

STATE OF GEORGIA

CITY OF SNELLVILLE

ORDINANCE NO. 2019-18

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR A 9.0± ACRE TRACT OF LAND LOCATED IN LAND LOT 7 OF THE 5TH LAND DISTRICT, GWINNETT COUNTY, GEORGIA; TO GRANT A SPECIAL USE PERMIT FOR A PLACE OF WORSHIP; TO GRANT VARIANCES; TO ADD CONDITIONS AFFECTING THE PROPERTY; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

CASE NUMBER: #SUP 19-02

PROPERTY OWNER: Mokhberi Investments, Inc.
Atlanta, Georgia 30328

LOCATION: Fountain Square Business Center, Bldg. D,
2140 McGee Road, Snellville Georgia

CURRENT ZONING: BG (General Business) District

TAX PARCEL: R5007 014

SPECIAL USE PERMIT REQUEST: Place of Worship

APPLICANT/CONTACT: Christopher Boatman, Pastor
Love & Faith Ministries
404-483-5439
christopherboatman15@gmail.com

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 9.0± acre tract of land located at 2140 McGee Road, Snellville, Georgia (Tax Parcel R5007 014) and grant the requested special use permit for a place of worship; and

WHEREAS, the governing authority of the City of Snellville, Georgia desires to grant variances from the minimum street frontage requirement of Section 9.10(4) of Article IX, Schedule of District Regulations for the BG (General Business) District and minimum parking space requirements of Section 11.3 of Article XIII, Parking and Loading Requirements of the City of Snellville Zoning Ordinance; 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. A special use permit is hereby granted for the 15,000 sq. ft. tenant space located in Building D of the Fountain Square Business Center on the 9.0± acre tract of land shown on the Site Plan, entitled “Everlasting Covenant Ministries” shown in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference, to allow for a place of worship for Love & Faith Ministries.

Section 2. This action is subject to the attachment of the following conditions (1-4):

CONDITIONS:

1. In the event that the subject tenant space is not leased/occupied by Love & Faith Ministries within sixty (60) days from the date of Mayor and Council approval, or if the tenant space is occupied and later vacated by Love & Faith Ministries, the Special Use Permit will immediately become null and void;
2. Love & Faith Ministries shall obtain an Occupational Tax License from the City of Snellville Department of Planning and Development and meet all licensing requirements including obtaining a Certificate of Occupancy from the Gwinnett County Fire Marshal's Office prior to use or occupancy of any portion of the tenant space;
3. 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
4. New signs higher than 15 feet and larger than 225 sq. ft. are prohibited.

Section 3. In conjunction with the special use permit approval and subject to compliance with the requirements and conditions of Section 2, the Applicant is being granted by the Mayor and Council the following variances (1-2):

VARIANCES:

1. Variance from Section 9.10(4)(a)(2) of Article IX of the Zoning Ordinance to reduce the property's 250 feet minimum road frontage requirement to ± 135 feet.
2. Variance from Section 11.3 of Article XI of the Zoning Ordinance to reduce the minimum parking space requirement for Places of Worship from one space per 200 sq. ft. gross floor area minimum parking requirement (15,000 sq. ft. / 200 = 75 min. parking spaces) to one space per 366 sq. ft. gross floor area (15,000 sq. ft. / 366 = 41 min. parking spaces). A variance reduction of 34 parking spaces.

Section 4. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set forth herein.

Section 5. 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 6. (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 7. 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 8. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 9. This Ordinance was adopted on September 23, 2019. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

ORDAINED this 23rd day of September, 2019.

Barbara Bender, Mayor

ATTEST:

Dave Emanuel, Mayor Pro Tem

Melisa Arnold, City Clerk

Cristy Lenski, Council Member

APPROVED AS TO FORM:

Roger Marmol, 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"

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