

CITY OF SNELLVILLE

STATE OF GEORGIA

ORDINANCE NO. _____

AN ORDINANCE TO AMEND A PORTION OF ARTICLE IX OF THE ZONING ORDINANCE OF THE CITY OF SNELLVILLE, TO ALLOW THE MAYOR AND COUNCIL TO CONSIDER VARIANCES FROM THE COMMERCIAL FLOOR AREA REQUIREMENT FOR TOWNE CENTER FLAT DEVELOPMENTS; TO REPEAL CONFLICTING ORDINANCES, TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and the Council of the City of Snellville, Georgia, the governing body of the City of Snellville, Georgia, desire to amend Article IX of the Zoning Ordinance of the City of Snellville;

WHEREAS, the Mayor and the Council of the City of Snellville, Georgia is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs and local government; and

WHEREAS, the Mayor and Council of the City of Snellville, Georgia deem such amendment to be for the betterment and general welfare of the City of Snellville and its inhabitants;

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

Section 1. Article IX of the Zoning Ordinance of the City of Snellville is hereby amended as follows:

Section 9.23(X), TOWNE CENTER DISTRICTS SPECIFIC USE STANDARDS is hereby amended by deleting the following language:

13. Towne Center Flat. Where a Towne Center flat is allowed, it is subject to the following:

- a. Towne Center flats must be located in a conforming walk-up flat or stacked flat building type.
- b. Ground floor dwelling units may be accessed from the outside or through a conditioned interior hallways, as permitted by building type.
- c. Dwelling units located above the ground floor must be accessed through a conditioned interior hallway.
- d. Each dwelling unit must be at least 750 square feet in floor area.
- e. Sites containing 30 or more Towne Center flat dwelling units must provide a minimum of 5,000 square feet of commercial floor area for each additional 30 Towne Center flats, or fraction thereof, unless a variance is granted by the Board of Appeals in conformance with “f” below.
- f. Variance requests may only be approved when the applicant demonstrates that all Towne Center flat buildings are located within 1,000 feet of at least 15,000 square feet of existing commercial space. This distance shall be measured by the most direct route of travel on ground and in the following manner:
 - i. From the lobby entrance of each proposed building housing a Towne Center flat;
 - ii. In a straight line to the nearest public sidewalk, walkway, street, road or highway by the nearest route;
 - iii. Along such public sidewalk, walkway, street, road or highway by the nearest route;
 - iv. To the main entrance of the existing commercial floor area.
 - v. When multiple commercial establishments are required to attain 15,000 square feet, this requirement shall apply to all establishments.

and replacing the deleted language with the following:

13. Towne Center Flat. Where a Towne Center flat is allowed, it is subject to the following:

- a. Towne Center flats must be located in a conforming walk-up flat or stacked flat building type.

- b. Ground floor dwelling units may be accessed from the outside or through a conditioned interior hallways, as permitted by building type.
- c. Dwelling units located above the ground floor must be accessed through a conditioned interior hallway.
- d. Each dwelling unit must be at least 750 square feet in floor area.
- e. Sites containing 30 or more Towne Center flat dwelling units must provide a minimum of 5,000 square feet of commercial floor area for each additional 30 Towne Center flats, or fraction thereof, unless a variance is granted by the Board of Appeals or the Mayor and Council at the time of rezoning or special use permit requests in conformance with “f” below.
- f. Variance requests may only be approved when the applicant demonstrates that all Towne Center flat buildings are located within 1,000 feet of at least 15,000 square feet of existing commercial space. This distance shall be measured by the most direct route of travel on ground and in the following manner:
 - i. From the lobby entrance of each proposed building housing a Towne Center flat;
 - ii. In a straight line to the nearest public sidewalk, walkway, street, road or highway by the nearest route;
 - iii. Along such public sidewalk, walkway, street, road or highway by the nearest route;
 - iv. To the main entrance of the existing commercial floor area.
 - v. When multiple commercial establishments are required to attain 15,000 square feet, this requirement shall apply to all establishments.

Section 2. (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 3. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 4. This Ordinance was adopted April 22, 2019. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

ORDAINED this 22nd day of April, 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