

CITY OF SNELLVILLE

STATE OF GEORGIA

ORDINANCE NO. ZOA 18-01

AN ORDINANCE TO AMEND PORTIONS OF ARTICLES VI, IX & XI OF THE ZONING ORDINANCE OF THE CITY OF SNELLVILLE, TO DEFINE TERMS, TO ESTABLISH SPECIAL USES PERTAINING TO PLACES OF WORSHIP, TO REPEAL CONFLICTING ORDINANCES, AND FOR OTHER PURPOSES

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

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

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

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

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

Section 6.2 Definitions, House of Worship, is hereby amended by deleting the following language:

Shall have the same meaning as Place(s) of Worship and means a building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

and replacing the deleted language with the following:

See “place of worship”

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

CHURCH: See “place of worship”.

CONVENT: See “place of worship”.

MONASTERY: See “place of worship”.

MOSQUE: See “place of worship”.

PLACE OF WORSHIP: a specially designed structure or consecrated space where individuals or a group of people such as a congregation come to perform acts of devotion, veneration, or religious study. Temples, churches, synagogues and mosque are examples of structures created for worship. A convent or monastery may serve both to house those belonging to religious orders and as a place of worship for visitors.

SPECIAL USE: A use which is not allowed in a district as a matter of right, but which is permitted upon findings of the Mayor and Council and issuance of Special Use Permit, after recommendations by the Department of Planning and Development and the Planning Commission, that under particular circumstances present such use is in harmony with the principal permitted uses of the district and after a public hearing.

SYNAGOGUE: See “place of worship”.

TEMPLE: See “place of worship”.

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

Section 9.2, Uses common to all residential districts, is hereby amended by deleting the following language:

(3) 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 100 feet;
2. The minimum lot size shall be one acre;
3. The maximum lot size shall be three acres;
4. All buildings shall be set back at least 50 feet from the front property line, 40 feet from the rear property line, and 20 feet from side property lines (35 feet 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.

and replacing the deleted language with the following:

- (4) **SPECIAL USES:** The following uses may be permitted upon findings of the Mayor and Council and issuance of a Special Use Permit that under particular circumstances present such use is in harmony with the principal permitted uses of the district and after a public hearing.
- a. Place of worship, provided:
1. Shall be located on a site of not less than five (5) acres with at least four (4) acres lying outside of any 100-year FEMA Flood Hazard area. The tract shall be one contiguous zoning classification.
 2. All such facilities and buildings shall front on a street having a classification of Principal Arterial, Major Arterial, Minor Arterial, Major Collector Street or State Highway, as classified on the most current Gwinnett County Long Range Road Classification Map, for a distance of at least two-hundred-fifty (250) feet.
 3. All buildings shall be set back at least fifty (50) feet from the front property line, forty (40) feet from the rear property line, and twenty (20) feet from side property lines, (forty (40) feet if adjacent to residentially zoned property), thirty-five (35) feet on the street side if a corner lot.
 4. Parking is not to be located within the fifty (50) foot front yard setback area.
 5. If adjacent to residentially zoned property, a landscape buffer of at least twenty (20) feet wide shall be provided along the property line(s) adjacent to said zoning and designed and planted in accordance with Sec. 19-32(4) of the Buffer Ordinance.
 6. Facilities for use in the conduct of religious services or ceremonies may utilize one manufactured building on the property for a period not to exceed three (3) years.
 7. Schools and other accessory uses are located on the same parcel as the place of worship and are clearly secondary to the use of the property as a place of worship.

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

Section 9.3 RS-180, Single-Family Residence District, is hereby amended by deleting the following language:

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

and replacing the deleted language with the following:

(6) *Special Uses:*

1. Place of Worship.

Section 4. Article IX of the Zoning Ordinance of the City of Snellville is hereby amended as follows:

Section 9.4 RS-150, Single-Family Residence District, is hereby amended by deleting the following language:

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

and replacing the deleted language with the following:

(6) *Special Uses:*

1. Place of Worship.

Section 5. Article IX of the Zoning Ordinance of the City of Snellville is hereby amended as follows:

Section 9.5 RG-75, General Residence District, is hereby amended by adding the following language:

(6) *Special Uses:* Place of Worship

Section 6. Article IX of the Zoning Ordinance of the City of Snellville is hereby amended as follows:

Section 9.5A PRC, Planned Residential-Conservation is hereby amended by adding the following language:

(6) *Special Uses:* Place of Worship

Section 7. Article IX of the Zoning Ordinance of the City of Snellville is hereby amended as follows:

Section 9.5B R-TH, Single Family Residential Townhome District, is hereby amended by adding the following language:

(7) *Special Uses*: Place of Worship

Section 8. Article IX of the Zoning Ordinance of the City of Snellville is hereby amended as follows:

Section 9.6 RM, General Residence District, is hereby amended by adding the following language:

(8) *Special Uses*: Place of Worship

Section 9. Article IX of the Zoning Ordinance of the City of Snellville is hereby amended as follows:

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

(2)11. Seminaries, monasteries, or convents.

(2)12. Semi-public institutions, such as houses of worship and clubs or lodges.

and replacing the deleted language with the following:

(2)11 Places of worship;

(2)11 Semi-public institutions, such as VFW posts and Masonic lodges;

Section 10. Article IX of the Zoning Ordinance of the City of Snellville is hereby amended as follows:

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

(3)e. Churches and religious institutions subject to provisions of [section 9.2](#);

and replacing the deleted language with the following:

(4) SPECIAL USE: The following use may be permitted upon findings of the Mayor and Council and issuance of a Special Use Permit that under particular circumstances present such use is in harmony with the principal permitted uses of the district and after a public hearing.

a. Place of worship, provided:

1. Shall be located on a site of not less than five (5) acres or demonstrate the ability to provide parking access, recreational space and other space requirements normally associated with a place of worship.
2. All such facilities and buildings shall front on a street having a classification of Principal Arterial, Major Arterial, Minor Arterial, Major Collector Street or State Highway as classified on the most current Gwinnett County Long Range Road Classification Map, for a distance of at least two-hundred-fifty (250) feet.
3. Parking is not to be located within the twenty-five (25) foot front yard setback area.
4. If adjacent to residentially zoned property, a landscape buffer of at least sixty (60) feet wide shall be provided along the property lines(s) adjacent to said zoning and designed and planted in accordance with Sec. 19-32(4) of the Buffer Ordinance.

Section 11. Article IX of the Zoning Ordinance of the City of Snellville is hereby amended as follows:

Section 9.11 HSB, Highway Service Business District, is hereby amended by deleting the following language:

- (3) 9. Churches and religious institutions subject to provisions of Section 9.2;

and replacing the deleted language with the following:

- (4) SPECIAL USES: The following use may be permitted upon findings of the Mayor and Council and issuance of a Special Use Permit that under particular circumstances present such use is in harmony with the principal permitted uses of the district and after a public hearing.

- a. Place of worship, provided:

1. Shall be located on a site of not less than five (5) acres or demonstrate the ability to provide parking access, recreational space and other space requirements normally associated with a place of worship.
2. All such facilities and buildings shall front on a street having a classification of Principal Arterial, Major Arterial, Minor Arterial, Major Collector Street or State Highway as classified on the most current Gwinnett County Long Range Road Classification Map, for a distance of at least two-hundred-fifty (250) feet.
3. Parking is not to be located within the fifty (50) foot front yard setback area.
4. If adjacent to residentially zoned property, a landscape buffer of at least sixty

(60) feet wide shall be provided along the property lines(s) adjacent to said zoning and designed and planted in accordance with Sec. 19-32(4) of the Buffer Ordinance.

Section 12. Article IX of the Zoning Ordinance of the City of Snellville is hereby amended as follows:

Section 9.23 Towne center districts, (W). Uses allowed by district, “Public/Institutional Uses” is hereby amended by deleting the following language:

Churches and religious institutions	P	P	
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and replacing the deleted language with the following:

Places of worship	S	S	Section 9.10X.4
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Section 13. Article XI of the Zoning Ordinance of the City of Snellville is hereby amended as follows:

Section 11.3 Parking and Loading Requirements, is hereby amended by deleting the following language for **Parking Requirements for Clubs or Organization Halls:**

Three point three (3.3) spaces per 1,000 square feet of gross floor area minimum.

and replacing the deleted language with the following:

One (1) space per each 200 square feet of gross floor area.

Section 11.3 Parking and Loading Requirements, is hereby further amended by deleting the entire row titled **House of Worship**

and replacing the deleted language with the following:

Use: Places of Worship

Parking Requirements: One (1) space for each four (4) seats in main auditorium minimum; or where there are no fixed seats, one (1) space per 200 sq. ft. gross floor area minimum; whichever is greater.

Loading Requirements: None

Section 14. (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 15. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 16. This Ordinance was adopted January ____, 2017. 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, 2017.

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