STATE OF GEORGIA
CITY OF SNELLVILLE

ORDINANCE NO. __________

AN ORDINANCE TO AMEND THE 2040 COMPREHENSIVE PLAN FUTURE LAND USE MAP FOR THE CITY OF SNELLVILLE, GEORGIA, FOR THE 0.75± ACRE TRACT OF LAND LOCATED IN LAND LOT 7 OF THE 5TH LAND DISTRICT AND LAND LOT 51 OF THE 6TH LAND DISTRICT, GWINNETT COUNTY, GEORGIA; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

CASE NUMBER: #LUP 19-02

SIZE: 0.75 Acres

LOCATION: 2258 Scenic Drive, Snellville, Georgia

TAX PARCEL: R6051 014

CURRENT FUTURE LAND USE MAP DESIGNATION: Office-Professional

REQUESTED FUTURE LAND USE MAP AMENDMENT: Low Density Residential

DEVELOPMENT/PROJECT: Existing Single-family Detached Residential Dwelling

PROPERTY OWNER: Lois S. Ford
Snellville, Georgia 30078

APPLICANT/CONTACT: Darlene Philips
Darlene Philips Real Estate
Snellville, Georgia 30078
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 modify the designated land use as it applies to the 0.75± acre tract of land located at 2258 Scenic Drive, Snellville, Georgia (Tax Parcel R6051 014) for the existing and continued use for a single-family detached dwelling; and,

WHEREAS, the health, safety, and welfare of the citizens of Snellville, Georgia, will be positively impacted by the adoption of this Ordinance; therefore:

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

Section 1. The future land use designation of the 0.75± acre tract of land identified as Lot 5 Block A Lanier Mountain Estates and shown on the revised plat in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference and described by the legal description in Exhibit “B”, a copy of which is attached hereto and incorporated herein by reference, is hereby amended and changed from Office-Professional to Low Density Residential. This change in future land use is to be noted on the City of Snellville 2040 Comprehensive Plan Future Land Use Map, as previously amended and as approved by the Mayor and Council as soon as reasonably possible following the adoption of this Ordinance. The future land use map shall also be amended with an editorial note specifying the date this Snellville Land Use Plan Amendment was approved by the Mayor and Council and specifying the parcel affected by this Ordinance. Until the change is indicated on the City of Snellville 2040 Comprehensive Plan Future Land Use Map approved by the Mayor and Council, this Ordinance shall govern over the
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 January 27, 2020. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.
ORDAINED this 27th day of January, 2020.

Barbara Bender, Mayor

ATTEST:

Dave Emanuel, Mayor Pro Tem

Melisa Arnold, City Clerk

Cristy Lenski, Council Member

APPROVED AS TO FORM:

Solange Destang, Council Member

Anthony O. L. Powell, City Attorney
Powell & Edwards, Attorneys at Law, P.C.

Gretchen Schulz, Council Member

Tod Warner, Council Member
EXHIBIT “A”
REVISED UNIT ONE OF
LANIER MOUNTAIN ESTATES
LAND LOT 7- 5TH DIST.
LAND LOT 8- 6TH DIST.
GWINNETT COUNTY, GA. SCALE 1"=100'
SURVEYED OCT. 14, 1960. REVISED JUNE, 1960
C. M. HIGGINS, SURVEYOR
LAWRENCEVILLE, GA.

THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED
HERETO AND IN PERSON OR BY AN AUTHORIZED AGENT ACKNOWLEDGES THAT THIS
PLAT WAS MADE FROM AN ACTUAL SURVEY AND DEDICATES TO THE USE OF THE PUBLIC
THEREON ALL STREETS, PLACES, WATER COURSES, DRAINS, EASEMENTS
AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATIONS
HEREIN EXPRESSED.

OWNER
IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED
FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE

SURVEYOR

PROTECTIVE COVENANTS
LOTS SHOWN HERETO ARE TO BE SOLD SUBJECT TO THE FOLLOWING RESTRICTIONS
WHICH ARE COVENANTS RUNNINNG WITH THE LAND AND SHALL REMAIN IN FULL FORCE
AND EFFECT UNTIL DECEMBER 12, 1984, AND MAY BE ENFORCED BY THE OWNER OF ANY
LOT IN THE SUBDIVISION.

1. LOTS THAT ARE USED FOR SINGLE FAMILY RESIDENCE PURPOSES ONLY
2. NO LOTS OF SUBDIVIDED, NOR SHALL MORE THAN ONE RESIDENCE BE ERECTED
   ON ANY LOT
3. NO HOME SHALL BE BUILT NEARER TO A RIGHT-OFF-WAY THAN THE BUILDING LINE
4. NO HOME SHALL BE BUILT NEARER A SIDE LINE THAN 15 FT
5. NO TENT, SHACK, OR TRAILER SHALL BE ERECTED ON
6. NO RESIDENCE SHALL BE ERECTED OR PLACED ON ANY LOT HAVING LESS THAN
   1000 SQ FT OF FLOOR SPACE IF ONLY ONE STORY, OR LESS THAN 1900 SQ FT IF
   MORE THAN ONE STORY.
7. STREETS WILL BE PAVED BY THE DEVELOPER IN ACCORDANCE WITH GWINNETT
   COUNTY REQUIREMENTS
8. LOT SHALL BE SOLD OR OWNED BY ANY PERSON WHO IS NOT A MEMBER OF THE
   CAUCASIAN RACE.

THE ABOVE RESTRICTIONS HAVE BEEN REVISED THIS 1ST DAY OF JUNE, 1960.

OWNER

NOTE: MARKED ON PINS SET ON ALL CORNERS
EXHIBIT “B”
All that tract or parcel of land lying and being in the 5th and 6th
Land Districts, and being part of Land Lot 7 of the 5th Land District,
and part of Land Lot 51 of the 6th Land District and being a tract of
revised Lot 5, Block A, Lanier Mountain Estates as per plat and sur-
vey made by C. M. Rigginbotham and E. E. J. James, Surveyors, January
29, 1963, a copy of said plat being recorded in Plat Book J, Page 198,
Gwinnett County Plat Records, and more particularly described as follows:

BEGINNING at an iron pin stake on the Easterly side of Scenic Drive at
a point 770 feet from the right of way of U.S. Highway No. 78; thence
run North 76 degrees 15 Min. East 204.6 feet to iron pin stake; thence
run South 13 degrees 22 Min. East 150 feet to iron pin stake; thence
run South 76 degrees 43 Min. West 229.4 feet to iron pin stake on the
Easterly side of Scenic Drive; thence run in a Northerly direction along
the Easterly side of Scenic Drive 150 feet to the point of beginning.

Said tract being located in the City of Snellville, Gwinnett County, Georgia.

ALL THAT TRACT or parcel of land lying and being in Land Lot 51 of
the 6th Land District, Gwinnett County, Georgia, and being more
particularly described as follows:

BEGINNING at a point on the northeasterly right of way line of
Scenic Drive (60-foot right of way) located 920 feet southeasterly as
measured along said right of way line from the point at which
said right of way line is intersected by the southeasterly right of
way line of U.S. Highway No. 78; run thence North 78 degrees 57
minutes 48 seconds East 229.40 feet to a point; run thence South 10
degrees 56 minutes 23 seconds East 68.86 feet to a point; run
thence South 80 degrees 30 minutes 56 seconds West 218.69 feet to
an iron pin found on the northeasterly right of way line of Scenic
Drive; run thence along said right of way line North 20 degrees 39
minutes 38 seconds West 63.83 feet to a point, which is the place
or point of beginning.