STATE OF GEORGIA
CITY OF SNELLVILLE

ORDINANCE NO. 2008-15

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

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

WHEREAS, the governing authority of the City of Snellville, Georgia desires to
modify the zoning designation of certain property located within the City; 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 property described in Exhibit “A,” a copy of which is attached
hereto and incorporated herein by reference, is hereby rezoned to General Business (BG);
such rezoning to be noted on the City of Snellville Official Zoning Map approved by
Mayor and Council as soon as reasonably possible following adoption of this Ordinance
by the Zoning Administrator along with an editorial note on the City of Snellville Official
Zoning Map approved by Mayor and Council specifying the parcel(s) affected by this
Ordinance and the date of adoption of this Ordinance. Until the rezoning is indicated on
the City of Snellville Official Zoning Map approved by Mayor and Council, this
Ordinance shall govern over the City of Snellville Official Zoning Map approved by
Mayor and Council to the extent of any discrepancy between this Ordinance and the City
of Snellville Official Zoning Map approved by Mayor and Council.

The rezoning shall be subject to the following condition:

1. The property shall be developed in general accordance with the submitted site plan
entitled “The Boulevards Shops & Offices at Scenic, LLC” dated June 5, 2008 and
prepared by Edwards Engineering, Inc. with modifications to meet State, County
and City regulations. Substantial variation from the concept plan, as determined by
the Director of Planning and Development, will required Mayor and Council
approval;

2. Parking within the City-required buffer zone shall be constructed of a pervious
material, as approved by the Department of Planning & Development;

3. All detention structures must be located outside the required buffers and setbacks;

4. All proposed mitigation strategies as described, and approved by the Snellville
Board of Appeals on November 13, 2007, within the Edwards Engineering, Inc.
Stream Buffer Reduction analysis dated October 14, 2007 (received October 15,
2007) shall be implemented into the development as prescribed with modifications
to meet State, County and City regulations;

5. New signs higher than 15 feet and larger than 225 square feet are prohibited;

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

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

Section 3. (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 4. 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 5. All ordinances and parts of ordinances in conflict herewith are hereby
expressly repealed.

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

[SIGNATURES APPEAR ON FOLLOWING PAGE]
ORDAINED this 25 day of August, 2008.

CITY OF SNELLVILLE, GEORGIA

JERRY OBERHOLTZER, Mayor

WARREN AULD, Mayor Pro-Tem

BARBARA BENDER, Council Member

ROBERT JENKINS, Council Member

KELLY KAUTZ, Council Member

TOD WARNER, Council Member

ATTEST:

SHARON LOWERY, City Clerk

APPROVED AS TO FORM:

City Attorney
EXHIBIT “A”

All that tract or parcel of land lying and being in Land Lot 26 of the 5th 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 arc 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 of 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.