

**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

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

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP, CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR A PARCEL OF LAND LOCATED AT 2118 E. MAIN STREET, SNELLVILLE, GEORGIA 30078; TO GRANT VARIANCES; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**CASE NUMBER:** #RZ 17-13

**PROPERTY OWNER:** Tuan Nguyen  
Lawrenceville, Georgia 30044

**APPLICANT/CONTACT:** Tuan Nguyen  
Lawrenceville, Georgia 30044  
(404) 867-9596 or [tnguyen08@bellsouth.net](mailto:tnguyen08@bellsouth.net)

**REQUESTED ZONING MAP AMENDMENT:** Change in Zoning Conditions and Request for Variances from the Snellville City Code of Ordinances

**LOCATION:** 2118 E. Main Street, Snellville, Georgia

**SIZE:** 0.49± Acre

**MAP NUMBER:** 5038 064

**PROPOSED DEVELOPMENT:** Residential to Office Conversion

**WHEREAS**, the governing authority of the City of Snellville, Georgia is the Mayor and Council thereof; and

**WHEREAS**, the governing authority of the City of Snellville, Georgia desires to amend previously approved conditions of zoning; and

**WHEREAS**, the health, safety, and welfare of the citizens of Snellville, Georgia, will be positively impacted by the adoption of this Ordinance.

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

**Section 1.** The official zoning of the property described in Exhibit “A,” a copy of which is attached hereto and incorporated herein by reference, is hereby amended to reflect the following zoning amendments:

**VARIANCES:**

1. Variance from Section 11.3 of Article XI of the Zoning Ordinance to allow one additional parking space than the maximum allowed for a 2,200 sq. ft. of office use.
2. Variances from the Corridor Overlay District requirement relating to: (a) locating buildings close to and oriented toward public right of way; (b) providing street lights along the public right-of-way; (c) requiring the majority of the parking to be located to the sides and rear of the building; and (d) inter-parcel connectivity to adjacent properties.
3. Allow a general variance for the site to be approved in its current condition except for the additional items shown on the rezoning and variance plan.
4. Variance from Section 19.73(c)(1) of the Landscape Ordinance regarding landscape strip requirements to allow for encroachment by the existing driveway along the western property line into the five (5) foot side landscape strip to avoid disturbance of the critical root zone of large specimen trees in the immediate vicinity.

CONDITIONS:

1. Connection to and utilization of the sanitary sewer system shall be completed upon the redevelopment of the entire block (tax parcels 5038 006, 062, 063, 064, and 065);
2. The property owner shall obtain a septic system permit (or approval) for office use of the property from the Gwinnett County Department of Environmental Health before release of any Certificate of Occupancy;
3. Conditions #3 through #6 and #8 and #9 of the 7-9-2007 Mayor and Council approved conditions of zoning for Case #RZ 07-14, a copy of which is attached hereto as Exhibit "B", shall remain in full force and effect as follows:

*Condition #3: The required fifty (50) foot buffer located along the rear of the property to the South shall be reduced to twenty (20) feet. In areas where this buffer is sparsely vegetated, the developer/owner shall re-vegetate the buffer with a mixture of Leyland Cypress, Cryptomeria, Southern Magnolia, and Wax Myrtle planted fifteen feet (15') on-center and no less than six feet (6') tall at time of planting.*

*Condition #4: New signs higher than 15 feet and larger than 225 square feet are prohibited.*

*Condition #5: No outdoor loudspeakers shall be allowed.*

*Condition #6: Uses involving adult entertainment, including any sale or display of adult magazines, books, or videos and as further defined by the Adult Entertainment Ordinance in effect on the date this condition is imposed, are prohibited.*

*Condition #8: Building additions shall be constructed of design, materials and colors consistent with the existing structure(s).*

*Condition #9: This property contains areas identified with the Gwinnett County Open Space and Greenways Master Plan as a future trail/route. Dedicate at no cost to Gwinnett County all necessary right-of-way and easements for the future construction through the property in accordance with the Gwinnett County Open Space and Greenway Master Plan. Right-of-way/easement width and location shall be subject to review and approval of the Gwinnett County Department of Community Services.*

4. The property shall be utilized in general accordance with the submitted conceptual rezoning site plan, sealed and dated 10-17-2017, and stamped received 10-17-2017 with modifications to meet conditions of zoning or State, County, and City regulations. Substantial variation from the concept plan, as determined by the Director of Planning and Development will require Mayor and Council approval.

**Section 2.** The changes in zoning classifications are to be noted on the Official Zoning Map of the City of Snellville, Georgia as approved by the Mayor and Council as soon as reasonably possible following the adoption of this Ordinance. The Official Zoning Map of the City of Snellville, Georgia, shall also be amended with an editorial note specifying the date these Snellville zoning amendments were approved by the Mayor and Council and specifying the parcels affected by this Ordinance. Until the changes are indicated on the Official Zoning Map of the City of Snellville, Georgia, as approved by the Mayor and Council, this Ordinance shall govern over Official Zoning Map of the City of Snellville, Georgia approved by the Mayor and Council to the extent of any discrepancy between this Ordinance and the Official Zoning Map of the City of Snellville, Georgia approved by the Mayor and Council.

**Section 3.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

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

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

sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

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

**Section 5.** Penalties in effect for violations of the Zoning Ordinance of the City of Snellville at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

**Section 6.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed

**Section 7.** This Ordinance was adopted on \_\_\_\_\_, 2018. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

**ORDAINED** this \_\_\_\_\_ day of January, 2018.

\_\_\_\_\_  
Barbara Bender, Mayor Pro Tem

*ATTEST:*

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

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

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

*APPROVED AS TO FORM:*

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

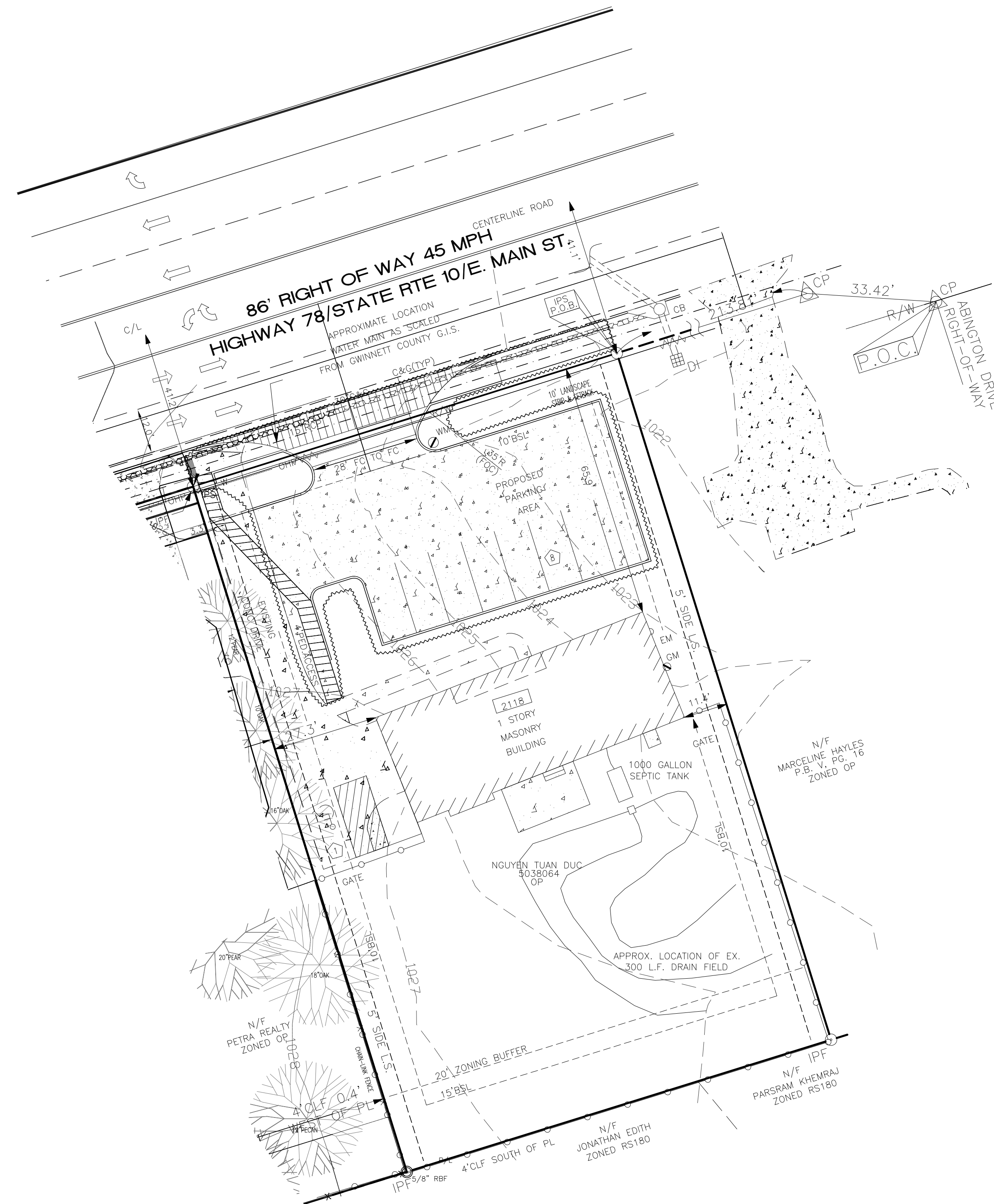
\_\_\_\_\_  
Anthony O. L. Powell, City Attorney

\_\_\_\_\_  
Gretchen Schulz, Council Member

EXHIBIT "A"

**CITY OF SNELLVILLE NOTES:**

1. CITY OF SNELLVILLE ACCEPTS NO RESPONSIBILITY FOR OVERFLOW OR EROSION OF NATURAL OR ARTIFICIAL DRAINS BEYOND THE EXTENT OF THE STREET RIGHT-OF-WAY, OR FOR THE EXTENSION OF CULVERTS BEYOND THE POINT SHOWN ON THE APPROVED AND RECORDED PLAN. THE CITY OF SNELLVILLE DOES NOT ASSUME THE RESPONSIBILITY FOR THE MAINTENANCE OF PIPES IN DRAINAGE EASEMENTS BEYOND THE CITY RIGHT-OF-WAY.
2. STREAM BUFFER EASEMENTS ARE TO REMAIN IN A NATURAL AND UNDISTURBED CONDITION.
3. STRUCTURES ARE NOT ALLOWED IN DRAINAGE EASEMENTS.
4. MAXIMUM CUT OR FILL SLOPES IS 2H:1V.

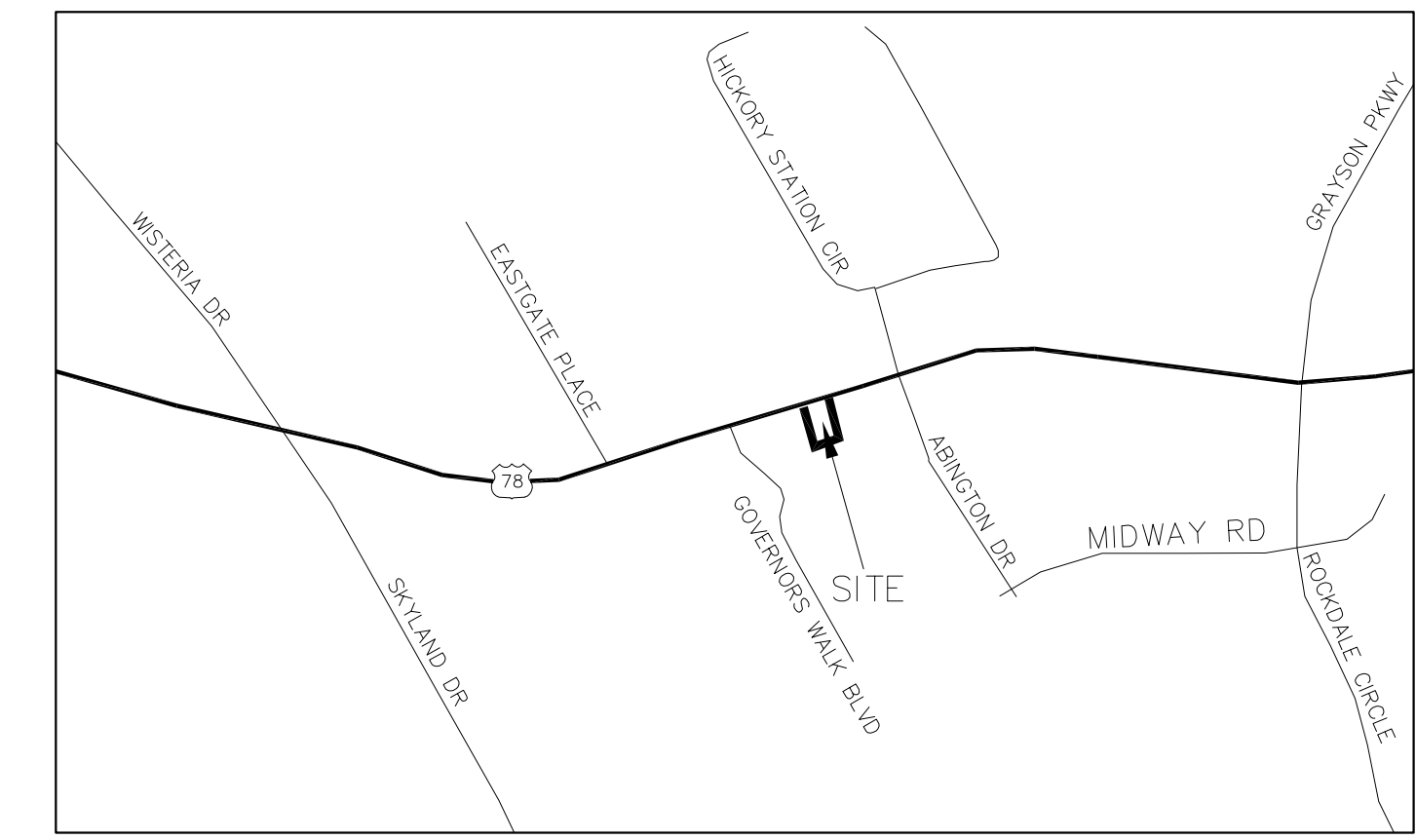


**SITE INFORMATION**

EXISTING ZONING: OP  
 CORRIDOR OVERLAY DISTRICT  
 TOTAL AREA: 0.491 ACRES  
 LIMITS OF DISTURBANCE: 6,093 SF  
 REQUIRED PARKING: 2200 SQ.FT.  
 MAX: 1/275 = 8 SPACES  
 MIN: 1/300 = 7 SPACES  
 PARKING PROVIDED: 9 SPACES  
 HC SPACES REQUIRED: 1 SPACE  
 HC SPACES PROVIDED: 1 SPACE

SETBACKS:  
 FRONT = 10 FEET  
 SIDE = 10 FEET  
 REAR = 15 FEET

BUFFERS:  
 REAR = 20 FEET PER REZONING



LOCATION MAP

**REZONING CHANGE OF CONDITION REQUEST:**  
 FROM RZ14-07, CONDITION #7 TO ALLOW SEPTIC SYSTEM USE

**VARIANCE # 1:**  
 ALLOW ONE MORE PARKING SPACE THAN REQUIRED (ART.XI.A.11.3) SEE SITE INFORMATION FOR PARKING REQUIREMENTS AND TOTAL PARKING EXISTING ON SITE.

**VARIANCE # 2:**  
 ALLOW VARIANCES FROM OVERLAY CORRIDOR DISTRICT REQUIREMENTS RELATING TO:  
 1) PROVIDING A 2 FOOT BY 8 FOOT PAD EVERY 300 LINEAR FEET ON SIDEWALK FOR DECORATIVE BENCHES, BICYCLE RACKS, AND TRASH RECEPTACLES.  
 2) PROVIDING DECORATIVE LIGHT FIXTURES/POLES THROUGHOUT PARKING AREA  
 3) PROVIDING SIDEWALK LIGHTS  
 4) LOCATING BUILDINGS CLOSE TO AND ORIENTED TOWARD PUBLIC RIGHT OF WAY WITH THE MAJORITY OF PARKING TO THE SIDES AND REAR

**VARIANCE # 3:**  
 ALLOW FOR VARIANCE FROM SNELLVILLE ORDINANCE ARTICLE III, SEC 19.73.(c)(1) RELATING TO LANDSCAPE STRIP RESTRICTIONS. TO ALLOW FOR ENCROACHMENT BY EXISTING DRIVEWAY ALONG WESTERN PROPERTY LINE INTO THE 5' SIDE LANDSCAPE STRIP BY 3.3 FEET.

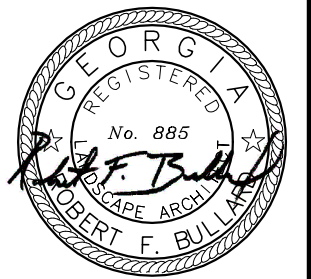
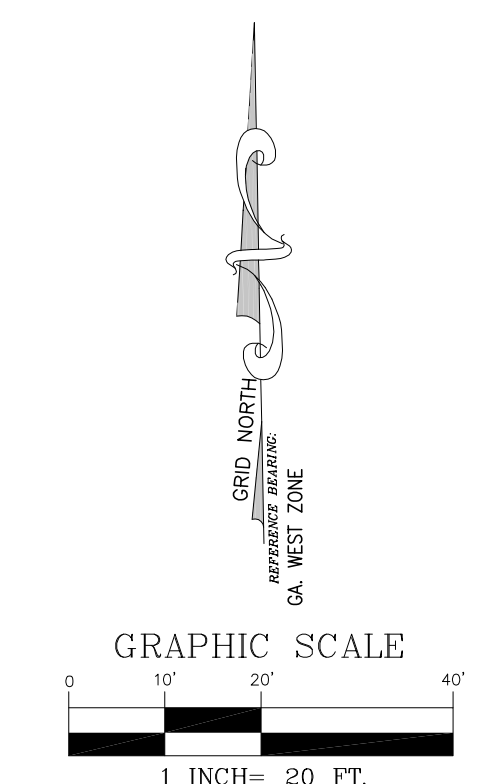
**VARIANCE # 4:**  
 ALLOW A GENERAL VARIANCE FOR THE SITE TO BE APPROVED IN ITS CURRENT CONDITION EXCEPT FOR THE ADDITIONAL ITEMS REQUESTED ON THIS REZONING AND VARIANCE PLAN.

**ZONING CHANGE OF CONDITION AND REQUEST FOR VARIANCES FOR:**

**NGUYEN OFFICE**  
 5TH DISTRICT, LAND LOT 38, PARCEL 064  
 2118 EAST MAIN STREET  
 SNELLVILLE, GA 30078  
 GWINNETT COUNTY  
 CITY OF SNELLVILLE, GEORGIA

**OWNERS:**  
 TUAN NGUYEN & THUY LE  
 2118 E. MAIN ST.  
 SNELLVILLE, GA 30078  
**CONTACT PERSON: TUAN NGUYEN**  
 PHONE: 404-867-9596

**DESIGNER:**  
 BULLARD LAND PLANNING, INC  
 3790 CANNONWOLDE DR  
 SNELLVILLE, GA 30039  
**CONTACT PERSON: BOBBY BULLARD**  
 678-344-1293 blpbobby@bellsouth.net



-DATE: 10/17/2017  
 -BLP JOB# 17-1906



EXHIBIT "B"