

**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

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

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR THE 0.75± ACRE TRACT OF LAND LOCATED IN LAND LOT 7 OF THE 5<sup>TH</sup> LAND DISTRICT AND LAND LOT 51 OF THE 6<sup>TH</sup> LAND DISTRICT, GWINNETT COUNTY, GEORGIA; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

<b>CASE NUMBER:</b>	#RZ 19-05
<b>SIZE:</b>	0.75 Acres
<b>LOCATION:</b>	2258 Scenic Drive, Snellville, Georgia
<b>TAX PARCEL:</b>	R6051 014
<b>CURRENT ZONING MAP:</b>	OP (Office Professional) District
<b>REQUESTED ZONING MAP AMENDMENT:</b>	RS-180 (Single-family Residence) District
<b>DEVELOPMENT/PROJECT:</b>	Existing Single-family Detached Residential Dwelling
<b>PROPERTY OWNER:</b>	Lois S. Ford Snellville, Georgia 30078
<b>APPLICANT/CONTACT:</b>	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 amend its official zoning map 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 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 rezoned from OP (Office Professional) District to RS-180 (Single-family Residence) District.

**Section 2.** The changes in zoning classification is 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 January 27, 2020. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

**ORDAINED** this 27<sup>th</sup> 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"

The record July 4, 1960

REVISED UNIT ONE OF  
LANIER MOUNTAIN ESTATES  
LAND LOT 7-5TH DIST.  
LAND LOT 51-6TH DIST.  
GWINNETT COUNTY, GA. SCALE 1"=100'  
SURVEYED OCT., 1959 REVISED JUNE, 1960  
C. M. HIGGINBOTHAM, SURVEYOR  
LAWRENCEVILLE, GA.

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

SURVEYOR  
PROTECTIVE COVENANTS  
LOTS SHOWN HEREON ARE TO BE SOLD SUBJECT TO THE FOLLOWING RESTRICTIONS  
WHICH ARE COVENANTS RUNNING WITH THE LAND AND SHALL REMAIN IN FULL FORCE  
AND EFFECT UNTIL NOVEMBER 1, 1984, AND MAY BE ENFORCED BY THE OWNER OF ANY  
LOT IN THE SUBDIVISION.

1. LOTS SHALL BE USED FOR SINGLE FAMILY RESIDENCE PURPOSES ONLY.
  2. NO LOT SHALL BE SUBDIVIDED, NOR SHALL MORE THAN ONE RESIDENCE BE ERECTED ON ANY LOT
  3. NO HOUSE SHALL BE BUILT NEARER TO A RIGHT-OF-WAY THAN THE BUILDING LINE SHOWN ON PLAT, NOR NEARER A SIDE LINE THAN 10 FT.
  4. NO TEMPORARY HOUSE, SHACK, TENT, OR TRAILER SHALL BE ERECTED OR OCCUPIED ON ANY LOT AS A RESIDENCE
  5. NO RESIDENCE SHALL BE ERECTED OR PLACED ON ANY LOT HAVING LESS THAN 1800 SQ. FT. OF FLOOR SPACE IF ONLY ONE STORY, OR LESS THAN 1800 SQ. FT. IF MORE THAN ONE STORY.
  6. STREETS WILL BE PAVED BY THE DEVELOPER IN ACCORDANCE WITH GWINNETT COUNTY REQUIREMENTS
  7. NO 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: IRON PINS SET ON ALL CORNERS

Recorded in:  
Plat Book Page Number  
H 122  
H 250

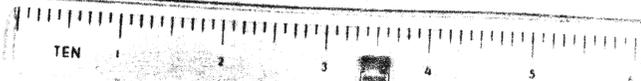
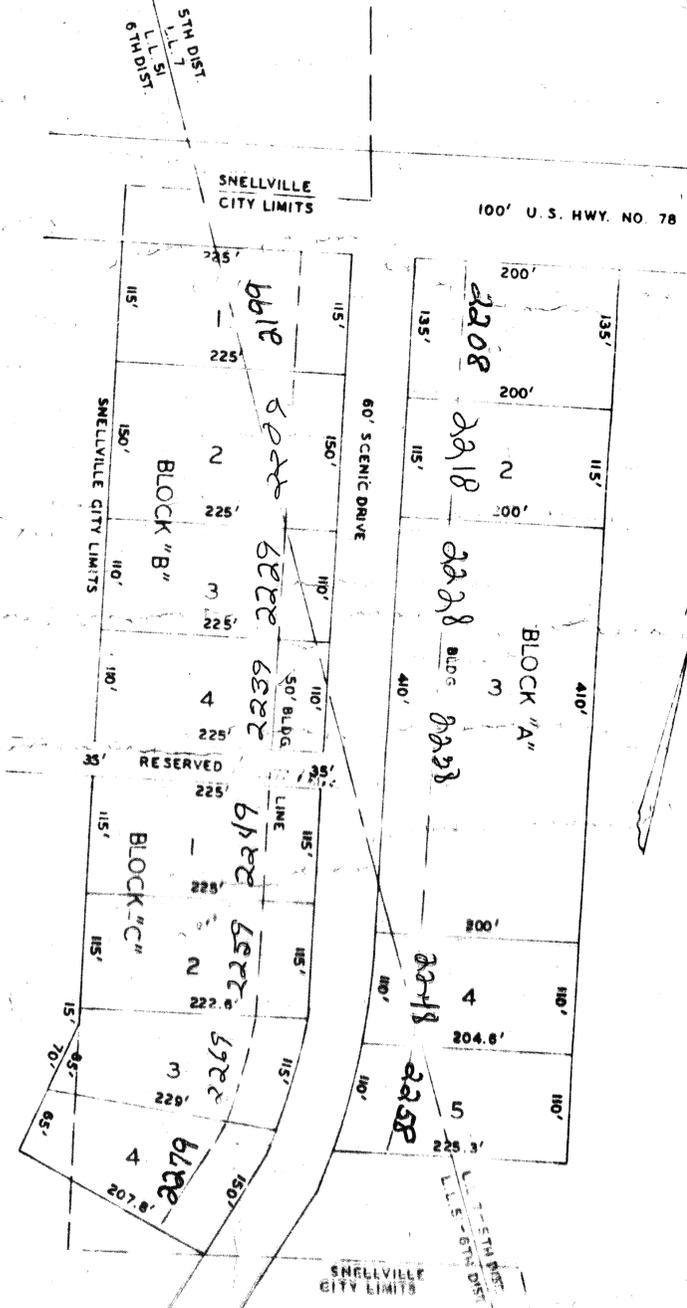


EXHIBIT "B"

2258 Scenic Drive  
Snellville, GA 30078  
Legal Description  
TAX ID: R6051014

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 survey made by C. M. Higginbotham 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.