding at mid-height. No more than three (3) different materials shall be used. Walls shall have no uninterrupted panels greater than 20 feet in length. Retaining walls shall be masonry.

Windows shall comprise a minimum of 50% of the front façade and minimum 33% of each building side except the rear.

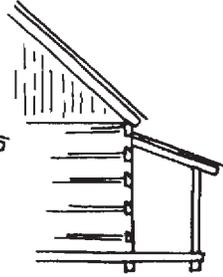
PORCHES



continuous roof

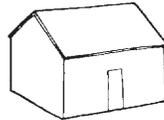


shed roof

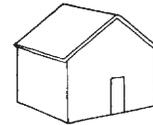


dropped roof

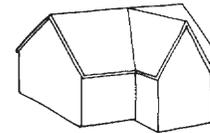
GABLED FAMILY



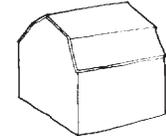
side-gabled



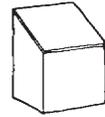
front-gabled



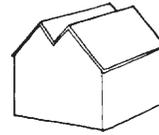
cross-gabled



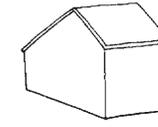
gambrel (dual-pitched gables)



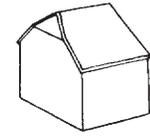
shed (half-gabled)



parallel gables



saltbox

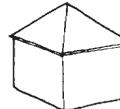


hip-on-gable

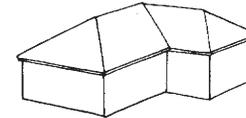
HIPPED FAMILY



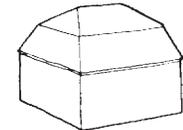
simple



pyramidal



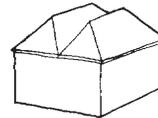
cross-hipped



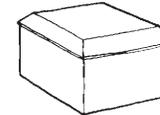
dual-pitched, hipped ("mansard" when steep lower slope)



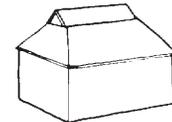
half-hipped



parallel-hipped

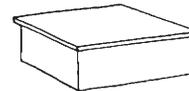


deck (flat-topped, hipped)

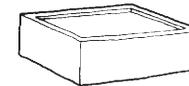


gable-on-hip

FLAT FAMILY



flat, with eaves



flat, with parapet

ROOF SHAPES

ARTICLE X

BUFFER AND SCREENING REQUIREMENTS

**ARTICLE X
DELETED FROM THE
ZONING ORDINANCE
AND
MOVED TO
ARTICLE II OF CHAPTER 19
OF THE
CITY CODE OF ORDINANCES
AS AMENDED**

SECTION / ARTICLE	DESCRIPTION	AMENDMENT DATE
Article X	(amended)	07/24/2000
Article X	(amended)	03/26/2001
ARTICLE X	DELETED AND REPLACED TO ADOPT AMENDMENTS	11/26/2001
Section 10.2B	Stream Buffer/Impervious Surface Setback (deleted and moved to City Code of Ordinances)	05/23/2005
Section 10.2A	Minimum Buffer Strip Requirements (amended)	01/22/2007
Article X	DELETED AND REMOVED FROM ZONING ORDINANCE AND PLACED IN CH. 19 OF THE CITY CODE OF ORDINANCES, AS AMENDED (ZOA 2011-01)	06/13/2011

ARTICLE XI

PARKING AND LOADING REQUIREMENTS

SECTION 11.1 PROVISIONS OF OFF-STREET PARKING AND LOADING SPACES REQUIRED.

- A) It is the intent of this ordinance that all buildings, structures and uses of land shall provide off-street parking and loading space in an amount sufficient to meet the needs caused by the building or use of land and that such parking and loading spaces be so oriented that they are in fact readily useable for such purposes.
- B) Each use of land and each building or structure hereafter constructed or established, and each addition to a structure in excess of two-hundred (200) square feet except as herein provided, shall provide off-street parking and loading according to the standards set forth herein. When an addition is made to a building nonconforming as to parking or loading requirements, a conforming amount of parking or loading shall be supplied based upon the size of the addition.
- C) No addition to an existing building shall be constructed which reduces the number of spaces, area or usability of existing parking or loading space unless such building and its addition conform with the regulations for parking and loading contained herein.
- D) Parking spaces for the handicapped shall be required. Existing uses providing off-street parking shall have twelve (12) months from date of adoption of this ordinance to comply with handicapped parking requirements. New uses providing off-street parking shall incorporate handicapped spaces into the design of parking facilities.

SECTION 11.2 DESIGN STANDARDS. The following are the design requirements for off-street parking spaces and driveways.

- A. 1. Required Dimensions For Each Parking Space. Each automobile parking space shall be not less than nine-feet (9') wide and nineteen-feet (19') deep. Parking spaces for compact and subcompact cars shall not be less than nine-feet (9') wide and seven-teen-feet (17') deep. Adequate interior driveways shall connect each parking space with a public right-of-way.
- 2. Interior Driveway. Where ninety (90) degree parking is utilized, all interior driveways shall be a minimum of twenty-four-feet (24') in width. If sixty (60) degree angle parking is used then interior driveways shall be at least twelve-feet (12') feet in width for one-way traffic and twenty-four-feet (24') in width for two-way traffic. In the instance where parallel parking is utilized or there is no parking, interior driveways shall be a minimum of ten-feet (10') in width for one-way traffic and twenty-feet (20') in width for two-way traffic. A minimum of ten-foot (10') driveway and stacking lane is required for any type of drive-up window or pick-up station.

3. Surfacing, Drainage and Lighting.
 - a. All off-street parking spaces, access and interior driveways shall be provided with a paved concrete or asphalt surface. The Director of Planning and Development or his/her designee may approve alternative pervious paving systems. Gravel driveways are prohibited in all districts. If the off-street parking facilities are used at night; they shall be properly illuminated for the safety of pedestrians, vehicles and for security. The lighting shall be designed so as not to reflect onto or cause glare in any adjacent residential district.
 - b. In any district, the parking of any vehicle on other than the acceptable pavement in Section 11.3(3)(a) is prohibited. In any residential district, the parking of any vehicle in the front yard, front of the building, or in the front of the principal building line is prohibited except on an acceptable pavement in Section 11.3(3)(a). Not more than thirty-five-percent (35%) of this required front yard area shall be used for parking under any circumstances.
4. Sharing of Required Off-Street Parking Spaces. One half of the off-street parking spaces required by a use whose peak attendance will be at night or on Sundays may be shared with a use that will be closed at night or on Sundays.
5. Handicapped Spaces. Parallel spaces for the handicapped adjacent to a walk shall be a minimum of twelve-feet (12') feet in width by twenty-four-feet (24') feet in length. If a walk is at an elevation different from the elevation of the parking space a 1:6 ramp shall be provided up to the walk. For ninety (90) degree or angled spaces the minimum width of a stall shall be nine-feet (9'). An aisle, having a width of not less than three-feet-six-inches (3'6") shall be provided between each stall. All handicapped spaces shall be identified by pavement markings and by appropriate signage.
6. Compact and Subcompact Car Spaces. These spaces shall be identified by pavement markings and by appropriate signage.
7. Reduction or Transfer (off-site) of parking requirements. The Director of Planning and Development may administratively reduce parking requirements only upon determination that:
 - a. Reduction or transfer of off-street parking may be provided on the other off-street property lying not more than four-hundred-feet (400') from the main driveway entrance of the principal use; and
 - b. That the applicant has established a valid shared or off-site parking arrangement. Said shared or off-site parking arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access. All shared or off-site parking spaces shall be clearly marked and signed as reserved during specified hours. An applicant shall submit the following information establishing

conformance to the above criteria in order to share or transfer parking requirements and avoid conflicting parking demands.

1. A to-scale map indicating location of all proposed parking spaces;
 2. Indicate hours of business operation(s);
 3. Written notarized consent of all property owners agreeing to the shared or off-site parking arrangement;
 4. Copies of parking leases for shared or off-site parking arrangements. Renewed leases shall be provided to the Director of Planning and Development. Lack of current lease shall automatically terminate the administrative reduction.
8. Pedestrian Circulation. Pedestrian walkways, a minimum of four-feet (4') in width, shall be provided within any surface off-street parking areas exceeding one-hundred (100) spaces. Where walkways cross internal driveways, pedestrian walkways shall include raised walkways to slow traffic and provide safe access. No parking spaces shall be farther than one-hundred-fifty-feet (150') feet from a pedestrian walkway.
9. Large Off-Street Parking Lot Requirements. Any off-street parking area in excess of five-hundred (500) spaces shall include a minimum of ten-percent (10%) of the surface parking, based on gross surface area, as an alternative paving surface or on a multi-level parking deck.
10. Exceeding the Maximum Amount of Hard-Surface Parking.
- a. No project may exceed the maximum amount of hard-surface parking area except when:
 1. Multi-level parking deck is provided, and/or;
 2. An alternative paving system is used for any spaces that exceed the maximum allowed amount, or;
 - b. In cases where a small number of additional hard surface parking spaces may be needed, an administrative variance may be approved by the Planning and Development Director in an amount not to exceed ten (10) additional spaces.
- B. The following are the design requirements for off-street loading stalls.
1. Required Dimensions for Each Loading Stall. Each loading stall shall be a minimum of ten-feet (10') wide and thirty-feet (30') in length except that for wholesale and industrial uses loading stalls shall be a minimum of ten-feet (10') wide and fifty-feet (50') in length.
 2. Access. All off-street loading stalls shall have access from an alley, or if there is no alley, from a public street.

3. Surfacing, Drainage and Lighting. All off-street loading stalls and access shall be provided with a paved, dust free surface.

If loading stalls are to be used at night, they shall be properly illuminated for the safety of pedestrians, vehicles and for security. Lighting shall be designed to preclude light spill onto adjacent properties.

SECTION 11.3 MINIMUM AND MAXIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS. The following are the minimum and maximum number of off-street parking spaces and loading stalls required by type of permitted use. Any alternative paving surface or multi-level parking facilities provided, shall not count against the allowed maximums. Twenty-percent (20%) of the total required parking spaces may be set aside for compact and subcompact cars. For any use not listed the Planning Commission shall determine the proper requirements by classifying the proposed use among the uses specified herein as to assure equal treatment. In making any such determination, the Planning Commission shall follow the principles set forth in the statement of purpose at the beginning of this Article.

Use	Parking Requirements	Loading Requirements
Apartments	Two (2) spaces for each dwelling unit minimum.	One (1) space for the first ten units, one (1) space for each 20 units thereafter.
Automotive or Machinery Sales and Service Garages	One (1) space for each 400 square feet of floor area plus one (1) space for each employee minimum.	One (1) space for each 5,000 square feet of gross floor area.
Bank	One (1) space for each 200 square feet of floor space minimum.	None
Beauty/Barber Shops	Two (2) spaces for each operator minimum.	None
Clubs or Organization Halls	Three-point-three (3.3) spaces per 1,000 square feet of gross floor area minimum.	None
Condominiums	Two (2) spaces per dwelling unit minimum.	Same as for Apartments

Use	Parking Requirements	Loading Requirements
Continuing Care Retirement Community (CCRC)	One-point-one (1.1) space per CCRC Independent Living Unit minimum	One (1) for each principal building
Dwellings	Two (2) spaces for each dwelling unit minimum.	None
Funeral Homes and Mortuaries	One (1) space for each three (3) seats in chapel or one (1) space per 50 square feet of public area, whichever is greater minimum.	One (1) space for each hearse, ambulance, or other non-passenger vehicle.
Furniture and Appliances	One (1) space per each 500 square feet of space minimum.	One (1) space for the first 5,000 square feet plus one (1) space for each additional 20,000 square feet or fraction thereof.
Gasoline Service Stations	Three (3) spaces for each grease rack or similar facility plus one (1) space for each attendant minimum.	None
Hospitals and Rest Homes, and Personal Care Homes	One (1) space for each two (2) beds minimum.	One (1) space for the first 5,000 square feet of floor area plus one (1) space for each additional 50,000 square feet or fraction thereof.
Hotels and Motels	One (1) space per unit plus any spaces for restaurants, meeting rooms and related facilities minimum. One and one-quarter (1¼) spaces per unit plus any spaces for restaurants, meeting rooms and related facilities maximum.	One (1) space for the first 5,000 square feet of floor area plus one (1) space for each additional 50,000 square feet or fraction thereof.
Houses of Worship	One (1) space for each six (6) seats in main auditorium minimum.	None

<u>Use</u>	<u>Parking Requirements</u>	<u>Loading Requirements</u>
Libraries and Similar Uses	One (1) space for each 400 square feet of gross space to which the public has access minimum.	One (1) space for the first 5,000 square feet of gross floor area plus one (1) space for each additional 10,000 square feet or fraction thereof.
Manufacturing, Freight Terminals	Four (4) spaces per each 10,000 square feet of gross floor area or major fraction thereof plus one (1) space for each employee on largest shift minimum.	Sufficient to allow for complete offstreet loading, but in no event less than required herein for a warehouse.
Places of Public Assembly or Amusement <u>Without</u> Fixed Seats	One (1) space per each 200 square feet of floor space devoted to public use minimum.	None
Places of Public Assembly <u>With</u> Fixed Seating	One (1) space per each four (4) seats minimum.	None
Professional and General Offices	One (1) space for each 300 square feet of floor area minimum. One (1) space for each 275 square feet maximum.	None
Restaurant	One (1) space per each three (3) seats plus one (1) space for each fulltime employee minimum.	One
Retail Stores	One (1) space per each 250 square feet of gross floor area minimum. One (1) space for each 175 square feet of gross floor area maximum.	One (1) space for first 5,000 square feet plus one (1) space for each additional 30,000 square feet or fraction thereof.

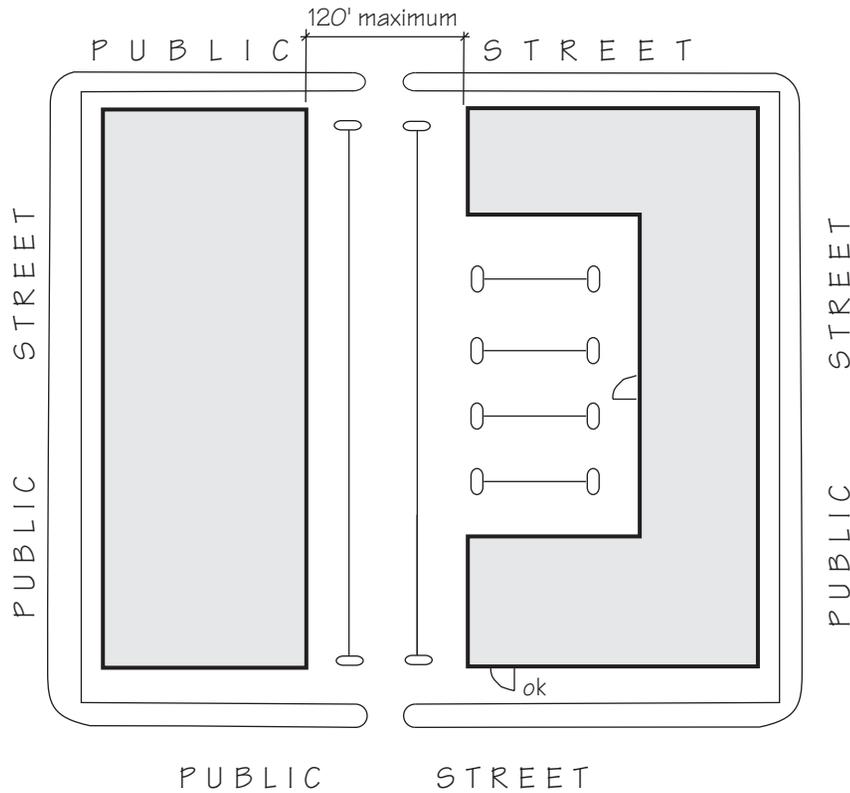
Use	Parking Requirements	Loading Requirements
Schools	<p>Public or Private Elementary and Day Care Centers: Two (2) spaces per classroom minimum.</p> <p>Public or Private High: Five (5) spaces per classroom minimum.</p> <p>College, Trade, and Vocational: Ten (10) spaces per classroom minimum.</p>	None
Shopping Centers (Planned)	<p>1. Less than 15,000 square feet: One (1) space per 200 square feet of gross floor area minimum. One (1) space per 175 square feet of gross floor area maximum.</p> <p>2. Greater than 15,000 square feet: One (1) space per 250 square feet of gross floor area minimum. One (1) space per 225 square feet of gross floor area maximum.</p>	One (1) space for the first 5,000 square feet plus one (1) space for each additional 30,000 square feet or fraction thereof.
Small Item Service and Repair Shops	One (1) space for each 200 square feet of gross floor area minimum.	One (1) space
Townhomes	Two (2) spaces per dwelling unit.	None
Villas	Two (2) spaces per dwelling unit.	None

Use	Parking Requirements	Loading Requirements
Wholesale, Warehousing, and Industrial Plants	One (1) space per 200 square feet of gross floor area devoted to sales or display plus one (1) space per 2,000 square feet of gross storage area minimum. One (1) space per 200 square feet of gross floor area devoted to sales or display plus one (1) space per 1,800 square feet of gross storage area maximum.	One (1) space for the first 6,000 square feet of gross floor area plus one (1) space for each additional 20,000 square feet or fraction thereof.

SECTION 11.4 HANDICAPPED PARKING REQUIREMENTS: Handicapped parking spaces shall be located in the closest proximity to major building entrances, but in no event shall such spaces be located more than one-hundred-feet (100') from a major building entrance. Handicapped parking shall be provided in accord with the following requirements:

TOTAL PARKING REQUIREMENT	HANDICAPPED SPACES REQUIRED
Up to 25	1
26 – 50	2
51 – 75	3
76 – 100	4
101 – 150	5
151 – 200	6
201 – 300	7
301 – 400	8
401 – 500	9
501 +	2% of Total Required

SECTION / ARTICLE	DESCRIPTION	AMENDMENT DATE
Section 11.3	Minimum and Maximum Off-Street Parking and Loading Requirements (amended)	03/20/1995
ARTICLE XI	DELETED AND REPLACED TO ADOPT AMENDMENTS	02/25/2002
Article XI	(amended)	09/23/2002
Section 11.3	Minimum and Maximum Off-Street Parking and Loading Requirements (amended)	10/24/2005
Section 11.3	Minimum and Maximum Off-Street Parking and Loading Requirements (amended)	01/22/2007



Parking Placement & Design

1. Parking lots shall not interrupt the street façade for more than 120 feet.
2. Parking lots shall not front intersecting streets.
3. Buildings placed to mask parking areas shall be a minimum of 30 feet deep.
4. Parking decks shall have commercial space, minimum 60 feet in depth at ground level along all public frontages.
5. Only two (2) automobile entrances (24' max width) shall be allowed per block face.

ARTICLE XII

SIGNS

SECTION 12.1 PURPOSE AND INTENT: The Mayor & Council of the City of Snellville recognize that signage is an important medium through which individuals may communicate commercial and non-commercial messages. However, if left completely unregulated signage can become a threat to public safety in the form of traffic hazards, a source of confusion for the intended reader, and a detriment to the aesthetic character of the city.

It is hereby declared that the aesthetic and safety interests of the City of Snellville are reasonably promoted by the provisions of this article. Accordingly, it is the intent and purpose of this article to:

- a. Balance the rights of individuals to convey their messages through signs and the right of the public to protected against unrestricted proliferation of signs;
- b. Further the objectives of the City's Comprehensive Plan which is expressly incorporated herein;
- c. Protect the public health, welfare and safety of our citizens and others who may visit the city;
- d. Reduce traffic and pedestrian hazards;
- e. Promote the aesthetic qualities of the city;
- f. Promote economic development of the city; and
- g. Ensure the fair and consistent enforcement of the sign regulations.

Notwithstanding any other restrictions in this article, signs authorized under this article can contain commercial or non-commercial messages

While developing this article, the Mayor and Council, Planning Commission, and staff considered and reviewed numerous studies that considered the relationship between advertising signage, public perception, and traffic issues. Among the items reviewed were:

- a. US Small Business Administration, "Signage for Your Business";
- b. Urban Design Associates, "An evidence Based Model Sign Code";
- c. ISA, "Electronic Message Display Brightness Guide"; and
- d. Daktronics, "Digital Display Sign Code Information".

SECTION 12.2 DEFINITIONS. Certain words and terms used herein are defined and interpreted as follows:

AIR AND GAS FILLED DEVICE: Any sign using, either wholly or in part, forced air or other gas as a means of supporting its structure.

ATTENTION GETTING DEVICE: Any pennant, valance, propeller, spinner, ribbon, streamer, costumed character, sign spinner, balloon, or search light, LED light, neon light (where the light source is visible from the public right-of-way) or similar device or ornamentation designed for or having the effect of attracting the attention of potential customers or the general public.

AWNING, RETRACTABLE: A roof like cover that is temporary or portable in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements and is periodically retracted into the face of the building

AWNING FIXED: An awning that is constructed with a rigid frame that cannot be retracted folded or collapsed.

BANNER: A sign with or without characters, letters, illustrations, or ornamentations applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing.



Image 1 – Banner

BANNER, ARM POLE: A banner attached to one or two arms mounted perpendicular to a vertical pole.



Image 2 – Arm Pole Banner

BEACON: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

BENCH SIGN: A sign located on any part of the surface of bench or seat placed on or adjacent to a public right-of-way.

BUILDING ELEVATION: The area of the face of a building including parapet articulation (height x width).

BUILDING WRAP: A graphic applied to vinyl, durable mesh or cloth and applied to the exterior surface of a building consisting of images, words, or other graphic embellishments designed to attract attention to the building.

CANOPY: A roof-like structure supported by columns or cantilevered supports projecting from a building and open on at least three sides. A canopy may also be detached from the building as a free standing structure.



Image 3 – Canopy



Image 4 – Canopy

CHANNEL LETTER CONSTRUCTION: Individually illuminated letters and graphics composed of extruded metal structures with plastic faces and internal neon or L.E.D. illumination. Letters and graphics shall be individually mounted to the wall surface or mounted on a raceway.

CHANNEL LETTER CONSTRUCTION, OPEN FACE: Channel letter construction with clear plastic face or no face.

CHANNEL LETTER CONSTRUCTION, REVERSE: Channel letter construction with clear plastic backing that create a halo-lit effect.



Standard Channel Letters



Reverse Channel Letters



Open Face Channel Letters



Front & Back Lit Channel Letters

Image 5 – Channel Letter Types

CURLIE SPINNER: See “Spinsock”

FLAG: Any fabric, banner, or bunting which has the width to length proportions of 10:19 which is typical with flags of the US, states, cities, counties and other organizations.



Image 6 – Flag

FLAG, BANNER: See “Flag, Feather”

FLAG, BOW: See “Flag, Feather”

FLAG, FEATHER: A sign with or without characters, letters, illustrations, or ornamentalations applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing. Feather flags are generally a single sign attached to a support post. The Feather flag typically has a dimensional ratio of 4 high to 1 wide.



Image 7 – Feather Flag



Image 8 – Feather Flag

FLAG, TEAR DROP: See “Flag, Feather”

FLAG, WINDFEATHER: See “Flag, Feather”

FOOT CANDLE: A unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot and originally defined with reference to a standardized candle burning at one foot from a given surface.

HULA WIGGLER: Colored strips sewn side-by-side and usually attached to a strand or string of nylon.

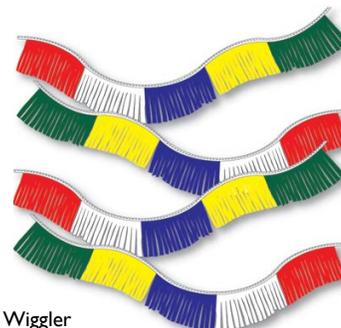


Image 9 – Hula Wiggler

MURAL: A mural is any piece of artwork painted or applied directly on a wall, ceiling or other large permanent surface. A particularly distinguishing characteristic of mural painting is that the architectural elements of the given space are harmoniously incorporated into the picture.

PENNANT: Small narrow triangular or other shaped flags usually attached to a strand or string of nylon.



Image 10 - Pennant

RIGHT-OF-WAY, PUBLIC: A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, sidewalk, cross walk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary or storm sewer, and other similar uses; right of way is not generally part of adjacent parcels and usually coincides with adjacent parcel property lines.

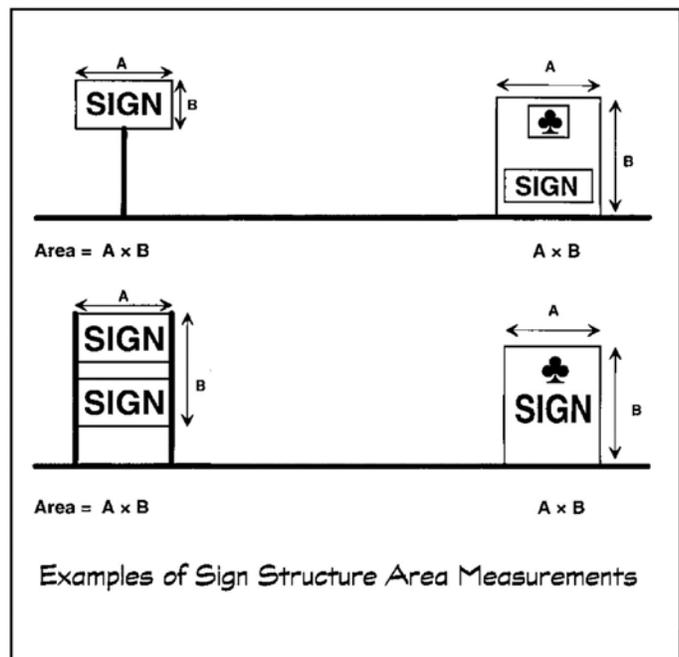
ROAD FRONTAGE: The distance, measured in a straight line, from the two furthest property corners located on the same public right-of-way, excluding out lots.

SIGN: Any structure, display, or device that is used to advertise, identify, direct, or attract attention to a business, institution, organization, person, idea, product, service, event, or location by any means, including words, letters, figures, design characteristics, symbols, logos, fixtures, movement, or illumination.

SIGN, ABANDONED: Any sign that no longer serves the functional purpose for which it was originally erected due to physical deterioration.

SIGN, ANIMATED: A sign with action, motion, rotation or changing colors, excluding electronic message board signs and signs which indicate only time, temperature, or date or any combination thereof.

SIGN, AREA: The entire area within a continuous perimeter, enclosing the extreme limits of sign display, not to include the base of a monument sign or other sign support system. Curved, spherical, or any other shaped sign face shall be computed on the basis of actual surface area. The copy of signs composed of individual letters, numerals, or other devices shall be the sum of the area of the smallest rectangle or other geometric figure encompassing each of said letter or device as well as spaces between each letter or device. The calculation for a double-faced sign shall be the area of one face only where the sign faces are



parallel or where the interior angle formed by the faces is 60 degrees or less. The area of the larger side shall be computed in cases in which the two sides do not coincide. For a multiple sided sign is, the sign area of all sides shall not exceed twice the maximum permitted sign area.

Image 11 (above) – Sign Area

SIGN, AWNING: A sign painted, stamped, perforated, or stitched, or otherwise applied on the valance of an awning.

SIGN, CANOPY: A sign affixed to, superimposed upon, or painted on any roof-like structure, which extends over a sidewalk or walkway or vehicle access area.



Image 12 – Sign Types & Location

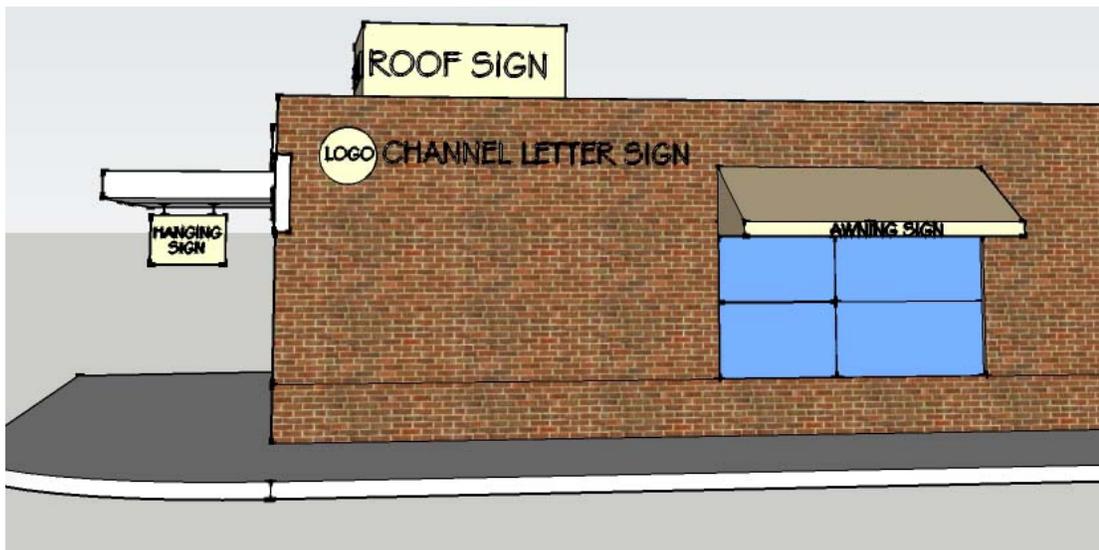


Image 13 – Sign Types & Location

SIGN, DOUBLE FACED: A sign which has two display areas against each other or where the interior angle formed by the display areas is 60 degrees or less, where one face is designed to be seen from one direction and the other from the another direction.



Image 14 – Double Faced Sign



Image 15 – Door Sign

SIGN, DOOR: A sign that is applied or attached to the exterior or interior of a door or located in such manner within a building that it can be seen from the exterior of the structure through a door.

SIGN, ELECTRONIC MESSAGE BOARD: Any sign that uses changing lights or colors to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.



Image 16 – Electronic Message Board Sign

SIGN, FLASHING: A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits marked changes in lighting effects. Illuminated signs which indicate only the time, temperature, or date or any combination thereof shall not be considered as flashing signs.

SIGN, FREE STANDING: A permanent sign, which lacks a decorative base, supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure.



Image 17 – Freestanding Sign



Image 18 – Freestanding Sign

SIGN, GRANDFATHERED: See “Sign, Nonconforming”

SIGN, HEIGHT: The distance in vertical feet from the elevation of the adjacent dedicated public street, edge of pavement, to the highest point of the sign structure. For property with an elevation higher than the adjacent public street, the height shall be measured from ground level at base of sign to the highest point of the sign structure. The ground shall not be altered for the sole purpose of providing additional sign height.

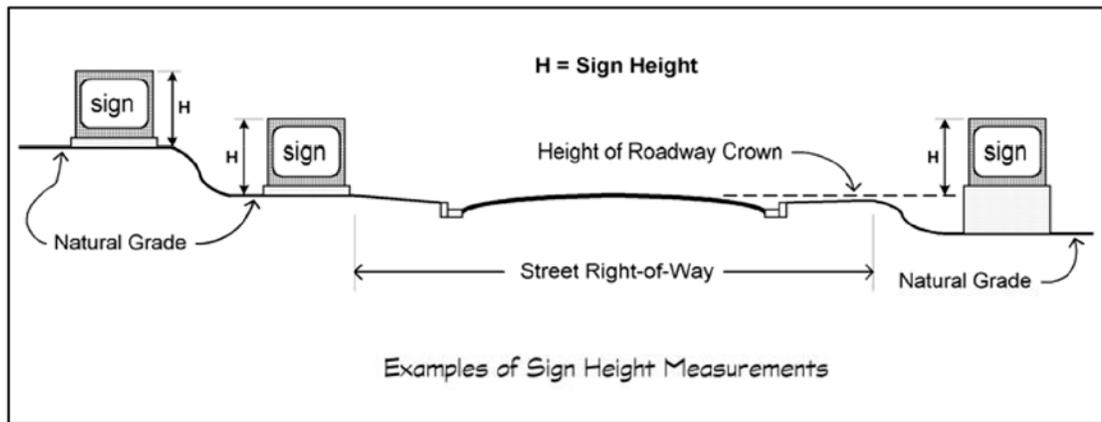


Image 19 – Sign Height

SIGN, ILLUMINATED: A sign illuminated in any manner by an artificial light source.

SIGN, MATERIAL: Signs may be constructed from any of the following materials either singly or in combination. See Appendix “A” (Sign Examples) for approved examples and further explanation of allowable signage.

1. Natural Routed Wood
2. Stone
3. Masonry
4. L.E.D.

5. Hybrid Routed Wood Product
6. Cut or Formed Metal
7. Plastics
8. High Density Urethane Foam
9. Acrylics
10. Polycarbonates

Image 20 – Mobile Sign



SIGN, MOBILE: A sign which is attached to, mounted on, pasted on, painted or drawn on any vehicle, whether motorized or drawn, which is placed, parked or maintained at one particular location.

SIGN, MONUMENT: A permanent ground sign designed so the base of the sign face is flush with the supporting base and the supporting base is flush with the ground. Sign shall include a solid, decorative base and may include a decorative frame. The base shall be at least as wide as the sign and/or frame upon it and a minimum of two (2) feet in height. Decorative base and frame materials include stone, brick, E.I.F.S. or stucco. No support posts shall be exposed. Electrical disconnect and/or meter base shall not be visible from the public right-of-way.



Image 21 – Monument Sign



Image 22 – Monument Sign

SIGN, PROJECTING: A sign that is wholly or partly dependent upon a building for support and which projects more than twelve-inches (12”) from such building.

SIGN, PORTABLE: Movable sign that is not attached to a structure or the ground and includes: A-boards, portable reader-boards and similar type signs.



Image 23 – Portable Sign

SIGN, ROOF: A sign projecting over the coping of a flat roof, or over the ridge of a gable, hip or gambrel roof, and supported by or attached to said roof.

SIGN, SPINNER: Referring to a person carrying a sign that stands, walks or performs along the street. This definition also applies to costumed characters or street performers.



Image 24 – Sign Spinner



Image 25 – Sign Spinner



Image 26 – Costumed Character

SIGN, SWINGING OR ROTATING: Any sign that is mounted such that the sign may freely move back and forth.

SIGN, TEMPORARY: Any sign or device that is not permanently attached to the ground or other permanent structure and/or is designed to remain in place for a limited time. This includes, but is not limited to, signs which are designed to be transported regularly from one location to another, signs placed into the ground on a temporary basis or nonpermanent foundation, signs utilized by sign spinners, or signs tethered to an existing structure.



Image 27 – Temporary Sign

SIGN, VEHICLE: A graphic applied to the exterior surface of a vehicle and designed to advertise, identify, direct, or attract attention to a business, institution, organization, person, idea, product, service, event, or location by any means, including words, letters, figures, design characteristics, symbols, logos, fixtures, colors, movement, or illumination.



Image 28 – Vehicle Sign/Wrap

SIGN, WALL: A sign fastened to the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than twelve-inches (12”) from such building or structure. The total signage on one side of a building or structure shall constitute one (1) wall sign.

SIGN, WINDOW: A sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the structure through a window.



Image 29 – Window Sign

SPINSOCK: A spinning Windsock.

TAIL FEATHER: See “Flag, Feather”

VEHICLE WRAP: See “Sign, Vehicle”

WIND CONE: See “Windsack”

WIND SLEEVE: See “Windsack”

WINDSOCK: A tapered, open-ended sleeve pivotally attached to a standard.



Image 30 – Spinsock



Image 31 - Windsack

SECTION 12.3 SIGNS PROHIBITED.

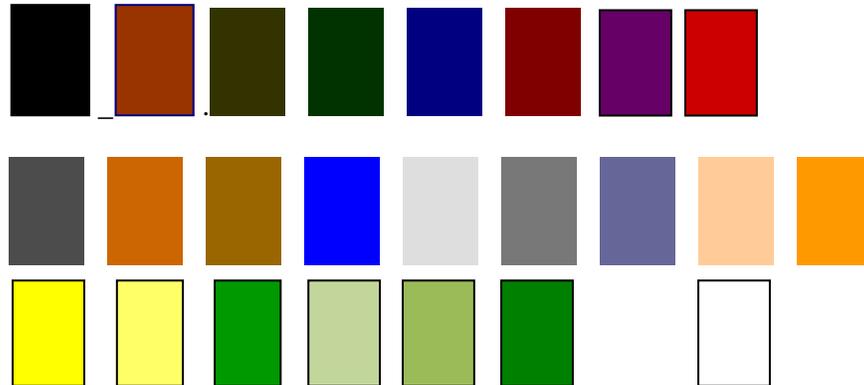
- A. The following types of signs are prohibited in all zoning districts of Snellville.
1. Animated Sign;
 2. Flashing Sign;
 3. Roof Sign;
 4. Signs attached to any street sign or marker, traffic control sign or device, or attached to or painted on any pole, post, tree, rock, shrub, plant or other natural object or feature;
 5. Signs which contain flashing lights or are in imitation of an official traffic sign or construction sign;
 6. Any sign placed or erected on a property without the permission of the property owner;
 7. Signs on public right-of-way except signs exempt under Section 12.5(3);
 8. Mobile Sign;
 9. Bench Sign;
 10. Air and Gas Filled Device Sign;
 11. Beacon Sign;
 12. Open Face Channel Letter Construction;
 13. Attention Getting Device (see Appendix "C" for examples);
 14. Swinging or Rotating Sign except as provided in Section 12.5;
 15. Free Standing Signs larger than six (6) square feet in sign area;
 16. Signs over fifteen-feet (15') in height;
 17. Building wraps as defined in Section 12.2, unless they receive a conditional use permit issued through the zoning process;
 18. Murals as defined in Section 12.2, unless they receive a conditional use permit issued through the zoning process;
 20. Spinsock; and
 21. Windsock.
- B. The City of Snellville shall be empowered to remove or cause to be removed at the owner's expense all prohibited signs.
- C. See Appendix "B" for examples of signs prohibited under the ordinance.

SECTION 12.4 SIGNS PERMITTED.

- A. Signs permitted and regulated within the residential zoning districts:
1. Temporary sign(s). The cumulative sign area of all temporary signs shall be no greater than thirty-two (32) square feet per property.
 2. Monument signs no greater than thirty-two (32) square feet (excluding the monument base and supporting structure) at the entrance(s) to subdivisions.
 3. Window signs.
- B. Signs permitted and regulated in the non-residential zoning districts and conditional uses in residential districts (see Appendix "A" for allowable sign types):

1. Awning signs: Signs on awnings should be minimized and are only appropriate if there are no good alternatives for wall signs, projecting signs or hanging and suspended signs. Signage should be limited to the skirt of the awning and should not be on the awning face. Signs should only be considered for the awning face if there is no other adequate location for signage on a given storefront or property.

Awning colors will be permitted only if they are part of the official city color palette as shown below:



2. Wall signs: Wall signs shall meet the following size criteria:

<u>Gross Building Elevation Face Area</u>	<u>Min. Sign Area</u>	<u>Max Sign Area</u>
0 – 1,000 sq. ft.	36 sq. ft.	5.0% of face area
1,001 – 2,600 sq. ft.	60 sq. ft.	5.0% of face area
2,601 – 3,600 sq. ft.	120 sq. ft.	4.0% of face area
3,601 – 4,500 sq. ft.	140 sq. ft.	4.0% of face area
over 4,500 sq. ft.	160 sq. ft.	3.5% of face area

3. Window and Door signs, window/door coverage shall not exceed forty percent (40%) of the surface area of each window or door.
4. Temporary signs in accordance with Section 12.5 and 12.7.
5. Monument signs, as defined in Section 12.2. One (1) per road frontage. Maximum square footage (SF) of sign is based upon 0.50 SF per one (1) foot of road frontage or 64 SF whichever is larger, up to 200 SF. Signs greater than five (5) feet tall shall be setback ten (10) feet from the right-of-way. Signs greater than ten (10) feet tall shall be setback fifteen (15) feet from the public right-of-way. Base shall be constructed of natural brick or stone (not painted or stained); or E.I.F.S./stucco painted or stained using colors from Sec. 7.7(3)(D).
6. Signs for convenience stores and service stations with pump islands: Spreader bars (signs located under canopy over pump islands) shall be limited to no more than two (2) signs per spreader bar, not to exceed four square feet per sign.

7. Freestanding sign(s) less than six (6) sq. ft. in area, not to exceed three (3) feet in height including support mechanisms. The maximum number of signs permitted is two (2) per road frontage or two (2) per curb cut, whichever is greater. Signs shall meet setback requirements of Section 12.6(A)(1).
8. Electronic Message Board signs utilized as monument, free standing or window signage only in accordance with Section 12.8 of this article.
9. Canopy Sign, utilizing approved wall sign typology, and not to exceed fifteen percent (15%) of the face of the canopy on which the sign is located. Canopy face shall be from official city color palette in Section 12.4(B)(1) above.
10. Arm Pole Banner, not to exceed two arms per parking lot light pole; each banner to not exceed six (6) sq. ft. in area; and located at minimum of ten (10) feet above the ground.

SECTION 12.5 SIGNS EXEMPT.

- A. The following types of signs are exempt from the requirements of this ordinance unless otherwise expressly prohibited under Section 12.3. These signs shall meet height and setback requirements of this ordinance. No permit is required. Signs that are constructed of degradable material may be posted for a maximum period of ninety (90) days. Nothing shall prevent such a sign from being replaced by an identical sign.
 1. Signs not visible from public thoroughfares or intended to be seen by the traveling public.
 2. Signs within a business, office, mall or totally enclosed area.
 3. Signs erected by, or on the order of, a public official in the performance of his duty, may be located within public right-of-way.
 4. Portable signs that are a maximum of six (6) sq. ft. in area, only one per store front. Portable signs shall be located near the building entry on the sidewalk. Portable signs shall not be allowed in parking areas, streets or public rights-of-way and may not impede the flow of pedestrian traffic.
 5. Flags (as defined in Section 12.2), no more than three (3) poles, neither in excess of 60 square feet nor greater than 40 feet in height per property. The flags must be no further from the structure than 50% of the distance from the face of the structure to the public right-of-way.
 6. Temporary sign(s). There shall be no more than eight (8) temporary signs on display at any one time. The cumulative total of all temporary signs shall be no greater than thirty-two (32) sq. ft. per property. Temporary signs shall not exceed six (6) feet in height and shall be located out of right-of-way or at least 10 feet from the back of the curb or edge of pavement of the adjacent street,

whichever is greater. Temporary signs shall not be permitted for any non-residential zoning district and conditional uses in residential districts that has not obtained a permanent identifying sign for its location (Exception: undeveloped lots).

7. Sign Spinners, wavers, costumed characters or street performers with signage devices are prohibited within the public right-of-way. Any persons involved in this activity must remain on private property in a hard surface paved area, away from entry and exit drives.
8. Swinging or projecting signs not exceeding three (3) sq. ft. or projecting more than four (4) feet and attached under the eave or awning of a building above a business entrance.
9. Signage on coin-operated beverage dispensers, limited to three (3) per lot and not located within the required front yard setback for the zoning district.
10. One official sign as required by the State of Georgia for vehicle emissions stations licensed by the state. The sign shall meet the setback requirements of Section 12.6(A)(1) and may not exceed 24" wide x 36" high with standard frame and hardware.
11. Vehicle Sign/Wrap shall be allowed when the vehicle is legally parked in the rear or to the side of an establishment or in a parking area that is farthest away from the public street right-of-way.

SECTION 12.6 GENERAL SIGN REQUIREMENTS

- A. In addition to the requirements set forth in Sections 12.3, 12.4, and 12.5, the following regulations shall also apply.
 1. Setbacks: All signs must be located out of right-of-way or at least 10 feet from the back of the curb or edge of pavement of the adjacent street, whichever is greater. Signs located on a corner lot within 50 feet of the intersection of right-of-ways must be out of right-of-way or at least 15 feet from the back of the curb or edge of pavement of the adjacent streets, whichever is greater.
 2. Multiple Signs: No business shall be allowed an additional conforming sign until it has removed any existing nonconforming signs. Provided, however, that on parcels with three (3+) or more businesses, at least two (2) of which are party to a lease or leases, any business that does not own or control the nonconforming sign may erect a wall sign.
 3. Administrative Variance: Setback dimensions of signs can be adjusted up to a maximum of five (5) feet. The code enforcement officer shall have the discretion to use administrative variance only when necessary to prevent a visual hazard from occurring with placement of sign.

The Director of Planning and Development shall have the discretion to allow administrative variances in sign area allowances. Under no circumstances will the administrative variance allow the proposed sign to be more than 125% of the base regulation sign size.

4. Street Numbers: Monument signs shall include the numeric street address of the property upon which it is located. The numbers used to identify the address shall be no less than five (5) inches in height and no more than nine (9) inches in height.
5. Illumination of Signs: Excluding electronic message board signs, internally illuminated signs shall not exceed twenty (20) foot candles of light at a distance of ten (10) feet from such structure. Externally illuminated signs shall be lighted so that lights are positioned in such a manner that light does not produce glare nor does it shine into the eyes of motorists or pedestrians so as to create a hazardous or dangerous condition. Externally illuminated signs shall have lights with directional cut offs which do not allow the light source to be seen by passersby. All fixtures shall be ground mounted. No more than two fixtures per side. No more than 2% of light may go above horizontal.

SECTION 12.7 BANNERS. The term banner shall also refer to temporary feather signs or flags which are mounted on a temporary support post.

- A. Banners shall be permitted in non-residential zoning districts and conditional uses in residential districts subject to the approval of a banner permit issued by the Zoning Enforcement Officer and subject to the following criteria:
 - I. Banners and/or feather flags not in excess of thirty-two (32) sq. ft. in area (cumulative) to be attached to the building facade or to a permanent sign or placed in the ground, must be located out of right-of-way or at least ten (10) feet from the back of the curb or edge of pavement of the adjacent street, whichever is greater.
 - a. A banner permit may be issued for each occurrence not to exceed two (2) fourteen-day (14) periods and one twenty-one day (21) period per calendar year per establishment.
 - b. Feather flags shall be limited to one (1) flag per business and must be located out of right-of-way or at least 10 feet from the back of the curb or edge of pavement of the adjacent street, whichever is greater. Feather Flags shall be permitted for no more than two (2) fourteen-day (14) periods and one twenty-one day (21) period each calendar year.

SECTION 12.8 ELECTRONIC MESSAGE BOARDS. Electronic Message Boards are permitted only in the locations described in this section and only after site plan approval from the Director of Planning and Development. The Mayor and Council may request a hearing to review the Site Plan and sign permit.

- A. Permitted Zoning Districts: Electronic messaging signs are permitted in the following zoning districts:

CI- Civic Institutional District
OP- Office Professional District
BN- Neighborhood Business District
BG- General Business District
HSB- Highway Service Business District
LM- Light Manufacturing District
Residential Zoning Districts with an Approved Conditional Use Permit

- B. Sign Types to Utilize Electronic Message Boards: Electronic messaging may be an element of a monument, free standing, or window sign (only) but shall not exceed fifty percent (50%) of the allowable sign area.

- C. Size and Location Requirements: Electronic message boards shall meet the size and placement requirements of this article with the exception that electronic message boards shall not be allowed as off premises devices.

- D. [Reserved]

- E. Duration of Display:

1. Any electronic message displayed shall remain unchanged for a minimum of fifteen (15) minutes prior to switching messages.
1. The following display types are prohibited:
 - a. Animation is prohibited;
 - b. Flashing, blinking, fade in, fade out or scrolling text is prohibited; and
 - c. Video images are prohibited.

- F. Intensity of Light:

1. The maximum luminance produced by the sign shall not exceed three-tenths (0.30) foot candles greater than the ambient light level.
2. The light level produced by the sign shall be measured using the following equation based on typical sign-to-viewer distance: the square root of the product of the sign area and one-hundred. Example using a 12 square foot sign:
$$\sqrt{(12 \times 100)} = 34.6 \text{ feet measuring distance.}$$
2. Automatic dimming capability shall adjust the signs illumination to the ambient light at all times of the day or night.

- G. Default Control:

1. The sign shall be equipped to freeze the display in one position if a malfunction occurs.
2. The sign must also be equipped with a means to immediately discontinue the display if it malfunctions.
3. The sign owner must immediately stop the display when notified by the Director of Planning and Development that the sign is not complying with the standards of this article.

SECTION 12.9 GENERAL PROCEDURES. The procedure outlined herein shall be followed by all persons erecting signs within the corporate limits of the city.

- A. **Conformance and Permits:** All signs erected, replaced, modified or relocated shall be in conformance with all Ordinances and codes of the City of Snellville. A sign permit shall be secured from the Director of Planning and Development. This permit is to be issued prior to installation or modification of any sign. No permit shall be required for any change of copy on a sign provided no modification is made to the size or location of the sign. No permit shall be required for those signs exempt under Section 12.5. The discretion of any city official in reviewing a sign permit application is to determine if the application and the proposed sign are in compliance with this ordinance. No official reviewing a sign permit application or building or electrical permit application concerning a proposed sign shall consider the content of any message on a proposed sign.
1. Signs that Require **BOTH** a Building Permit and a Sign Location Permit:
 - a. Signs that exceed 32 square feet in area; or,
 - b. Signs that exceed six-feet (6') in height above grade; or,
 - c. Signs on walls having a height exceeding four-feet (4'); or
 - d. Signs that are internally illuminated.
 2. Signs that Require Design by a Georgia Registered Professional Engineer.
 - a. Signs that exceed fifty (50) square feet in area that are either monument signs or signs with supporting structures.
 - b. Signs that exceed twelve feet (12') in height above grade.
 3. Documentation Required for Plan Review & Obtaining a Building Permit.
 - a. A sign location plan is required.
 - b. In order to obtain a Building Permit, three (3) complete sets of drawings must be submitted to the Planning and Development Department. The drawings shall clearly indicate the structural and electrical construction requirements for each proposed sign and at a minimum contain the information described in Sections 4 and 5 (below). The drawings shall also clearly indicate the proposed sign location.
 - c. A Building Permit can be obtained after drawings containing the complete structural and electrical information stated below have been reviewed and approved by the Director of Planning and Development.
 4. Electrical Drawing(s) Plan Review Requirements.
 - a. Drawings for each illuminated sign shall clearly indicate the electrical requirements including the size and location of the electrical disconnect 'the type and size of wire, the conduit size and estimated load. Drawings shall also specify the name of a nationally recognized organization as applicable to the illuminated sign to be installed.
 - b. Electrical installations shall meet the requirements of the NFPA National Electrical Code and must be performed by a Georgia Licensed

electrician.

5. Structural Drawing(s) Plan Review Requirements.

- a. Drawings for each sign structure shall clearly specify the required materials, sizes, and locations for all structural components. Complete details shall be provided that clearly indicates the required connections between all structural components including anchorage to the foundation. Details shall also indicate required attachments of sign cabinets to the supporting structure.
- b. Sign foundation requirements shall be clearly indicated on the drawings including, but not limited to, footing size and reinforcement, 28-day compressive strength of concrete, anchor bolt size and embedment depth.
- c. Drawings for signs that require design by a Georgia registered professional engineer shall contain the following minimum design data in addition to the information required in Sections 5(a) and 5(b), above:
 - (1) State on drawings that the design complies with the SBCCI Standard Building Code;
 - (2) State on drawings that the wind load design complies with ASCE 7 (Minimum Design Loads for Buildings and Other Structures);
 - (3) Basic Wind Speed (MPH), Design Wind Pressure (PSF), Exposure Category (B or C);
 - (4) Minimum required soil bearing capacity (PSF);
 - (5) Structural material specifications (including but not limited to ASTM designation, yield strength (SKI), & material grade, if applicable).

6. Inspection Requirements.

- a. Drawings for sign structures that have been reviewed and approved by the Director of Planning and Development shall be kept readily accessible at the job site at all times during construction. The building permit card shall be posted in the immediate vicinity of the proposed ground sign location.
- b. The electrical subcontractor must submit a completed Subcontractor Affidavit to Planning and Development Department at least two days prior to requesting an electrical inspection.
- c. Each sign, for which a building permit has been issued, requires inspection by the building inspector during the following stages of construction:
 - (1) A foundation inspection is performed after excavation and prior to concrete placement with steel reinforcement, anchor bolts, and structural posts in place.
 - (2) An electrical inspection is performed only after the foundation has been inspected and approved by the City inspector.
 - (3) A final inspection is performed after completion of all construction and a Building Final is issued.
 - (4) Erosion and sediment control measures shall be maintained

throughout construction in accordance with City ordinances and procedures.

B. Application Procedure: Applications for sign permits required above shall be filed by the sign owner or his agent with the Planning and Development Department upon forms furnished by him.

I. Said application shall describe and set forth the following:

- a. Street address of the property upon which the sign is to be located. In the absence of a street address, an acceptable alternate method of location may be used.
- b. Type of sign as defined in this ordinance.
- c. Plans indicating the dimensions of the sign, sign area, height, and mounting details.
- d. Plans indicating its location on the property or the face of the building including the road frontage or building elevation.
- e. The name(s) and address(es) of the real property upon which the subject sign is to be located.
- f. Written consent of the owner, or his agent, granting permission for the placement and/or maintenance of subject sign.
- g. The name, address, phone number and business license number of the sign contractor.

The Planning and Development Department shall complete its review of the application within fifteen (15) working days of the date of application and either approve or deny the application. Should the application be incomplete or contain insufficient information as described in Section 12.9(B) (1) above, it shall be denied. If the Planning and Development Department fails to approve or deny the sign within fifteen (15) working days, the applicant may post the sign as if approved.

C. Appeal/Administrative Review: Any person aggrieved or affected by the decision of the Director of Planning and Development relating to the application of this ordinance may appeal to the Zoning Board of Appeals for relief or reconsideration within thirty (30) days from the date of the adverse determination by the Director of Planning and Development. The Zoning Board of Appeals shall review said application at the next regularly scheduled meeting. Should the Board of Appeals fail to reach a decision (excluding postponement of meeting or agenda item) during its next regularly scheduled meeting, the appeal shall be deemed to be granted. Applications for appeals shall be subject to provisions of Article 14 of the Zoning Ordinance.

D. Expiration Date: A sign permit shall become null and void if the sign for which the permit was issued has not been completed within six (6) months after the date of issuance.

E. Sign Fees: No permit shall be issued until the appropriate application has been filed with the Planning and Development Department and fees have been paid as

established by the Mayor and Council from time to time. Should any person, company, firm, or corporation actually begin work for which a permit is required by this ordinance without taking out a permit, he shall pay three (3) times the amount of the applicable above-described fee.

SECTION 12.10 NONCONFORMING SIGNS.

- A. Non conforming signs which met all legal requirements when erected may stay in place until the deterioration of the sign or damage in accordance with the maintenance and removal section of this ordinance unless the damage to the sign was caused by circumstances beyond the owners control in accordance with OCGA §32-6-83, in which case the owner shall either repair or remove the sign. However, no other structural repairs, changes in shape, size or design to non-conforming signs or replacement of non-conforming signs shall be permitted except to make a non conforming sign comply with all requirements of this ordinance.

SECTION 12.11 MAINTENANCE AND REMOVAL.

- A. Sign Maintenance: Every sign, including those specifically exempt from this code in respect to permits and permit fees, shall be maintained in good structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust-resistant material. All signs shall be free from: rust or holes on or in the sign or sign structure; broken, missing, loose or bent parts; faded or flaking paint; non-operative or partially non-operative illuminating or mechanical devices; and/or missing letters/graphics in sign copy. The Director of Planning and Development or his authorized representative shall inspect and shall have the authority to order the painting, repair, alteration, or removal of a sign which shall constitute a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, or obsolescence.
- B. Dangerous or Defective Signs: No person shall maintain or permit to be maintained on any premises owned or controlled by him any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises.
- C. Removal of Signs by the Director of Planning and Development: The Director of Planning and Development shall cause to be removed any sign that endangers the public safety, such as a dangerous, or materially, electrically, or structurally defective sign, or a sign for which no permit has been issued. The Director of Planning and Development shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that, if the sign is not removed or the violation is not corrected within ten (10) days, the sign shall be removed in accordance with the provisions of this section.
- D. Notice: For all signs the notice shall be issued to the owner of the property on which the sign is located as shown on the last tax record. If known, or with reasonable care should be known, the notice shall be mailed to or delivered to the owner of the sign and/or the occupant of the property.

- E. Appeal/Administrative Review: Any person having an interest in the sign or the property may appeal the determination of the Director of Planning and Development ordering removal or compliance by filing a written notice of appeal with the Zoning Board of Appeals within thirty (30) days after the date of mailing of the Notice of Violation, or thirty (30) days after receipt of the notice if the notice was hand delivered not mailed. The Zoning Board of Appeals shall review said application at the next regularly scheduled meeting. Should the Board of Appeals fail to reach a decision (excluding postponement of meeting or agenda item) during its next regularly scheduled meeting, the appeal shall be deemed to be granted. Applications for appeals shall be subject to provisions of Article 14 of the Zoning Ordinance.

Notwithstanding the above, in cases of emergency, the Director of Planning and Development may cause the immediate removal of a dangerous or defective sign without notice.

SECTION 12.12 SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this article is for any reason held to be unconstitutional or void, the validity of the remaining portions of this article shall not be affected thereby, it being the intent of the Mayor and Council of the City of Snellville in adopting this article that no portion thereof or provision of this article contained herein shall become inoperative or fail by reason of the unconstitutionality or invalidity of any section, subsection, sentence, clause, phrase, or provisions of this article.

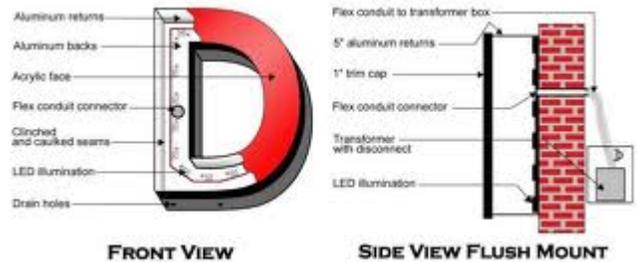
**APPENDIX "XII-A"
SIGNAGE EXAMPLES**

AWNING SIGNS



SIGN, AWNING: A sign painted, stamped, perforated, or stitched, or otherwise applied on the valance of an awning. These are examples that would be acceptable to the city.

CHANNEL LETTER SIGNS



CHANNEL LETTER CONSTRUCTION: Individually illuminated letters and graphics composed of extruded metal structures with plastic faces and internal neon illumination. Letters and graphics shall be individually mounted to the wall surface or mounted on a raceway. These are examples that would be acceptable to the city.

MONUMENT SIGNS



SIGN, MONUMENT: A permanent ground sign designed so the base of the sign face is flush with the supporting base and the supporting base is flush with the ground. Sign shall include a solid, decorative base and may include a decorative frame. The base shall be at least as wide as the sign and/or frame upon it and a minimum of two (2) feet in height. Decorative base and frame materials include stone, brick, E.I.F.S. or stucco. No support posts shall be exposed. These are examples of signs that would be acceptable to the city.

WALL SIGNS



SIGN, WALL: A sign fastened to the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than twelve-inches (12”) from such building or structure. The total signage on one side of a building or structure shall constitute one (1) wall sign.

VEHICLE SIGN/WRAP



VEHICLE SIGN: A graphic applied to the exterior surface of a vehicle consisting of images, words, or other graphic embellishments designed to attract attention to the vehicle. Vehicle signs shall be allowed when the vehicle is legally parked in the rear or to the side of an establishment or in the parking area that is farthest away from the public street right-of-way.

APPENDIX "XII-B"
PROHIBITED SIGN TYPE EXAMPLES



Cabinet/Log Box Sign



Roof Sign



Flashing Sign



Animated Sign



Signs attached to any pole...



Tree....



Street Sign



Signs on public right-of-way



Mobile Sign



Bench Sign



Air or Gas Filled Sign



Open Face Channel Letter Sign



Rotating Sign



Freestanding Sign larger than 6 sq. ft. in area



Sign over 15 feet in height



Building Wrap Sign



Mural



Spinsock



Windsock



Abandoned Sign



Air or Gas Filled Sign (also a Rooftop Sign)



Air or Gas Filled Sign (also a Rooftop Sign)

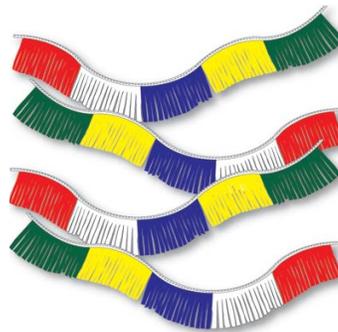
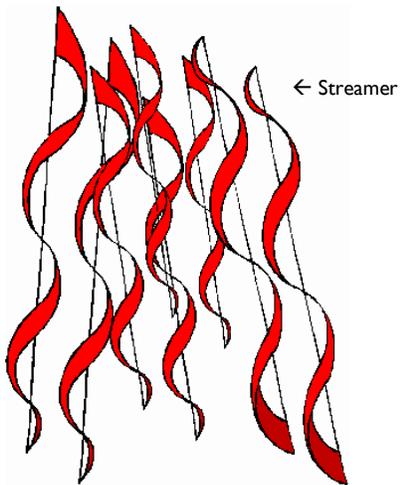


← Banner attached to Inflatable attached to a vehicle (also a Mobile Sign)

APPENDIX "XII-C"
ATTENTION GETTING DEVICE EXAMPLES



Pennant



Hula Wiggler



Spinner



Inflatable "Flyguy" or "Flytube"



Costumed Character



Inflatable Sign & Hula Wigglers



Banner attached to Inflatable



Merchandise Placed Along Street (outside of storefront apron)



LED Window & Door Lighting (light source not shielded)



LED Window & Door Lighting (light source not shielded)

NOTE: The images and photos provided within this document are to help illustrate the definitions used herein and to depict the various sign types, both permitted and prohibited. Under no circumstances is the sign message or content considered when determining compliance with the regulatory requirements.

SECTION / ARTICLE	DESCRIPTION	AMENDMENT DATE
Section 12.2	Sign, Portable (amended)	05/17/1993
Section 12.4	Signs Permitted (amended)	05/17/1993
Section 12.5	Signs Exempt (amended)	05/17/1993
Section 12.6	Sign Regulations (amended)	05/17/1993
Section 12.7	Temporary Signs (amended)	05/17/1993
Section 12.2	Sign Definitions (amended)	09/19/1994
Section 12.4	Signs Permitted (amended)	09/19/1994
Section 12.5	Signs Exempt (amended)	09/19/1994
Section 12.6	Sign Regulations (amended)	09/19/1994
Section 12.2	Sign Definitions (amended)	05/17/1999
Section 12.3	Signs Prohibited (amended)	05/17/1999
Section 12.4	Signs Permitted (amended)	05/17/1999
Section 12.5	Signs Exempt (amended)	05/17/1999
Section 12.6	Sign Requirements (amended)	05/17/1999
ARTICLE XII	DELETED IN ITS ENTIRETY AND REPLACED	06/25/2001
ARTICLE XII	DELETED IN ITS ENTIRETY AND REPLACED	06/10/2002
ARTICLE XII	DELETED IN ITS ENTIRETY AND REPLACED	03/22/2004
Section 12.6	Sign Requirements (amended)	09/24/2007
ARTICLE XII	DELETED IN ITS ENTIRETY AND REPLACED	02/25/2013
Section 12.2	Sign Definitions (amended)	12/14/2015
Section 12.3	Signs Prohibited (amended)	12/14/2015
Section 12.5	Signs Exempt (amended)	12/14/2015
Section 12.8	Electronic Message Boards (amended)	12/14/2015
Appendix XII-A	Signage Examples (amended)	12/14/2015

ARTICLE XIII

ADMINISTRATION AND ENFORCEMENT

SECTION 13.1 ADMINISTRATION OF ORDINANCE. A code enforcement officer designated by the City Council shall administer and enforce this Ordinance and carry out the duties required. He or she may be provided with the assistance of such other persons as the City Council may direct.

If the code enforcement officer shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Such written notice shall not be a necessary condition precedent to enforcement of the Ordinance. He shall order discontinuance of illegal use of land, buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

SECTION 13.2 BUILDING PERMITS REQUIRED. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the code enforcement officer. No building permit shall be issued by the code enforcement officer except in conformity with the provisions of this Ordinance, unless he receives a written order from the Board of Appeals in the form of an administrative review or variance as provided by this Ordinance.

SECTION 13.3 APPLICATION FOR BUILDING PERMIT. All applications for building permits shall be accompanied by plans in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this Ordinance. One copy of the plans shall be returned to the applicant by the code enforcement officer after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original, similarly marked, shall be retained by the code enforcement officer. If the plans conform with the provisions of this Ordinance, the city building codes and other Ordinances of the city, the permit shall be issued upon payment of the required fee. If compliance does not result, the building permit shall be refused by the code enforcement officer.

SECTION 13.4 CERTIFICATE OF OCCUPANCY REQUIRED. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefor by the code enforcement officer stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

No permit for erection, alteration, moving or repair of any building shall be issued until application has been made for a certificate of occupancy. The certificate shall be issued only if the building and use comply with the provisions of this ordinance upon completion of the work.

A temporary certificate of occupancy may be issued by the administrative official for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

The code enforcement officer shall maintain a record of all certificates of occupancy, and a copy shall be furnished upon request to any person. Failure to obtain a certificate of occupancy shall be a violation of this Ordinance and punishable under Section 16.3 of this ordinance.

SECTION 13.5 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS, AND CERTIFICATES OF OCCUPANCY. Building permits or certificates of occupancy issued on the basis of plans and applications approved by the code enforcement officer authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this ordinance, and punishable as provided by Section 16.3 hereof.

SECTION / ARTICLE	DESCRIPTION	AMENDMENT DATE
Section 13.5	Expiration of Building Permits (deleted)	08/25/2003

ARTICLE XIV

BOARD OF APPEALS

SECTION 14.1 [RESERVED]SECTION 14.2 PROCEEDINGS OF THE BOARD OF APPEALS.

- A) The Board of Appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of the Zoning Ordinance. The Board of Appeals shall conduct its regular meetings on the Second Tuesday of each month and at such other times as the chairperson or board shall determine, with the chairperson or board having the right to re-schedule or cancel any meeting. The Chairperson, or in his absence, the vice-chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
- B) The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records to its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

SECTION 14.3 HEARINGS, APPEALS, NOTICE.

- A) Appeals to the Board of Appeals concerning interpretation or administration of the Zoning Ordinance may be taken by any person aggrieved or by any officer or bureau of the governing body of the city affected by any decision of a staff member of the Planning and Development Department. Appeals shall be filed with the Planning and Development Department within thirty (30) days of said decision, as described in this Article. The Planning and Development Director shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. Appeals to the Board of Appeals concerning the interpretation or administration of the Development Regulations shall be administered in the manner set forth in Article 13 of the Development Regulations for the City of Snellville.
- B) The Board of Appeals shall hear and act upon within 45 days of receipt and give public notice thereof. At the hearing, any party may appear in person or by agent or attorney. Recourse from the decisions of the Board of Appeals shall be to the courts as provided by law.

SECTION 14.4 [RESERVED]SECTION 14.5 POWERS AND DUTIES. The Board of Appeals shall have the following powers and duties:

- I. Administrative Review: To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by a staff member of the Planning and Development Department in the enforcement of the ordinance.

2. Zoning Variances; Waivers from the Development Regulations; Conditions Governing Applications; Procedures. To authorize upon appeal in specific cases such variance from the terms of the Zoning Ordinance or waiver from the Development Regulations (in the manner set forth in Article 13 of the Development Regulations) as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Zoning Ordinance or Development Regulations would result in unnecessary hardship. A variance from the terms of the Zoning Ordinance or waiver from the terms of the Development Regulations shall not be granted by the Board of Appeals unless and until:
- a) A written application for a variance or waiver is submitted demonstrating:
 - 1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same district;
 - 2) That literal interpretation of the provisions of the Zoning Ordinance or Development Regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance or Development Regulations;
 - 3) That the special conditions and circumstances do not result from the actions of the applicant;
 - 4) That granting the variance or waiver requested will not confer on the applicant any special privilege that is denied by the Zoning Ordinance or Development Regulations to other lands, structures, or buildings in the same district.

No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, shall be considered grounds for the issuance of a variance.

- b) Any application for an administrative review, variance, and/or waiver shall be submitted by noon thirty-six (36) days prior to the date on which it is to be considered by the Board of Appeals. The applicant shall submit nine (9) stapled or bound copies of the application and any supporting documents, in addition to one (1) unbound application bearing original signatures. In addition, a CD-ROM shall be submitted containing a digital copy of all materials submitted in .pdf format and .dwg format, as appropriate. The submitted application shall also include: verification by Gwinnett County that all property taxes owed have been paid; a Certificate of Title for all parcels subject to the application; and a map indicating the subject property(ies) and the adjacent properties, identified by tax parcel number. An initiating party shall also file any other information or supporting materials that are required by the Mayor and Council, Planning Commission, and/or the Planning and Development Department. Filing fees for such an application shall be determined by the Mayor and Council and made available by the Planning and Development Department.

The Department of Planning and Development shall notify the owners of adjoining property owner(s), of the subject property, for which the variance is sought and/or his agent by Certified Mail with Return Receipt Requested as shown by the Gwinnett County GIS Data Brower. Such notification shall be

mailed not fewer than fifteen (15) days nor more than forty-five (45) days prior to the Board of Appeals hearing. Said notification shall include a description of the application and the date, time, and place of the public hearing.

- c) The City shall provide notice of public hearing at least fifteen (15) days in advance of public hearing. Notice of such hearings shall be posted on the property for which the variance or waiver is sought and at City Hall.
- d) Due notice of the Board of Appeals hearing shall be published in the newspaper which carries the legal advertisements of the city, by advertising the application and date, time, place and purpose of the public hearing not fewer than fifteen (15) days nor more than forty-five (45) days prior to the date of the Board of Appeals hearing.
- e) The public hearing shall be held. Any party may appear in person, or by agent or attorney.
- f) The Board of Appeals shall further make findings that the requirements of Section 14.5(2) have been met by the applicant for a variance or waiver.
- g) The Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance or waiver is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- h) The Board of Appeals shall further make a finding that the granting of the variance or waiver will be in harmony with the general purpose and intent of the Zoning Ordinance or Development Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance or waiver, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with the Zoning Ordinance and/or Development Regulations. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the Zoning Ordinance and punishable under Section 16.3 of the Zoning Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the waiver is granted, shall be deemed a violation of the Development Regulations and punishable under Section 13.5.2 of the Development Regulations.

SECTION 14.6 POWERS OF BOARD ON APPEALS: REVERSING DECISION OF PLANNING & DEVELOPMENT DEPARTMENT. In exercising the above mentioned powers, the Board of Appeals may, so long as such action is in conformity with the terms of the Zoning Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Planning and Development Department staff member from whom the appeal is taken.

SECTION 14.7 DUTIES OF PLANNING AND DEVELOPMENT DIRECTOR, BOARD OF APPEALS, MAYOR AND COUNCIL AND COURTS ON MATTERS OF APPEAL.

- A) It is the intent of the Zoning Ordinance that all questions of interpretation and enforcement shall be first presented to the Planning and Development Director or his/her designee, and that such questions shall be presented to the Board of Appeals only on appeal from the decision of the Planning and Development Director or his/her designee, and that recourse from the decisions of the Board of Appeals shall be to the courts as provided by law.
- B) The Mayor and Council may add or delete conditions to Rezoning Applications during the public hearing that are more or less restrictive than the current Zoning Ordinance and/or Development Regulations.

SECTION 14.8 REAPPLICATION: ADMINISTRATIVE VARIANCES.

- A) If an application for a variance or waiver is denied by the Board of Appeals, a reapplication for such variance or waiver may not be made earlier than 12 months from the date of the original application.
- B) The Planning and Development Director or his/her designee shall have the power to grant administrative variances from the development standards of the Zoning Ordinance, where, in his opinion, the intent of the Zoning Ordinance can be achieved and equal performance obtained by granting a variance. In the Planned Residential Conservation (PRC) and R-HOP districts, the Planning and Development Director or his/her designee is restricted to granting no more than twenty-five percent (25%) reduction of the normal administrative variance authorized in this section. The authority to grant such variances shall be limited, with one exception, to variance from the following requirements:
 - 1) Front yard or yard adjacent to public street – variance not to exceed five feet (5’).
 - 2) Side yard variance not to exceed two feet (2’).
 - 3) Rear yard variance not to exceed four feet (4’).
 - 4) Height of building – variance not to exceed five feet (5’).
 - 5) Side or rear yard – a variance for a zero foot setback may be granted when part of a commercial development and planned as a unit having a similar architectural composition and not a miscellaneous assemblage of stores, provided however, that prior to any issuance of the variance, the applicant shall obtain approval from the affected side and/or rear yard property owner(s).
 - 6) Sidewalk Setback – variance for a zero foot setback.

The one exception would cover structures that preceded the zoning ordinance and do not conform to the Ordinance as written. Consideration for a variance would be given when ownership was changing and the mortgage company required conformity to the Zoning Ordinance.

SECTION 14.9 SCHEDULE OF FEES, CHARGES AND EXPENSES.

- A) The Mayor and Council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of occupancy, appeals, and other matters pertaining to the Zoning Ordinance. The schedule of fees shall be posted in the Planning and Development Department and may be altered or amended only by the Mayor and Council.
- B) Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

SECTION / ARTICLE	DESCRIPTION	AMENDMENT DATE
Section 14.7	Reapplication: Administrative Variances (amended)	10/18/1993
Section 14.1	Establishment, Composition, Appointment and Tenure (amended)	04/18/1994
Section 14.2	Proceedings of the Board of Appeals (amended)	04/18/1994
Sections 14.2 – 14.8	Sections (renumbered)	04/18/1994
Section 14.8	Reapplication: Administrative Variances (amended)	09/15/1997
Sections 14.3-14.9	Sections (amended)	04/19/1999
Section 14.8	Reapplication: Administrative Variances (amended)	04/24/2000
Section 14.1	Establishment, Composition, Appointment and Tenure (amended)	06/10/2002
Section 14.4	Stay of Zoning Proceedings (deleted)	06/10/2002
ARTICLE XIV	DELETED AND REPLACED TO ADOPT AMENDMENTS	02/23/2004
ARTICLE XIV	DELETED AND REPLACED TO ADOPT AMENDMENTS	04/25/2005
Section 14.5	Powers and Duties (amended)	07/23/2007
Section 14.8	Reapplication: Administrative Variances (amended)	07/23/2007
Section 14.5	Powers and Duties (amended)	03/22/2010

ARTICLE XV

AMENDMENTS

The regulations, restrictions, and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed, provided however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. This Ordinance, including the Official Zoning Map of Snellville and the Land Use Plan of Snellville, may be amended from time to time by the Mayor and Council of Snellville, but no amendment shall become effective unless it shall have been proposed by or shall have first been submitted to the Snellville Planning Commission for review and recommendation.

SECTION 15.1. INITIATION OF AMENDMENTS.

Amendment applications may be in the form of proposals to amend the text, or proposals to amend the Land Use Plan or the Official Zoning Map. An application to amend the text of the Zoning Ordinance may be initiated by the Planning and Development Department or the Planning Commission, submitted to the Planning Commission by the Mayor and Council, or submitted by any person having an interest in the City. An application to amend the Land Use Plan or the Official Zoning Map may be initiated by the Planning Commission or be submitted to the Planning Commission by the Mayor and Council. Unless initiated by the Mayor and Council or the Planning Commission, all applications to amend the Land Use Plan, Official Zoning Map, or conditions of zoning must be submitted by the owner of the affected property or the authorized agent of the owner. Such authorization shall be notarized and attached to the application.

SECTION 15.2. APPLICATION FOR AMENDMENTS.

Each application to amend text of this Ordinance, the Land Use Plan, or the Official Zoning Map shall be filed with the Planning and Development Department. Applications shall be submitted in compliance with the following:

- (1) Text amendment applications shall include the following:
 - (a) Payment of the appropriate application fee as determined by the fee schedule;
 - (b) Name and address of applicant;
 - (c) Current provisions of text to be affected by amendment;
 - (d) Proposed wording of text change;
 - (e) Letter of Intent explaining what is proposed and reason for request;
 - (f) Applicant's Certification;
 - (g) Conflict of Interest Certification and Disclosure of Campaign Contributions;
and

- (h) Fifteen (15) stapled or bound copies of the text amendment application and all supporting documents, in addition to one (1) unbound application bearing original signatures. In addition, a CD-ROM shall be submitted containing a digital copy of all materials submitted in .pdf format.
- (2) Land Use Plan amendment applications shall include the following:
- (a) Payment of the appropriate application fee as determined by the fee schedule;
 - (b) A current legal description of the property proposed for amendment. If the property proposed for amendment includes multiple parcels, provide a separate legal description for each individual parcel, together with a composite legal description for all parcels;
 - (c) Thirty (30) printed boundary surveys of the geographic area in the City that is to have a revised land use under the applicant's proposal, at least one of which should be an 11 x 17 (or smaller) reduction. In addition, a CD-ROM shall be submitted containing a digital file of the boundary survey in both .pdf and .dwg formats;
 - (d) All permitted land uses for the identified area under the existing Land Use Plan;
 - (e) All changes to existing land use designations that are proposed by the application;
 - (f) All land uses immediately adjacent to the subject property under the existing Land Use Plan;
 - (g) Letter listing all reasons for the amendment application;
 - (h) Applicant's and/or Owner's Certification;
 - (i) Names and addresses of the owner(s) of the land or their agent(s), if any, authorized to apply for an amendment;
 - (j) A written, documented analysis of the impact of the proposed land use change that specifically addresses each of the following matters:
 1. Whether the proposed land use change will permit uses that are suitable in view of the uses and development of adjacent and nearby property;
 2. Whether the proposed land use change will adversely affect the existing uses or usability of adjacent or nearby property;
 3. Whether the proposed land use change will result in uses which will or

- could cause excessive or burdensome uses of existing streets, transportation facilities, utilities, or schools; and
4. Whether there are other existing or changing conditions affecting the use and development of the affected land areas which support either approval or disapproval of the proposed land use change.
- (k) Thirty (30) stapled or bound copies of the Land Use Plan amendment application and all supporting documents, in addition to one (1) unbound application bearing original signatures. In addition, a CD-ROM shall be submitted containing a digital copy of all materials submitted in .pdf format;
- (l) Verification by Gwinnett County that all property taxes owed have been paid (for all parcels subject to this application);
- (m) A Certificate of Title (for all parcels subject to the application);
- (n) A map indicating the subject property(ies) and the adjacent properties, identified by tax parcel number; and
- (o) An initiating party shall also file any other information or supporting materials that are required by the Mayor and Council, Planning Commission and/or the Planning and Development Department.
- (3) Zoning Map amendment applications shall include the following:
- (a) Payment of the appropriate application fee as determined by the fee schedule;
- (b) A current legal description of the property to be rezoned. If the property proposed for amendment includes multiple parcels, provide a separate legal description for each individual parcel, together with a composite legal description for all parcels;
- (c) Thirty (30) copies of the proposed site plan, and one (1) 11 x 17 (or smaller) reduction of the plan, drawn to scale, showing: a north arrow; land lot, district, and parcel number; the dimensions with bearing and distance; acreage; location of the tract(s); the present zoning classification of all adjacent parcels; the proposed location of structures, driveways, parking, and loading areas; and the location and extent of required buffer areas. Site plan shall be prepared by an architect, engineer, landscape architect or land surveyor whose state registration is current and valid. Site plan must be stamped and sealed by one of the four above-mentioned professionals no more than six (6) months prior to date of submittal. In addition, a CD-ROM shall be submitted containing a digital file of the site plan in .pdf and .dwg formats;

- (d) Letter of intent explaining what is proposed;
- (e) Thirty (30) stapled or bound copies of the Zoning Map amendment application and all supporting documents, in addition to one (1) unbound application bearing original signatures. In addition, a CD-ROM shall be submitted containing a digital copy of all materials submitted in .pdf format;
- (f) Applicant's and/or Owner's Certification;
- (g) Conflict of Interest Certification and Disclosure of Campaign Contributions;
- (h) The present and proposed zoning district for the tract(s);
- (i) The names and addresses of the owners of the land and their agents, if any;
- (j) Each Zoning Map amendment application, whether submitted by the City or by another party, shall include with it a written, documented analysis of the impact of the proposed rezoning with respect to each of the following matters:
 - 1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties;
 - 2. Whether the zoning proposal would adversely affect the existing use or usability of adjacent or nearby property;
 - 3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
 - 4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing, streets, transportation facilities, utilities, or schools;
 - 5. Whether the zoning proposal is in conformity with the policy and intent of the Land Use Plan; and
 - 6. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal.
- (k) Architectural building renderings indicating building elevation, colors, construction materials, etc. of which the facades and roofs will consist;
- (l) Verification by Gwinnett County that all property taxes owed have been paid (for all parcels subject to this application);
- (m) A Certificate of Title (for all parcels subject to the application);
- (n) A map indicating the subject property(ies) and the adjacent properties, identified by tax parcel number; and

- (o) An initiating party shall also file any other information or supporting materials that are required by the Mayor and Council, Planning Commission, and/or the Planning and Development Department.
- (4) Applications shall be submitted by noon at least forty-two (42) days prior to the date on which it is to be considered by the Planning Commission. Any application that does not include all of the components required in Sections 15.2 (1), (2), and/or (3) shall be considered incomplete; submission date shall be considered the date upon which the application is accepted as complete by the Planning and Development Department. Fees for an application to amend the Zoning Ordinance, the Official Zoning Map, the Land Use Plan, or any combination thereof, shall be established by the Mayor and Council and made available by the Planning and Development Department. A fee shall not be charged for applications initiated by the Mayor and Council or Planning Commission.
- (5) Once an application for a Land Use Plan amendment and/or Official Zoning Map amendment has been made, the applicant may withdraw such application without prejudice until such time as the legal advertisement for the Mayor and Council public hearing is placed in the City's legal organ (no less than twenty-one days before the Mayor and Council public hearing). No application shall be allowed to be withdrawn less than twenty-one (21) days before the Mayor and Council public hearing unless the request for withdrawal is granted by the Mayor and Council at the public hearing. Otherwise, all applications shall be considered by the Mayor and Council.

There shall be no reimbursement for withdrawn applications. An applicant may request reimbursement in writing to the Mayor and Council. Said request will be considered during a regular meeting of the Mayor and Council.

- (6) If an application for a Land Use Plan amendment and/or an Official Zoning Map amendment is denied by the Mayor and Council, no application affecting any portion of the same property shall be submitted less than twelve (12) months from the date of denial.

SECTION 15.3. PLANNING AND DEVELOPMENT DEPARTMENT STUDY.

- (1) The Planning and Development Department, upon receiving an application to amend the Zoning Ordinance, Land Use Plan, or the Official Zoning Map, may do the following:
 - (a) Consult with other departments of the City or County to fully evaluate the impact of any land use category or zoning district change upon public facilities and services including, but not limited to, schools, drainage, traffic and related facilities.
 - (b) Conduct a site review of the property and surrounding area.

(c) Submit a written record of its investigation and recommendations to the Planning Commission and Mayor and Council. Said report shall be a matter of public record.

(2) The Planning and Development Department's report may recommend amendments to the applicant's request which would reduce the land area for which the application is made, change the land use category or zoning district requested and/or recommend conditions of rezoning which may be deemed advisable so that the purpose of this Ordinance will be served and the public health, safety, morality, and general welfare secured.

SECTION 15.4. PLANNING COMMISSION ACTION.

The Planning Commission shall hold a public hearing on each application in accordance with a schedule adopted by the Mayor and Council. Staff recommendations on each application shall be submitted to the Planning Commission in advance of the public hearing. In addition, the Planning Commission shall with respect to each application investigate and make a recommendation as to each of the matters set forth in Section 15.2(2)(g) and/or 15.2(3)(e) for approval, denial, deferral, withdrawal without prejudice or no recommendation. Proponents and opponents of any amendment shall be allotted a minimum of ten (10) minutes, per side, for the presentation of data, evidence, and opinion during said public hearing. A written report of the Planning Commission's investigation and recommendation, along with the investigation and recommendation of the Planning Department, shall be submitted to the Mayor and Council and shall be of public record.

SECTION 15.5. MAYOR AND COUNCIL PUBLIC HEARING.

Before taking action on a proposed amendment and after receipt of the Planning Department and Planning Commission recommendations and reports thereon where required, the Mayor and Council shall hold a public hearing on the proposal. At the public hearing, the Mayor and Council shall review the reports prepared by the Planning and Development Department and the Planning Commission. So that the purpose of this Ordinance will be served and the public health, safety, morality, and general welfare secured, the Mayor and Council may approve or deny the application, reduce the land area for which the application is made, change the district or land use category requested, and/or add or delete conditions of the application that are more or less restrictive than the current ordinance. Proponents and opponents of any amendment shall be allotted a minimum of ten (10) minutes, per side, for the presentation of data, evidence, and opinion during said public hearing. An action by the Mayor and Council to defer the application shall include a statement of the date and time of the next meeting at which the application will be considered, which statement shall constitute public notice of the hearing on the application and no further notice, such as that required by Section 15.6, is required.

SECTION 15.6. PUBLIC NOTIFICATION. The following are required for applications to amend the Land Use Plan, Official Zoning Map, conditions of rezoning, or for a Conditional Use Permit:

(1) Legal notice: Due notice of the Planning Commission meeting and the Mayor and

Council public hearing shall be published in a newspaper of general circulation within the City and the newspaper which carries the legal advertisements of the city, by advertising the application and date, time, place and purpose of the public hearing not fewer than fifteen (15) days nor more than forty-five (45) days prior to the date of the Planning Commission meeting and the Mayor and Council public hearing. If the application is to amend the Land Use Plan, the notice shall include location, current land use category and proposed land use category. However, if the application is for amendment to the Official Zoning Map, then the notice shall also include the location of the property, the present zoning district of the property, and the proposed zoning classification of the property.

- (2) Signs posted: The Department of Planning and Development shall post a sign containing information which indicates that the application(s) has been filed and the date, time, and place of both the Planning Commission meeting and Mayor and Council public hearing at which the application(s) will be considered. The sign(s) shall be posted at least fifteen (15) days nor more than forty-five (45) days prior to the Planning Commission public hearing and shall be posted in a conspicuous place on the property adjacent to and visible from each public street abutting the property for which an application has been submitted. The applicant shall submit the required fee for the purchase of said sign(s), to be determined by the Mayor and Council, at the time such an application(s) is submitted. The applicant shall maintain the sign(s) in good condition, making sure they are present and upright throughout the application review period, which shall extend through the time of final City Council decision. The Department of Planning and Development shall be responsible for the removal of all public notice sign(s).
- (3) Letters to property owners: The Department of Planning and Development shall notify the owners of adjoining property owner(s), of the subject property, for which the variance is sought and/or his agent by Certified Mail with Return Receipt Requested as shown by the Gwinnett County GIS Data Brower. Such notification shall be mailed at least fifteen (15) days prior to the Planning Commission meeting. A second notification mailing shall be at least (15) days prior to the Mayor and Council public hearing. Said notification shall include a description of the application and the date, time, and place of the public hearing.

SECTION 15.7. CONDITIONS OF REZONING ALTERATION HEARING.

An application to alter conditions of rezoning shall be submitted and processed in accordance with all provisions applicable to map amendments through the Planning and Development Department, the Planning Commission for a public hearing, and to the Mayor and Council for public hearing.

SECTION 15.8. ORDER OF AMENDMENTS.

The permitted order in which amendments may be made to the text of the Zoning ordinance, the Land Use Plan, and the Official Zoning Map, respectively, is as follows:

- (1) The text of the Zoning Ordinance may be amended without prior or subsequent amendment to the Land Use Plan or the Official Zoning Map.

- (2) The Official Zoning Map may be amended without an amendment to the Land Use Plan if the proposed amendment would permit a use that is permitted by the Land Use Plan.
- (3) If a proposed amendment to the Official Zoning Map would permit a use that is not authorized within the land use category of the subject property as shown on the Land Use Plan, then the applicant must obtain an appropriate amendment to the Land Use Plan before applying for the rezoning. The applicant may apply for an appropriate amendment to the Land Use Plan and at the same time apply for Zoning Map amendment.
- (4) The Land Use Plan may be amended regardless of the zoning districts that apply to the subject property.
- (5) Where an application to amend the Land Use Plan and an application to amend the Official Zoning Map each affect the same property and are scheduled to be heard at the same hearing, the application to amend the Land Use Plan shall be heard first and action authorized by this ordinance taken before the application to amend the Official Zoning Map is heard and action taken with respect thereto.

SECTION 15.9. ANNUAL REVIEW OF THE LAND USE PLAN.

In June of each year, the Planning Commission shall submit to the Mayor and Council its written recommendations concerning amendments to the Land Use Plan. The Mayor and Council shall review the Planning Commission's report and shall hold a public hearing on any recommended amendments which the Mayor and Council considers of public interest and subject to implementation in July of each year.

SECTION 15.10. CONDITIONAL USE PROVISIONS.

An application for a Conditional Use Permit shall be submitted and processed in accordance with all provisions applicable to map amendments through the Planning and Development Department, the Planning Commission for a public hearing, and to the Mayor and Council for public hearing. An applicant seeking a conditional use permit shall submit such application, site plan and pay appropriate fees as determined by the Mayor and Council. Twenty (20) stapled or bound copies of the application, site plan, and any supporting documents must be submitted by the applicant, in addition to one (1) unbound application bearing original signatures. In addition, a CD-ROM shall be submitted containing a digital copy of all materials submitted in .pdf format. The following procedure shall be used by the City to review and evaluate conditional use applications:

- (1) Applications for conditional uses shall be submitted no later than noon forty-two (42) days prior to the meeting date of the Planning Commission.
- (2) The site plan shall be submitted for review by the Planning Commission and shall contain the following information:
 - (a) Twenty (20) copies of the proposed site plan, and one (1) 11 x 17 (or smaller) reduction of the plan, drawn to scale, showing: a north arrow; land lot,

district, and parcel number: the dimensions with bearing and distance; acreage; location of the tract(s); the present zoning classification of all adjacent parcels; the proposed location of structures, driveways, parking, and loading areas; and the location and extent of required buffer areas. Site plan shall be prepared by an architect, engineer, landscape architect or land surveyor whose state registration is current and valid. Site plan must be stamped and sealed by one of the four above-mentioned professionals no more than six (6) months prior to date of submittal. In addition, a CD-ROM shall be submitted containing a digital file of the site plan in .pdf and .dwg formats.

- (b) Additional information in narrative form, or depicted on the site plan demonstrating how all provisions regarding the conditional use as enumerated elsewhere in the Ordinance will be complied with.
- (3) The Planning Commission shall conduct a public hearing to consider the conditional use application. The applicant or his/her representative must be present at this hearing. At this public hearing, the Planning Commission shall evaluate the request and either make a recommendation for approval or denial to the Mayor and Council.
- (4) At least fifteen (15) days prior to the date of the public hearing to be held by the Mayor and Council, the conditional use request shall be duly advertised, following the same procedure required for a rezoning in Sections 15.5 and 15.6.
- (5) If the conditional use application is denied by the Mayor and Council, the applicant's recourse shall be to Superior Court.
- (6) If the conditional use application is denied by the Mayor and Council, no conditional use application affecting any portion of the same property shall be submitted less than six (6) months from the date of denial.

SECTION 15.11. ACTIONS TO BE TAKEN IF PROPOSED PLANS OF PROPERTY OWNER ARE NOT IMPLEMENTED WITHIN SPECIFIED TIME LIMITS.

If a site development plan or preliminary plat has not been submitted to the Planning and Development Department within twelve (12) months of the date of approval of the rezoning application, then the Planning Commission may review each case to determine if there are circumstances clearly justifying such delays. If justifying circumstances do not exist, the Planning Commission may recommend to Council that the Zoning Map be amended to change the land to its prior zoning classification.

SECTION 15.12. EVALUATION OF ZONING AMENDMENTS.

In considering the applications for amendment to the Zoning Ordinance or Official Zoning Map, or in making other zoning decisions, the following factors may be considered:

- (1) The impact upon the appearance of the City;

- (2) The impact upon thoroughfare congestion and traffic safety;
- (3) The impact upon population density and the potential for overcrowding and urban sprawl;
- (4) The impact upon the provision of water, sewerage, transportation and other urban services;
- (5) The protection of property against blight and depreciation;
- (6) Consistency with the adopted Land Use Plan and/or Comprehensive Plan;
- (7) The impact upon adjacent property owners if the amendment is approved;
- (8) The impact upon the applicant if the amendment is denied; and/or
- (9) Any other factor affecting the health, safety, morals, convenience, order, prosperity, or general welfare of the present and future inhabitants of City of Snellville.

SECTION / ARTICLE	DESCRIPTION	AMENDMENT DATE
Section 15.2	Application for Amendments (amended)	04/18/1994
Section 15.6	Public Notification (amended)	03/18/1996
Section 15.10	Conditional Use Provisions (amended)	02/16/1998
Section 15.2	Application for Amendments (amended)	10/23/2000
Section 15.6	Public Notification (amended)	10/23/2000
Section 15.10	Conditional Use Provisions (amended)	10/23/2000
Section 15.2	Application for Amendments (amended)	03/26/2001
Section 15.2	Application for Amendments (amended)	06/10/2002
Sections 15.9-15.10	Sections (amended)	06/10/2002
Section 15.5	City Council Public Hearing (amended)	02/24/2003
ARTICLE XV	DELETED AND REPLACED TO ADOPT AMENDMENTS	02/23/2004
ARTICLE XV	DELETED AND REPLACED TO ADOPT AMENDMENTS	07/23/2007
Section 15.6	Public Notification (amended)	03/22/2010
Section 15.10	Conditional Use Provisions (amended)	03/22/2010

ARTICLE XVI

LEGAL STATUS PROVISIONS

SECTION 16.1 PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing higher standards shall govern.

SECTION 16.2 PENALTIES FOR VIOLATION.

- (A) It is unlawful to violate the provisions of this ordinance or to fail to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants or variances, or conditional uses). Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than that prescribed by state law and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- (B) The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- (C) Nothing herein contained shall prevent the city from taking such, other lawful action as is necessary to prevent or remedy any violation.

SECTION 16.3 REMEDIES. If any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or if any building, structure or land is used in violation of this Ordinance, the Mayor or City Council of Snellville, the Building Inspector, the code Enforcement Officer, the Director of Planning and Development or his/her designee or any adjacent or other property owner or anyone else who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action in proceeding to stop the violation in the case of such building, structure or land use.

SECTION 16.4 SEVERABILITY CLAUSE. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 16.5 REPEAL OF CONFLICTING ORDINANCES. All Ordinances or parts of Ordinances in conflict with this Zoning ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION / ARTICLE	DESCRIPTION	AMENDMENT DATE
Section 16.3	Remedies (amended)	04/25/2005

ARTICLE XVII

PROPERTY MAINTENANCE

SECTION 17.1 TITLE, PURPOSE, SCOPE, INTERCHANGEABILITY, AND DEFINITIONSA. Title.

The title of this ordinance shall be the “City of Snellville Property Maintenance Ordinance” and may be cited hereinafter as “this ordinance.”

B. Purpose.

The purpose of this ordinance is to establish minimum requirements and standards for premises and structures in order to promote and protect the public health, safety, convenience, order and general welfare of the citizens of the county.

C. Scope.

This ordinance shall apply to all existing and future structures and premises and constitute minimum requirements and standards for existing structures and premises.

D. Interchangeability.

Words stated in the present tense include the future. Words stated in the masculine gender include the feminine and neuter. Words stated in the singular number include the plural and the plural the singular.

E. Definitions.

Terms not defined herein shall have their meaning as defined in the Zoning Ordinance, the Development Regulations, and the Construction Code, or in the absence of such definition, words shall have their common dictionary definition. Whenever the words “dwelling unit,” “premises,” “building,” “roominghouse,” “rooming unit” or “story” are stated in this ordinance, they shall be construed as though they were followed by the words “or any part thereof.” The following definitions shall apply in the interpretation and enforcement of this ordinance:

BATHROOM: A room containing plumbing fixtures including a bathtub or shower.

BEDROOM: Any room or space used or intended to be used for sleeping purposes.

DWELLING UNIT: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EXTERIOR PROPERTY: The open space on the premises and on adjoining property under the control of owners or operators of such premises.

FOREST: A naturally forested residential and/or commercially zoned premise in excess of one acre, containing no habitable space.

HABITABLE SPACE: Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

MAINTENANCE: The act of keeping property, structures or vegetation in a proper condition so as to prevent their decline, failure or uncontrolled growth.

OCCUPANCY: The purpose for which a building is utilized or occupied.

OCCUPANT: Any individual living or sleeping in a building; or having possession of a space within a building.

OPERATOR: Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER: Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the State of Georgia, Gwinnett County or City of Snellville as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PREMISES: A lot, plot or parcel of land including any structures thereon.

TOILET ROOM: A room containing a water closet or urinal but not a bathtub or shower.

UNAUTHORIZED VEHICLES: Any vehicle, automobile, truck, van, trailer of any kind or type, or contrivance or part thereof, which is wrecked, dismantled, partially dismantled, stripped, partially stripped, inoperative, abandoned or discarded and/or one which does not have a valid license plate attached thereto.

WEEDS: All rank vegetative growth including but not limited to kudzu, poison ivy, jimsonweed, burdock, ragweed, thistle, cocklebur, dandelion, plants of obnoxious odors, or other similar unsightly vegetative growths; however, this term shall not include cultivated flowers, fruits and vegetables, and gardens.

SECTION 17.2 PROPERTY MAINTENANCE

A. Fences and Walls.

Fences and walls shall be maintained in a structurally sound condition and in good repair. Fences shall be free from loose or rotting materials and shall have braces and supports attached or fastened in accordance with common building practices.

B. Grass, Weeds and Uncultivated Vegetation.

Premises and exterior property which contain a habitable space or a business shall be maintained free from grass, weeds or uncultivated vegetation in excess of 12 inches in height.

Exceptions:

- I. Forest

C. Unauthorized Vehicles.

Unauthorized vehicles shall not be kept, permitted, parked, stored or maintained on any premises or public street right-of-way.

Exceptions:

1. Unauthorized vehicles, limited to a maximum of two (2), which are kept within a fully enclosed building on property in residential zoning districts provided the owner or occupant of the property is in the process of reconditioning the junk vehicles for personal use;
2. Unauthorized vehicles which are kept on property in zoning districts authorized by the Zoning Resolution for repairing, reconditioning or remodeling junk vehicles and provided that such vehicles are not stored for the purpose of salvage of parts but is in the continual process of repair, reconditioning or remodeling;
3. Unauthorized vehicles which are kept on property in zoning districts as authorized by the Zoning Resolution for a junk or salvage yard;

D. Location and Surface of Parking Areas.

In any residential district, the parking of any vehicle in the minimum front yard is prohibited, except on a hard-surfaced driveway or in a carport or garage. Excluding recreation vehicles, all parking of any vehicles within the rear or side yards is prohibited. All driveways must be paved with concrete, additional parking may be constructed out of concrete, asphalt, or an alternative pervious paving, as approved by the Director of Planning and Development or his/her designee. Not more than thirty-five percent (35%) percent of this required minimum front yard area shall be used for parking under any circumstances.

The Planning and Development Director or his/her designee shall have the power to grant administrative variances to allow construction of additional hard-surface parking areas in the side or rear yard, adjacent to the existing driveway(s), for the purposes of overflow parking where, in his/her opinion, the intent of the Zoning Ordinance can be achieved and equal performance obtained by granting a variance.

E. Maximum Occupancy of Dwelling Units.

There shall be no more than five (5) persons occupying a single dwelling unit, unless all residents are related by blood or marriage. Domestic servants employed on the premises may be housed on the premises without being counted towards this maximum occupancy limit.

SECTION 17.3 [RESERVED]SECTION 17.4 ENFORCEMENT, UNLAWFUL ACTS AND NOTICE OF VIOLATIONA. Enforcement.

This ordinance shall be enforced by the Chief of Police or the Chief's duly authorized representative.

B. Unlawful Acts.

It shall be unlawful for a person, firm or corporation to be in conflict with, or in violation of, this ordinance.

C. Notice of Violation.

Enforcement shall begin when a complaint is received and documented by the Police Department. Written notice of violation shall be provided to the owner and/or occupant. The notice may be delivered personally or sent by first class mail. The notice shall contain a deadline for compliance which may be extended by the Chief of Police or his/her designee. If the violation continues past the deadline, the Chief shall institute legal proceedings charging the person or persons, firm, corporation or agent with a violation of this ordinance.

SECTION 17.5 PENALTIES, VALIDITY AND EFFECTIVE DATEA. Penalties.1. Fine and/or Sentence.

Any person convicted by a court of competent jurisdiction of violating any provision of this ordinance shall be guilty of violating a duly adopted ordinance of the city and shall be punished either by a fine not less than \$250 per day and not to exceed \$1000 per day, or by a sentence of imprisonment not to exceed 60 days in jail, or both a fine and jail or work alternate. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

2. Powers of the Court.

The court shall have the power and authority to order the violation corrected in compliance with this ordinance and the court may require payment of restitution or impose other punishment allowed by law.

3. Other Legal Remedies.

In any case in which a violation of this ordinance has occurred, the city, in addition to other remedies provided by law, may petition for a restraining order, injunction, abatement, or take any other appropriate legal action or proceeding through a court of competent jurisdiction to prevent, restrain, or abate such unlawful use or activity.

B. Validity.

If any article, section, subsection, paragraph, subparagraph, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

C. Effective Date.

This ordinance became effective June 21, 1999.

SECTION / ARTICLE	DESCRIPTION	AMENDMENT DATE
Section 17.2	Property Maintenance (amended)	08/16/1999
Section 17.1	Definitions (amended)	02/26/2007
Section 17.2	Property Maintenance (amended)	02/26/2007
Section 17.1	Definitions (amended)	09/24/2007
Section 17.2	Property Maintenance (amended) Note: Int'l Property Maintenance Code adopted into the Snellville Municipal Code (09/10/2007)	09/24/2007
Section 17.3	Building Maintenance (deleted and section reserved)	09/24/2007
Section 17.4	Enforcement, Unlawful Acts and Notice of Violation (amended)	09/24/2007

ARTICLE XVIII

HOME OCCUPATIONS & BUSINESSES

SECTION 18.1 INTENT AND PURPOSE. It is the intent and purpose of this article to provide for certain types of restricted occupational uses within residential districts. Only such uses will be allowed which:

1. Are incidental to the use of the premises as a residence;
2. Are compatible with residential uses;
3. Are limited in extent; and
4. Do not detract from the residential character of the neighborhood.

SECTION 18.2 PERMIT PROCEDURES. Home occupations complying with the standards established in Section 18.3 shall be considered minor in character and permitted by right with no permit required other than an Occupational Tax License. Home businesses or those occupations that operate under the standards established in Section 18.4 may not commence until receipt of a Home Business Permit.

SECTION 18.3 HOME OCCUPATION STANDARDS. Home occupations shall be permitted in all residential zoning districts. The following regulations shall apply to all home occupations.

- A. The home occupation shall be clearly incidental and secondary to the use of the dwelling. No additions or alterations of the dwelling unit or lot shall be permitted that change the residential appearance of the premises. No separate entrance or driveway shall be permitted for the home occupation.
- B. The home occupation shall be conducted entirely within the principal dwelling unit. No home occupation nor any storage of goods, materials, or products connected with a home occupation shall be allowed outdoors or in accessory buildings or carports, whether detached or attached to the principal dwelling unit. Window displays shall not be utilized.
- C. No person other than a resident of the dwelling shall work on-premise. The dwelling unit must be the primary and legal place of residence for the owner of the home occupation. Owner of the home occupation is defined as an individual, not a partnership or corporation, that has sole ownership of 51% or more of the stock, assets, or value of the home occupation. Renters shall provide written evidence of owner approval for a Home Occupation with their application.
- D. The home occupation shall not be open to the public or receive deliveries earlier than 8:00 a.m. or later than 8:00 p.m. Routine residential type carriers, such as the USPS, UPS, and/or FedEx, excepted.
- E. A home occupation shall produce no offensive noise, vibration, smoke, dust, odors, or heat. No equipment or process shall be used in a home occupation which

creates visual or audible electrical interference in any radio or television receiver off the premises or which causes fluctuations in line voltage off premises.

- F. Toxic, explosive, flammable, combustible, corrosive, radioactive, or other restricted materials, if any, shall be used, stored and disposed of in accordance with the International Fire Code and the National Fire Protection Association Life Safety Code. Activities conducted and material/equipment used shall not be of a nature to require the installation of fire safety features not common to residential uses.
- G. One business vehicle may be used for the home occupation in addition to any personal vehicles used by members of the household employed in the home occupation. No vehicle used for the home occupation shall be larger than a non-commercial van or pickup truck.
- H. All parking associated with the home occupation must be in the driveway where the home occupation is located. No parking shall be permitted in the street or yard. No shared parking is permitted associated with any home occupation.
- I. No more than twelve (12) client vehicles shall visit the premises of the home occupation per day.
- J. Deliveries to the home occupation shall be made by passenger vehicles, mail carriers, or step vans (UPS, Federal Express) and must not restrict traffic circulation.
- K. No advertising shall identify the location of a home occupation to the general public. (Example: bulk or mass advertising and signage). Business cards, letterhead, business listings, etc are excluded.
- L. More than one home occupation may be permitted in a single residence. The above limitations shall apply to the combined uses.
- M. The following uses are permitted as home occupations:
 - 1. General office or business services
 - 2. Studios/work spaces for handicraft production, fine arts, cooking, etc.
 - 3. Direct sale product distribution (Avon, Tupperware, Pampered Chef, etc.)

SECTION 18.4 HOME BUSINESS STANDARDS Home businesses shall be allowed in all single-family residential zones. All home businesses must comply with the following regulations:

- A. The home business shall be clearly incidental and secondary to the use of the dwelling. No additions or alterations of the dwelling unit or lot shall be permitted that change the residential appearance of the premises. A separate entrance or driveway shall be permitted for the home business, provided it is on the side or rear of the unit.
- B. The home business shall be conducted entirely within the principal dwelling unit and/or in a properly permitted, approved, and fully enclosed accessory building. The accessory structure may not exceed 750 square feet and must be of similar

construction, architecture, and materials to the main dwelling unit.

- C. No exterior storage or display of any materials or equipment associated with the home business shall be permitted. Window displays shall not be utilized.
- D. The home business shall not be open to the public or receive deliveries earlier than 8:00 a.m. or later than 8:00 p.m. Routine residential type carriers, such as the USPS, UPS, and/or FedEx, excepted.
- E. A home business shall produce no offensive noise, vibration, smoke, dust, odors, or heat. No equipment or process shall be used in a home business which creates visual or audible electrical interference in any radio or television receiver off the premises or which causes fluctuations in line voltage off premises.
- F. Toxic, explosive, flammable, combustible, corrosive, radioactive, or other restricted materials, if any, shall be used, stored and disposed of in accordance with the International Fire Code and the National Fire Protection Association Life Safety Code. Activities conducted and material/equipment used shall not be of a nature to require the installation of fire safety features not common to residential uses.
- G. On-premise employees shall be limited to residents of the dwelling unit plus two additional employees. The dwelling unit must be the primary and legal place of residence for the owner of the home business. Owner of the home business is defined as an individual, not a partnership or corporation, that has sole ownership of 51% or more of the stock, assets, or value of the home business. Renters shall provide written evidence of owner approval for a Home Business with their application.
- H. Parties for the purpose of selling merchandise or placing orders may be held no more than two (2) times per month and must be limited to ten (10) customer vehicles. The parties shall not be advertised to the general public.
- I. All parking associated with the home business must be on a hard-surface, dust-free area, such as the driveway. An additional parking area may be created in the side or rear yard for up to three (3) additional parking spaces. The parking area must be constructed of concrete, asphalt, or pavers (approved by the Director of Planning and Development or his/her designee) and must not detract from the residential character or visual appearance of the property. The parking area must be approved by the Planning and Development Department prior to installation. On-street parking is permitted provided it does not create a traffic hazard.
- J. There shall be no more than three (3) client vehicles on the premises during any period of sixty (60) minutes. An exception shall be made during sales parties, recitals, etc. provided these events are held no more than two (2) times per month and for child care facilities.
- K. Deliveries to the home business shall be made by passenger vehicles, mail carriers, or step vans (UPS, Federal Express) and must not restrict traffic circulation.
- L. No advertising shall identify the location of a home business to the general public.

(Example: bulk or mass advertising and signage). Business cards, letterhead, business listings, etc are excluded.

- M. More than one home business may be permitted in a single residence. The above limitations shall apply to the combined uses.
- N. The following uses shall be permitted as home businesses:
 - 1. Any use permitted as a home occupation
 - 2. Barber/beauty shop
 - 3. Contractors, painters, masonry, or plumbing
 - 4. Landscape maintenance
 - 5. Hobby breeders
 - 6. Television or other small electrical repairs, excluding major appliances (i.e. washers, dryers, refrigerators, televisions larger than 36", etc.)
 - 7. Upholstering
 - 8. Woodworking and furniture restoration
 - 9. Child care for up to five children, excluding the children of the provider

SECTION 18.5 PROHIBITED USES. The following uses shall be prohibited as home occupations/businesses:

- 1. Any uses not in conformity with the standards set forth in Section 18.2
- 2. Ambulance service
- 3. Major appliance repair (except when working at customers' homes)
- 4. Automotive detailing, washing services (except when working at customers' homes)
- 5. Automotive repair, body work, painting, upholstery, etc.
- 6. Dance or aerobic exercise studios, martial art studios, etc.
- 7. Firewood sales
- 8. Kennels
- 9. Massage parlors
- 10. Medical or dental laboratory
- 11. Palm reading, fortune telling
- 12. Small engine repair
- 13. Tow truck services
- 14. Veterinary uses, including grooming or boarding (except when working at clients' homes)
- 15. Funeral Homes
- 16. Stocking firearms sales
- 17. Adult Uses

SECTION 18.6 OTHER USES. Any use not listed in Section 18.3 or Section 18.4 shall require a Classification of Use Request. Such request shall address a specific use in detail and how it conforms with the standards as set forth in this Ordinance. The Zoning Enforcement Officer shall decide Classification of Use Requests based upon the standards contained in this Ordinance. Anyone aggrieved by a decision of the Zoning Enforcement Officer on the Classification of Use Request may appeal to the Zoning Board of Appeals in accordance with

Article XIV.

SECTION 18.7 GARAGE/YARD SALES Garage, yard, estate, etc. sales do not require a permit. However, they are required to meet the following standards:

- A. Sales may not last longer than three (3) days.
- B. Sales are held no more than four (4) times yearly.
- C. Sales are conducted on the owner’s property. Multiple family sales are permitted if they are held on the property of one of the participants.
- D. No goods purchased for resale may be offered for sale.
- E. No consignment goods may be offered for sale.
- F. Signs advertising sales may be erected in accordance with Article XII.

SECTION 18.8 GENERAL PROVISIONS

- A. Home Business Permits shall be valid for one year and shall expire March 31st of each year. Failure to obtain the permit by this deadline shall be grounds for the City to revoke both the Home Business Permit and the Occupational Tax License.
- B. The Home Business Permit is a separate permit from the Occupational Tax License for those businesses/occupations that are operating under the provisions of Section 18.4 of this Ordinance. The Mayor and Council shall establish the annual fee for the Home Business Permit.
- C. The Home Business Permit shall be subject to initial issuance and renewal by the Zoning Enforcement Officer. All provisions of this Ordinance must be satisfied before the Permit can be issued and/or renewed.
- D. It is unlawful to violate the provisions and requirements of this ordinance. The Zoning Enforcement Officer, or his/her designee, shall have the right at any time, upon reasonable request, to enter and inspect the premises covered either by the Home Business Permit or Occupational Tax License for safety and compliance purposes. Any person and/or business who violates this ordinance or fails to comply with its requirements shall upon conviction be punished either by a fine not to exceed \$1000.00 per day, or by a sentence of imprisonment not to exceed sixty (60) days in jail, or both a fine and jail or work alternate. Each day that a violation continues after due notice has been served shall be considered a separate offense. Additionally, the City shall have the right to revoke the Home Business Permit and/or Occupational Tax License for violation(s) of this ordinance.

SECTION / ARTICLE	DESCRIPTION	AMENDMENT DATE
ARTICLE XVIII	DELETED AND REPLACED TO ADOPT AMENDMENTS	09/23/2002

ARTICLE XIX

TELECOMMUNICATIONS ANTENNAS AND TOWERS

SECTION 19.1 PURPOSE AND INTENT.

The purpose of this ordinance is to establish general guidelines for the siting of telecommunication towers and antennas. The goals of this ordinance are to:

- A. Encourage the location of towers in non-residential areas and minimize the total number of towers throughout the community,
- B. Encourage the joint use of new and existing tower sites,
- C. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal,
- D. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas, and
- E. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

SECTION 19.2 DEFINITIONS. As used in this ordinance, the following terms shall have the meanings indicated:

ALTERNATIVE TOWER STRUCTURE: Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of telecommunication antennas or towers.

ANTENNA: Any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.

COMMERCIAL ZONING DISTRICT: A zoning district that does not permit as a principal permitted use any type of single family or multifamily use.

FAA: The Federal Aviation Administration.

FCC: The Federal Communications Commission.

HEIGHT: When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

PREEXISTING TOWERS AND ANTENNAS: Any tower or antenna for which a permit has been properly issued prior to the adoption of this ordinance.

PUBLIC OFFICER: As used in Sections §41-2-17 of the O.C.G.A., shall mean the Zoning Enforcement Officer of the City of Snellville.

TOWER: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

SECTION 19.3 APPLICABILITY.

- A. **District Height Limitations.** The requirements set forth in this ordinance shall govern the height and location of towers and antennas. The height limitations applicable to buildings and structures shall not apply to towers and antennas.
- B. **Public Property.** Antennas or towers located on property owned, leased, or otherwise controlled by the City of Snellville shall be exempt from the requirements of this ordinance, provided a license or lease authorizing such antenna or tower has been approved by the City of Snellville.
- C. **Amateur Radio; Receive-Only Antennas.** This ordinance shall not govern any tower, or the installation of any antenna, that is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.
- D. **Preexisting Towers and Antennas.** Any tower or antenna for which a permit has been properly issued prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance, other than the requirements of Sections 19.4(D) and (E). Any such towers or antennas shall be referred to in this ordinance as "preexisting towers" or "preexisting antennas."

SECTION 19.4 GENERAL REQUIREMENTS.

- A. **Principal or Accessory Use.** Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of the ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.
- B. **Inventory of Existing Sites.** Each applicant for an antenna and or tower shall provide to the Planning and Zoning Department an inventory of its existing towers, that are either within the jurisdiction of the City of Snellville or within three miles of the border thereof, including specific information about the location, height, and design of each tower. The Planning and Zoning Department may share such information with other applicants applying for conditional use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the City of Snellville, provided, however that the Planning and Zoning Department is not, by

sharing such information, in any way representing or warranting that such sites are available or suitable.

- C. Aesthetics; Lighting. The guidelines set forth shall govern the location of all towers, and the installation of all antennas, governed by this ordinance; provided, however, that the City of Snellville may waive these requirements if, it determines that the goals of this ordinance are better served thereby.
1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.
 2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
 3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 4. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the City of Snellville may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
 5. Signage shall be prohibited on all structures.
- D. Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense. Any such removal by the City of Snellville shall be in the manner provided in Sections §41-2-8 through §41-2-17 of the O.C.G.A.
- E. Building Codes; Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City of Snellville concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards.

If the owner fails to bring such tower into compliance within said thirty (30) days, the City of Snellville may remove such tower at the owner's expense. Any such removal by the City of Snellville shall be in the manner provided in Sections §41-2-8 through §41-2-17 of the O.C.G.A.

- F. Security Fencing. Towers shall be enclosed by an opaque security fencing not less than eight feet in height and shall be equipped with an appropriate anti-climbing device, provided, however, that the City of Snellville may waive such requirements, as it deems appropriate.
- G. Landscaping. The following guidelines shall govern the landscaping surrounding towers for which a conditional use permit is required; provided, however, that the City of Snellville may waive such requirements if the goals of this ordinance would be better served thereby.
 - 1. Tower facilities shall be landscaped with a buffer of evergreen plant materials that effectively screens the view of the tower compound from adjacent residential property.
 - A. Standard buffer shall consist of a landscaped strip at least five (5) feet wide outside the perimeter of the compound.
 - B. Landscape shall be developed in accordance with Article XX of the Snellville Zoning Ordinance of 1983.
 - 2. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

SECTION 19.5 CONDITIONAL USE PERMITS.

- A. General. Conditional Use Permits subject to provisions of Section 15.10 of the Snellville Zoning Ordinance of 1983. The following provisions shall govern the issuance of conditional use permits:
 - 1. A conditional use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.
 - 2. In granting a conditional use permit, the Council may impose conditions to the extent necessary to minimize any adverse effect of the proposed tower on adjoining properties.
 - 3. Any information of an engineering nature submitted by the applicant, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
- B. Information Required. Each applicant requesting a conditional use permit under this ordinance shall submit a scaled site plan, scaled elevation view and other supporting drawings, calculations, and/or other documentation, signed and sealed by

licensed professional engineers, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the City of Snellville to be necessary to assess compliance with this ordinance.

C. Factors Considered in Granting Conditional Use Permits. The City Council and Mayor shall consider the following factors in determining whether to issue a conditional use permit, although the City of Snellville may waive or reduce the burden on the applicant of these criteria, if the City of Snellville, concludes that the goals of this ordinance are better served thereby.

1. Height of the proposed tower.
2. Proximity of the tower to residential structures and residential district boundaries.
3. Nature of uses on adjacent and nearby properties.
4. Surrounding topography.
5. Surrounding tree coverage and foliage.
6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
7. Availability of suitable existing towers and other structures as discussed in Section 19.4(D) of this ordinance.

D. Availability of Suitable Existing Towers or Other Structures. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City of Snellville that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

1. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

5. The fees, or costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed unreasonable.
 6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- E. Setbacks and Separation. The following setbacks and separation requirements shall apply to all towers and antennas for which a conditional use permit is required.
1. Towers must be set back at least 125% of total height of tower from the property line of a residentially zoned property.
 2. Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements.
 3. In zoning districts other than Light Manufacturing (LM), towers over ninety (90) feet in height shall not be located within one-quarter of a mile from any existing tower that is over ninety (90) feet in height.

SECTION 19.6 REMOVAL OF ABANDONED ANTENNAS AND TOWERS. Any antenna or tower that ceases to operated for a period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the City of Snellville notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the governing authority may, in the manner provided in Sections §41-2-8 through §41-2-17 of the O.C.G.A., remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

SECTION 19.7 EFFECTIVE DATE This ordinance shall become effective thirty (30) days after its approval by the City Council and Mayor of the City of Snellville.

SECTION 19.8 VALIDITY Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance in whole or any part thereof other than the part so declared invalid.

SECTION 19.9 APPEAL Any person aggrieved or affected by any decision of the Public Officer relating to the application of the these regulations may appeal to the Zoning Board of Appeals for relief or reconsideration within thirty (30) days from the date of the adverse decision of the Public Officer.

SECTION 19.10 CONFLICTING ORDINANCES REPEALED This ordinance supersedes all ordinances or parts of ordinances adopted prior hereto which are in conflict herewith, to the extent of such conflict.

SECTION / ARTICLE	DESCRIPTION	AMENDMENT DATE
ARTICLE XIX	(adopted 9/16/1996) (effective 10/16/1996)	09/16/1996

ARTICLE XX
LANDSCAPE ORDINANCE

**ARTICLE XX
DELETED FROM THE
ZONING ORDINANCE
AND
MOVED TO
ARTICLE III OF CHAPTER 19
OF THE
CITY CODE OF ORDINANCES
AS AMENDED**

SECTION / ARTICLE	DESCRIPTION	AMENDMENT DATE
Section 20.4	Landscape Strips (amended)	04/18/1994
Section 20.5	Parking Areas (amended)	06/21/1999
Section 20.6	Installation and Maintenance (amended)	06/21/1999
ARTICLE XX	(amended)	03/26/2001
ARTICLE XX	DELETED AND REPLACED TO ADOPT AMENDMENTS	11/26/2001
ARTICLE XX	DELETED AND REPLACED TO ADOPT AMENDMENTS	12/09/2002
ARTICLE XX	DELETED AND REPLACED TO ADOPT AMENDMENTS	06/28/2004
Section 20.2	Definitions (amended)	03/22/2010
ARTICLE XX	DELETED AND REMOVED FROM ZONING ORDINANCE AND PLACED IN CH. 19 OF THE CITY CODE OF ORDINANCES AS AMENDED (ZOA 2011-01)	06/13/2011

ARTICLE XXI

TREE PRESERVATION ORDINANCE

ARTICLE XXI
DELETED FROM THE
ZONING ORDINANCE
AND
MOVED TO
ARTICLE IV OF CHAPTER 19
OF THE
CITY CODE OF ORDINANCES
AS AMENDED

SECTION / ARTICLE	DESCRIPTION	AMENDMENT DATE	ZOA NUMBER
Section 21.2	Definitions (amended)	06/21/1999	
Section 21.3	Applicability (amended)	06/21/1999	
Section 21.6	Tree Replacement-Revegetation (amended)	06/21/1999	
Appendix 1-E	(amended)	06/21/1999	
Appendix 1-G and 1-H	(added)	06/21/1999	
ARTICLE XXI	(amended)	03/26/2001	
ARTICLE XXI	DELETED AND REPLACED TO ADOPT AMENDMENTS	11/26/2001	
ARTICLE XXI	DELETED AND REPLACED TO ADOPT AMENDMENTS	06/28/2004	
Section 21.2	Definitions (amended)	07/28/2008	ZOA 08-05
Section 21.3	Applicability (amended)	07/28/2008	ZOA 08-05
Section 21.4	Permit Procedure (amended)	07/28/2008	ZOA 08-05
Section 21.6	Tree Replacement-Revegetation (amended)	07/28/2008	ZOA 08-05
Section 21.7	Specimen and Special Trees (amended)	07/28/2008	ZOA 08-05
Appendix XXI-A	A Procedure for Calculating the Required Tree Replacement Density Factor (amended)	07/28/2008	ZOA 08-05
Section 21.2	Definitions (amended)	02/23/2009	ZOA 08-06
Section 21.3	Applicability (amended)	02/23/2009	ZOA 08-06
Section 21.4	Permit Procedures (amended)	02/23/2009	ZOA 08-06
Section 21.5	Removal of Trees	02/23/2009	ZOA 08-06
Section 21.6	Tree Replacement-Revegetation	02/23/2009	ZOA 08-06
Section 21.9(A)	Compliance Upon Permit Completion or Expiration (added)	02/23/2009	ZOA 08-06
Section 21.2	Definitions (amended)	03/22/2010	ZOA 10-01
ARTICLE XXI	DELETED AND REMOVED FROM ZONING ORDINANCE AND PLACED IN CH. 19 OF THE CITY CODE OF ORDINANCES AS AMENDED (ZOA 2011-01)	06/13/2011	ZOA 11-01