

1 STATE OF GEORGIA  
2 CITY OF SNELLVILLE

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4 **ORDINANCE NO. 2008-15**

5 AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP, CITY OF  
6 SNELLVILLE, GEORGIA, AS AMENDED; TO PROVIDE FOR SEVERABILITY; TO  
7 REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE;  
8 AND FOR OTHER PURPOSES.

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

11 **WHEREAS**, the governing authority of the City of Snellville, Georgia desires to  
12 modify the zoning designation of certain property located within the City; and,

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

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

17 **Section 1.** The property described in Exhibit "A," a copy of which is attached  
18 hereto and incorporated herein by reference, is hereby rezoned to General Business (BG);  
19 such rezoning to be noted on the City of Snellville Official Zoning Map approved by  
20 Mayor and Council as soon as reasonably possible following adoption of this Ordinance  
21 by the Zoning Administrator along with an editorial note on the City of Snellville Official  
22 Zoning Map approved by Mayor and Council specifying the parcel(s) affected by this  
23 Ordinance and the date of adoption of this Ordinance. Until the rezoning is indicated on

24 the City of Snellville Official Zoning Map approved by Mayor and Council, this  
25 Ordinance shall govern over the City of Snellville Official Zoning Map approved by  
26 Mayor and Council to the extent of any discrepancy between this Ordinance and the City  
27 of Snellville Official Zoning Map approved by Mayor and Council.

28 The rezoning shall be subject to the following condition:

- 29 1. The property shall be developed in general accordance with the submitted site plan  
30 entitled "The Boulevards Shops & Offices at Scenic, LLC" dated June 5, 2008 and  
31 prepared by Edwards Engineering, Inc. with modifications to meet State, County  
32 and City regulations. Substantial variation from the concept plan, as determined by  
33 the Director of Planning and Development, will required Mayor and Council  
34 approval;
- 35 2. Parking within the City-required buffer zone shall be constructed of a pervious  
36 material, as approved by the Department of Planning & Development;
- 37 3. All detention structures must be located outside the required buffers and setbacks;
- 38 4. All proposed mitigation strategies as described, and approved by the Snellville  
39 Board of Appeals on November 13, 2007, within the Edwards Engineering, Inc.  
40 Stream Buffer Reduction analysis dated October 14, 2007 (received October 15,  
41 2007) shall be implemented into the development as prescribed with modifications  
42 to meet State, County and City regulations;
- 43 5. New signs higher than 15 feet and larger than 225 square feet are prohibited;
- 44 6. Uses involving adult entertainment, including any sale or display of adult  
45 magazines, books, or videos and as further defined by the Adult Entertainment  
46 Ordinance in effect on the date this condition is imposed, are prohibited; and

47 7. Applicant shall be required to clean up the property and remove all demolition  
48 debris, tires, etc. within 30-days after demolition.

49 **Section 2.** The preamble of this Ordinance shall be considered to be and is  
50 hereby incorporated by reference as if fully set out herein.

51 **Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council  
52 that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were,  
53 upon their enactment, believed by the Mayor and Council to be fully valid, enforceable  
54 and constitutional.

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

62 (c) In the event that any phrase, clause, sentence, paragraph or section of this  
63 Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or  
64 otherwise unenforceable by the valid judgment or decree of any court of competent  
65 jurisdiction, it is the express intent of the Mayor and Council that such invalidity,  
66 unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not  
67 render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases,  
68 clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent

69 allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the  
70 Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

71 **Section 4.** Penalties in effect for violations of the Zoning Ordinance of the City  
72 of Snellville at the time of the effective date of this Ordinance shall be and are hereby  
73 made applicable to this Ordinance and shall remain in full force and effect.

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

76 **Section 6.** This Ordinance was adopted on *August 25, 2008*, the effective date  
77 of this Ordinance shall be the date of adoption unless otherwise stated herein.

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[SIGNATURES APPEAR ON FOLLOWING PAGE]

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EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 26 of the 5<sup>th</sup> Land District, City of Snellville, Gwinnett County, Georgia, said tract or parcel of land being more fully shown and designed as Tract 4 on a plat of survey prepared by Valentino and Associates, Inc., (Job # 27016; Drawing # 27016), bearing the seal of Glenn A. Valentino, Ga. Registered Land Surveyor #2528, and being more particularly described as follows:

BEGINNING at a ½" iron pin set at the northerly miter corner of the intersection of the easterly right-of-way of S.R. 124 (AKA Scenic Highway; r/w varies) and the northerly right-of-way line of Henry Clower Boulevard (r/w varies).

THENCE proceeding along said easterly right-of-way line of S.R. 124 the following courses and distances: Along a curve to the right having a radius of 1864.86 feet for an arc distances of 54.08 feet (said arch being subtended by a chord of North 16 degrees 38 minutes 16 seconds East for a distance of 54.08 feet) to an ½" iron pin set; THENCE along a curve to the right having a radius of 1864.86 feet for an arc distance of 99.60 feet (said arc being subtended by a chord of North 18 degrees 59 minutes 55 seconds East for a distance of 99.59 feet) to a ½" iron pin set; THENCE along a curve to the right having a radius of 1864.86 feet for an arch distance of 99.09 feet (said arc being subtended by a chord of North 22 degrees 03 minutes 04 seconds East for a distance of 99.08 feet) to a ½" iron pin set, said ½" iron pin set being the TRUE POINT OF BEGINNING.

THENCE continuing along said easterly right-of-way line o S.R. 124 along a curve to the right having a radius of 1864.86 feet for an arc distance of 100.00 feet (said arc being subtended by a chord or North 25 degrees 06 minutes 34 seconds East for a distance of 99.99 feet) to a ½" rebar with cap found; THENCE departing said easterly right-of-way line of S.R. 124 South 70 degrees 47 minutes 09 seconds East for a distance of 345.66 feet to a ½" rebar found; THENCE South 70 degrees 39 minutes 00 seconds East for a distance of 13.48 feet to a ½" rebar found; THENCE South 71 degrees 03 minutes 32 seconds East for a distance of 3.80 feet to a ½" open-top pipe found; THENCE South 24 degrees 41 minutes 45 seconds West for a distance of 8.09 feet to a ½" open-top pipe found; THENCE South 24 degrees 21 minutes 16 seconds West for a distance of 91.90 feet to a ½" rebar with cap found; THENCE North 70 degrees 45 minutes 49 seconds West for a distance of 364.20 feet to a ½" iron pin set on the easterly right-of-way line of S.R. 124, said ½" iron pin set being the TRUE POINT OF BEGINNING.

Together with and subject to covenants, easements, and restrictions of record.

Said tract or parcel of land contains 0.832 acres or 36,228 square feet, and is intended to be the same tract of land that was previously conveyed in Deed Book 46250, Page 299, Gwinnett County Georgia Records.