



City of Snellville Planning Commission

PLANNING COMMISSION REPORT
April 26, 2016

CASE NUMBER: #ZOA 16-05

PURPOSE: Zoning Ordinance Text Amendment for Consumer Fireworks Retail Sales Facilities and Consumer Fireworks Retail Sales Stands

The Planning Commission held a duly advertised public hearing on the proposed Zoning Ordinance Text Amendment at the April 26, 2016 Regular Meeting of the City of Snellville Planning Commission. For the purposes of promoting health, safety, morals, convenience, order, prosperity, aesthetics, or the general welfare of the City of Snellville, by a vote of 5-0, the Planning Commission recommended to **Approve** the text amendment proposed by the Department of Planning and Development, attached hereto as Exhibit "A" and incorporated herein.

EXHIBIT "A"

ARTICLE VI

INTERPRETATION AND DEFINITIONS

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; 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.

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.

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.

DRAFT

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).

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ARTICLE IX

SCHEDULE OF DISTRICT REGULATIONS ADOPTED

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-foot (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:

- 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. 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; ~~and~~

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. ~~A temporary use permit is applied for and must be approved by the Director of Planning and Development, or his/her designee. All other permits and regulations of Gwinnett County and City of Snellville shall be met. 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) 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.

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ARTICLE IX

SCHEDULE OF DISTRICT REGULATIONS ADOPTED

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

- 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) 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.

ARTICLE IX

SCHEDULE OF DISTRICT REGULATIONS ADOPTED

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. ~~Reserved. 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) 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.
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- (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.

ARTICLE IX

SCHEDULE OF DISTRICT REGULATIONS ADOPTED

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:
 - I. 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. Special administrative 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.

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:

1. 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.