

The City of Snellville
2342 Oak Road
Snellville, Georgia 30078
(770) 985-3500 • FAX (770) 985-3525



AGENDA

**WORK SESSION
OF MAYOR AND COUNCIL
CITY OF SNELLVILLE, GEORGIA
MONDAY, OCTOBER 25, 2021**

Publication Date: October 21, 2021

TIME: 6:30 p.m.

DATE: October 25, 2021

PLACE: City Hall Conference Room 145

I. CALL TO ORDER

**II. REVIEW REGULAR BUSINESS MEETINGS AND PUBLIC HEARING
AGENDA ITEMS**

III. REVIEW CORRESPONDENCE

IV. CITY ATTORNEY'S REPORT

V. DISCUSSION ITEMS

- a) Update of Ongoing Projects [Bender]

VI. EXECUTIVE SESSION

An Executive Session may be called:

- To discuss pending and/or potential litigation, settlement claims, administrative proceedings or other judicial actions, which is exempt from the Open Meetings Act pursuant to O.C.G.A. Section 50-14-2(1).
- To authorize negotiations to purchase, dispose of, or lease property; authorize the ordering of an appraisal related to the acquisition or disposal of real estate; enter into a contract to purchase, dispose of, or lease property subject to approval in a subsequent public vote; or enter into an option to purchase, dispose of, or lease real estate subject to approval in subsequent public vote, which is excluded from the Open Meetings Act pursuant to Section 50-14-3(b)(1)(C).
- Upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee, which is excluded pursuant to O.C.G.A. Section 50-14-3(b)(2).

VII. ADJOURNMENT



AGENDA

PUBLIC HEARING & REGULAR BUSINESS MEETING
OF MAYOR AND COUNCIL
CITY OF SNELLVILLE, GEORGIA
MONDAY, OCTOBER 25, 2021

Publication Date: October 21, 2021

TIME: 7:30 p.m.

DATE: October 25, 2021

PLACE: Council Chambers

- I. **CALL TO ORDER**
- II. **INVOCATION**
Rev. Dr. Joan Murray
- III. **PLEDGE TO THE FLAG**
- IV. **CEREMONIAL MATTERS**
Administer Oath to Snellville Youth Commission Members
- V. **MINUTES**
Approve the Minutes of October 11, 2021 Meetings
- VI. **INVITED GUESTS**
Mr. D.A. Williams & Dr. Alexis Williams, SGHS PTSA President & Vice President
- VII. **COMMITTEE / DEPARTMENT REPORTS**
- VIII. **APPROVAL OF THE AGENDA**
- IX. **PUBLIC HEARING**
 - a) 2nd Reading - ANX 21-02 LUP 21-05 RZ 21-05 – Consideration and Recommendation on Applications by Scenic Pointe, LLC (Applicant) The Lillian Margene Moulder Trust (Property Owner) Requesting: 1) Annexation To The Municipal Boundary Of The City Of Snellville, Georgia; 2) To Amend The Snellville 2040 Comprehensive Plan Future Land Use Map To Commercial Retail; 3) To Amend The Official Zoning Map To BG (General Business) District; And 4) Request For Variances From The Unified Development Ordinance For The 8.93± Site Tract Located At 1498 Scenic Highway, Snellville

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For A Mixed Retail, Commercial, Office Subdivision Development (Tax Parcel 5074 007)

- b) 2nd Reading - UDO 21-01 – Consideration And Recommendation On Amendments To The Text Of The Unified Development Ordinance For The City Of Snellville, Georgia (“UDO”), Adopted 10-26-2020 To Amend: Definitions, Article 2 Of Chapter 100, General Provisions; Towne Center Overlay District, Article 5 And Use Provisions, Article 6 Of Chapter 200, Zoning And Land Use

X. CONSENT AGENDA (Please see *Note)

XI. OLD BUSINESS

XII. NEW BUSINESS

- a) 2nd Reading - Consideration and Action on Amendment to Article II Noise Control, Division 1 of the Code of Ordinances of the City Of Snellville to be Consistent with those of Gwinnett County, to Repeal Conflicting Ordinances, and for Other Purposes [Schulz]

XIII. COUNCIL REPORTS

XIV. MAYOR'S REPORT

XV. PUBLIC COMMENTS

- Section 2-53

Each member of the public who wishes to address the Mayor and City Council in public session must submit their name, address and the topic (be as specific as possible) of their comments to the City Clerk prior to making such comments. Individuals will be allotted five minutes to make their comments and such comments must be limited to the chosen topic. Members of the public shall not make inappropriate or offensive comments at a City Council meeting and are expected to comply with our adopted rules of decorum.

- Decorum

You must conduct yourself in a professional and respectful manner. All remarks should be directed to the Chairman and not to individual Council Members, staff or citizens in attendance. Personal remarks are inappropriate.

XVI. EXECUTIVE SESSION

An Executive Session may be called:

- To discuss pending and/or potential litigation, settlement claims, administrative proceedings or other judicial actions, which is exempt from the Open Meetings Act pursuant to O.C.G.A. Section 50-14-2(1).
- To authorize negotiations to purchase, dispose of, or lease property; authorize the ordering of an appraisal related to the acquisition or disposal of real estate; enter into a contract to purchase, dispose of, or lease property subject to approval in a subsequent public vote; or enter into an option to purchase, dispose of, or lease real estate subject to approval in subsequent public vote, which is excluded from the Open Meetings Act pursuant to Section 50-14-3(b)(1)(C).

REGULAR BUSINESS & PUBLIC HEARING OF MAYOR AND COUNCIL
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- Upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee, which is excluded pursuant to O.C.G.A. Section 50-14-3(b)(2).

XVII. ADJOURNMENT

***Note: Items on the Consent Agenda may be read by title only. Upon the request of any Council Member, any item may be removed from the Consent Agenda and placed on the Regular Agenda prior to the adoption of the Regular Agenda. The Consent Agenda, or the remainder thereof omitting the challenged items, shall be adopted by unanimous consent.**

CITY OF SNELLVILLE
MEETINGS AND LOCAL EVENTS
OCTOBER 25, 2021

October 25

Council Meeting

Monday, October 25, 2021

6:30 pm Work Session – Conference Room 145, City Hall

7:30 pm Meeting - Council Chambers, City Hall

October 25 – October 29

Early Voting

Monday through Friday from 9:00 am to 5:00 pm

City Hall Community Room

October 26

Planning Commission Meeting - Canceled

Tuesday, October 26, 2021

7:00 pm to 8:00 pm – Community Room

October 31

Broadcast of 10/25/21 Council Meeting

Sunday, October 31, 2021

Watch the broadcast of the 10/25/21 Council Meeting on Comcast Channel 25 at 6:30 pm

November 2

General Election

Tuesday, November 2, 2021

7:00 am to 7:00 pm

City Hall Community Room

November 2

Computation and Canvassing of Election Results

Tuesday, November 2, 2021

7:00 pm

City Hall Community Room

November 3

Coffee With a Cop

Wednesday, November 3, 2021

Noon to 2:00 pm

Starbucks 1920 Scenic Hwy, Snellville GA

November 5

Red Cross Blood Drive

Friday, November 5, 2021

1:30 pm to 6:30 pm

City Hall Community Room

November 8

Council Meeting

Monday, November 8, 2021

6:30 pm Work Session – Conference Room 145, City Hall

7:30 pm Meeting - Council Chambers, City Hall



WORK SESSION
OF MAYOR AND COUNCIL
CITY OF SNELLVILLE, GEORGIA
MONDAY, OCTOBER 11, 2021

Present: Mayor Barbara Bender, Mayor Pro Tem Dave Emanuel, Council Members Cristy Lenski, Gretchen Schulz, Solange Destang and Tod Warner. Also present City Manager Butch Sanders, Assistant City Manager Matt Pepper, Chief Greg Perry, Public Works Director Gaye Johnson, Public Works Manager Craig Barton, Public Information Officer Brian Arrington, and City Clerk Melisa Arnold.

CALL TO ORDER

Mayor Bender called the meeting to order at 6:30 p.m.

REVIEW REGULAR BUSINESS MEETINGS AND PUBLIC HEARING AGENDA ITEMS

The agendas were reviewed and discussed. Mayor Bender advised that the minutes of August 23rd that are referenced on the agenda are incorrect, the ones being approved are for September 27th and those are what was included in the packet. During discussion of the Stormwater Bid City Manager Sanders advised that he had a contract from Dickerson Group for the phase two extension of the Towne Center sewer. Since they were already mobilized and working the sewer project they were able to keep the cost low at \$81,030. Since there were concerns involving the supply chain consensus was to go ahead and amend the agenda and add to New Business for approval.

REVIEW CORRESPONDENCE

Mayor Bender talked about the Library Gala being held on October 23rd. Due to cost the decision was made that only two people should go to represent the City.

CITY ATTORNEY'S REPORT

City Attorney Ross spoke about a truck issue at the QT on Highway 124. He advised there is no code violation as long as the property owner is not complaining. He advised that Clear Channel has removed the billboard at Mellow Mushroom on Highway 78 and also gave an update on nuisance issues.

DISCUSSION ITEMS

Update of Ongoing Projects [Bender]

City Manager Sanders reviewed the projects. He talked about Gwinnett County participation in the sidewalk plan update and the approval of the Community Development Block Grant for the lake wall repair at Briscoe Park.

WORK SESSION OF MAYOR AND COUNCIL
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Discussion About Nuisance Abatement of Former Summit Chase Golf Course [Warner]

Council Member Warner talked about the tall grass and weeds on the property and asked if there was anything the City can do to make the property owners maintain it. Discussion was held about the citations that have been issued to date and the City's authority over vacant lots.

EXECUTIVE SESSION

None

ADJOURNMENT

Mayor Pro Tem Emanuel made a motion to adjourn, 2nd by Council Member Destang; voted 6 in favor and 0 opposed, motion approved. The meeting adjourned at 7:27 p.m.

Barbara Bender, Mayor

Melisa Arnold, City Clerk



PUBLIC HEARING & REGULAR BUSINESS MEETING
OF MAYOR AND COUNCIL
CITY OF SNELLVILLE, GEORGIA
MONDAY, OCTOBER 11, 2021

Present: Mayor Barbara Bender, Mayor Pro Tem Dave Emanuel, Council Members Cristy Lenski, Gretchen Schulz, Solange Destang and Tod Warner. Also present City Manager Butch Sanders, Assistant City Manager Matt Pepper, Chief Greg Perry, Public Works Director Gaye Johnson, Public Works Manager Craig Barton, Public Information Officer Brian Arrington, and City Clerk Melisa Arnold.

CALL TO ORDER

Mayor Bender called the meeting to order at 7:34 p.m.

INVOCATION

Assistant City Manager Pepper gave the invocation.

PLEDGE TO THE FLAG

Kathy Emanuel led the Pledge of Allegiance.

CEREMONIAL MATTERS

None

MINUTES

Approve the Minutes of September 27, 2021 Meetings

Mayor Pro Tem Emanuel made a motion to approve the minutes of the September 27, 2021 meetings, 2nd by Council Member Destang; voted 6 in favor and 0 opposed, motion approved.

INVITED GUESTS

None

COMMITTEE / DEPARTMENT REPORTS

None

APPROVAL OF THE AGENDA

Council Member Lenski made a motion to approve the agenda with the addition of New Business item "c" Consideration and Action of Award of Snellville Towne Center Sanitation Sewer Extension Contract, 2nd by Mayor Pro Tem Emanuel; voted 6 in favor and 0 opposed, motion approved.

PUBLIC HEARING & REGULAR BUSINESS OF MAYOR AND COUNCIL
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PUBLIC HEARING

1st Reading - ANX 21-02 LUP 21-05 RZ 21-05 – Consideration and Recommendation on Applications by Scenic Pointe, LLC (Applicant) The Lillian Margene Moulder Trust (Property Owner) Requesting: 1) Annexation To The Municipal Boundary Of The City Of Snellville, Georgia; 2) To Amend The Snellville 2040 Comprehensive Plan Future Land Use Map To Commercial Retail; 3) To Amend The Official Zoning Map To BG (General Business) District; And 4) Request For Variances From The Unified Development Ordinance For The 8.93± Site Tract Located At 1498 Scenic Highway, Snellville For A Mixed Retail, Commercial, Office Subdivision Development (Tax Parcel 5074 007)

Council Member Lenski make a motion to waive the first reading and place on the October 25, 2021 agenda for the second reading, 2nd by Council Member Destang; voted 6 in favor and 0 opposed, motion approved.

1st Reading - UDO 21-01 – Consideration And Recommendation On Amendments To The Text Of The Unified Development Ordinance For The City Of Snellville, Georgia (“UDO”), Adopted 10-26-2020 To Amend: Definitions, Article 2 Of Chapter 100, General Provisions; Towne Center Overlay District, Article 5 And Use Provisions, Article 6 Of Chapter 200, Zoning And Land Use

Council Member Schulz make a motion to waive the first reading and place on the October 25, 2021 agenda for the second reading, 2nd by Council Member Warner; voted 6 in favor and 0 opposed, motion approved.

CONSENT AGENDA

None

OLD BUSINESS

None

NEW BUSINESS

Consideration and Action on Award of Bid for Contract for the Repair of Storm Water Drainage Systems PW210825 [Bender]

Council Member Schulz made a motion to award the bid for contract for the Repair of Storm Water Drainage Systems PW21085 to The Dickerson Group in an amount not to exceed \$684,475.00, 2nd by Council Member Warner.

Council Member Warner spoke about the Storm Water drainage repair process.

The motion was voted 6 in favor and 0 opposed, motion approved.

1st Reading - Consideration and Action on Amendment to Article II Noise Control, Division 1 of the Code of Ordinances of the City Of Snellville to be Consistent with those of Gwinnett County, to Repeal Conflicting Ordinances, and for Other Purposes [Schulz]

Council Member Lenski made a motion to waive the first reading and place on the October 25, 2021 agenda for the second reading, 2nd by Council Member Schulz.

Mayor Bender spoke about the work that has been done on the ordinance update.

The motion was voted 6 in favor and 0 opposed, motion approved.

PUBLIC HEARING & REGULAR BUSINESS OF MAYOR AND COUNCIL
MONDAY, OCTOBER 11, 2021
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Consideration and Action of Award of Snellville Towne Center Sanitation Sewer Extension Contract

City Manager Sanders explained that this is the contract from The Dickerson Group for the extension of the sewer from the final manhole on Eastwood Drive to the Northwest corner of phase two in the Towne Center area. He said that it is all on City property so no right-of-way would be needed for this project, it is under the engineer estimated cost of \$85,000, and that there are supply chain delays which is why he asks that it be added to the agenda.

Council Member Lenski made a motion to award the Snellville Towne Center sanitation sewer extension contract to The Dickerson Group in an amount not to exceed \$81,030.00, 2nd by Council Member Destang; voted 6 in favor and 0 opposed, motion approved.

COUNCIL REPORTS

Council Members Destang, Warner, Lenski, Schulz and Mayor Pro Tem Emanuel each gave a report.

MAYOR'S REPORT

None

PUBLIC COMMENTS

None

EXECUTIVE SESSION

None

ADJOURNMENT

Mayor Pro Tem Emanuel made a motion to adjourn, 2nd by Council Member Destang; voted 6 in favor and 0 opposed, motion approved. The meeting was adjourned at 7:58 p.m.

Barbara Bender, Mayor

Melisa Arnold, City Clerk

Agenda Item Summary



TO: The Mayor and Council

FROM: Jason Thompson, Director
Department of Planning and Development

DATE: October 25, 2021

RE: #ANX 21-02 RZ 21-05 LUP 21-05

DEVELOPMENT: 7-Lot Commercial/Retail Foodservice and Office Subdivision

STATUS: Public Hearing (2nd Reading)

Petition for annexation to the municipal boundaries of the City of Snellville; applications to amend the Snellville 2040 Comprehensive Plan Future Land Use Map and Official Zoning Map for a 7-lot commercial/retail foodservice and office subdivision development on the 8.93± acre tract at 1498 Scenic Highway, Snellville.

10-18-2021 UPDATE: Applicant's attorney emailed a request that the public hearing for October 25th be postponed and rescheduled for November 8, 2021.

Financial Impact: Site Development Permit fees; Building Permit fees; Real Property and Business Inventory Taxes

Planning Commission Meeting: September 28, 2021

Recommendations:

	ANX 21-02	LUP 21-05	RZ 21-05
Planning Department	Approval	Approval (Commercial Retail)	Approval (BG District)
Planning Commission	n/a	Approval (Commercial Retail)	Approval (BG District)

Mayor and Council Meetings: October 11, 2021 (1st Reading)
October 25, 2021 (2nd Reading and Public Hearing)

Action Requested: Postpone to the November 8, 2021 7:30 p.m.
Regular Meeting and Public Hearing date

8.93± Acre Site at 1498 Scenic Highway, Snellville, Georgia
Case #ANX 21-02 RZ 21-05 LUP 21-05
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Case Documents (website link):

- Letter of Intent and Request for Variances (7-13-2021)
- #ANX 21-02 Application (7-13-2021)
- #LUP 21-05 Application (7-13-2021)
- #RZ 21-05 Application (7-13-2021)
- ALTA Survey (6-8-2021)
- Arborist Report of Findings (5-25-2021)
- Landscape Concept Plan #L-1 (6-17-2021 rev 7-13-2021)
- Landscape Concept Plan #L-2 (6-17-2021 rev 7-13-2021)
- Conceptual/Possible Building Elevations
- Snellville Gateway Sign Design
- Pocket Park Conceptual Design
- Scenic Pointe Rezoning Site Plan (6-1-2021)
- 8-24-2021 Planning Department Case Summary & Analysis (8-16-2021)
- *Unofficial* 9-28-2021 Planning Commission Regular Meeting Minutes (10-7-2021)
- 9-28-2021 Planning Commission Case Report (10-5-2021)
- 10-11-2021 Planning Department Case Summary & Analysis with Planning Commission Report (10-5-2021)
- 10-25-2021 Planning Department Case Summary & Analysis with Planning Commission Report (10-18-2021)
- 10-6-2021 Draft Ordinances (as follows)

STATE OF GEORGIA

CITY OF SNELLVILLE

ORDINANCE NO. 2021-20

AN ORDINANCE TO ANNEX PROPERTY, AT THE REQUEST OF 100% OF THE OWNERS OF SAID PROPERTY INTO THE MUNICIPAL BOUNDARY OF THE CITY OF SNELLVILLE, GEORGIA; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

CASE NUMBER:

#ANX 21-02

PROPERTY OWNER(S):

Lillian Margene Moulder Trust
Loganville, Georgia

LOCATION:

8.93± Acres 1498 Scenic Highway,
Snellville, Georgia

PARCEL:

5074 007

DEVELOPMENT/PROJECT:

7-Lot Commercial/Retail Foodservice and
Office Subdivision Development

APPLICANT/CONTACT:

Scenic Pointe, LLC
C/O Robert Jack Wilson, Esquire
10 Lumpkin Street
Lawrenceville, Georgia 30046
770-962-9780
jwilson@rjwpclaw.com

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

WHEREAS, O.C.G.A. §36-36-21 authorizes the City of Snellville to annex to the existing corporate limits thereof all or any portion of unincorporated property where 100% of the landowners request annexation and said property is contiguous to the existing limits at the time of such annexation upon compliance with the procedures set forth in the statute; and

WHEREAS, the City of Snellville received applications for annexation including the Petition for Annexation under the 100 percent (%) method of annexation by the Lillian Margene Moulder Trust, owner of the tax parcel identified above; and

WHEREAS, the City of Snellville did not receive any objection from Gwinnett County after being served with proper notice of the proposed annexation; and

WHEREAS, the City of Snellville desires to annex said property located in unincorporated Gwinnett County, Georgia into the City pursuant to O.C.G.A. §36-36-21 and has complied with the statutory provisions thereof; 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 areas contiguous to the City of Snellville municipal boundary and shown as the 8.93± acre Tract on the Boundary Survey dated 6-8-2021 for Scenic Pointe LLC, as described and shown in Exhibit “A,” a copy of which is attached hereto

and incorporated as part of this Ordinance, are hereby annexed into the City of Snellville, Georgia and is made a part of said city.

Section 2. The City Clerk of the City of Snellville is instructed to file an identification of the annexed property with the Department of Community Affairs and the county governing authority within 30 days of the last day of the quarter in which the annexation becomes effective as set forth in Section 7.

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 Chapter 1 of the Code of Ordinances, City of Snellville, Georgia 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 is adopted on October 25, 2021 the effective date of this Ordinance shall be October 25, 2021.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

ORDAINED this _____ day of October, 2021.

Barbara Bender, Mayor

ATTEST:

Dave Emanuel, Mayor Pro Tem

Melisa Arnold, City Clerk

Solange Destang, Council Member

APPROVED AS TO FORM:

Cristy Lenski, Council Member

W. Charles Ross, City Attorney
Powell & Edwards, P.C.

Gretchen Schulz, Council Member

Tod Warner, Council Member

EXHIBIT “A”

DRAFT

GENERAL NOTES:
1. Title exceptions per title commitment package from Chicago Title Insurance Company.
2. This plot is subject to any restrictions, easements, covenants or restrictions that may exist either written or unwritten.
3. Underground Utilities shown on this survey are from a combination of utilities field marked by others and public records. Underground utilities not shown hereon may exist. The Surveyor does not take responsibility for absence or presence of any such utilities shown or not shown.
4. This Plot has been prepared for the exclusive use of the person(s) or entities named hereon.

FIELD DATA:

DATE OF FIELD SURVEY
8-29-2020, 8-30-2020,
9-2-2020

THE CALCULATED POSITIONAL
TOLERANCE BASED ON REDUNDANT
LINEAR MEASUREMENTS OF
OBSERVED POSITIONS WAS FOUND
TO BE 0.010 FEET.

EQUIPMENT:
ELECTRONIC TOTAL STATION AND NETWORK GPS
GPS RECEIVER: CHAMPION INSTRUMENTS, PRO,
SN:1033458,
NETWORK: eGPSVRS

TOTAL AREA: 388,820SQ FT, 8.93 AC

CALCULATED PLAT CLOSURE: 1 FOOT IN 511,456 FEET

SURVEY DATA:

TYPE OF SURVEY: RETRACEMENT
SOURCE OF TITLE DESCRIPTION FOR SUBJECT
PROPERTY: DB 50145 PG 337
PROPERTY OWNER AT TIME OF SURVEY:
LILLIAN MARGENE MOULDER TRUST
PARCEL NUMBER: R5014 007

REFERENCE: PLAT BOOK 51 PAGE 207

FLOOD HAZARD NOTE: THIS PROPERTY IS
LOCATED IN A ZONE X FLOOD HAZARD
AREA AS DEFINED BY FIRM MAP OF
GWINNETT COUNTY, GEORGIA 13135C00117F
EFFECTIVE DATE SEPTEMBER 29, 2006

TITLE EXCEPTIONS [SURVEYOR COMMENTS IN BRACKETS]

COMMITMENT NO. 2-00387 PART I: SCHEDULE B

THIS COMMITMENT DOES NOT REPLICATE ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANICAP, ANCESTRAL STATUS, OR NATIONAL ORIGIN.

The Policy will not include against loss or damage resulting from the terms and provisions of any lease or easement identified on Schedule B, and will include the following Exceptions unless a change to the limitation of the Company.

SCHEDULE B OF THE POLICY OR POLICIES TO WHICH THIS COMMITMENT IS REFERRED TO THE FOLLOWING MATTERS UNLESS THE SAME ARE DISPOSED OF TO THE SATISFACTION OF THE COMPANY:

- Any defect, any encumbrance, adverse claim, or other matter that appears for the first time in the public records or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I Requirements are satisfied.
- Standard Exceptions:
 - Rights or claims of parties to possession not shown by the public records.
 - Easements, or claims of easements, not shown by the public records.
 - Encumbrances, whether existing in perpetuity, or other restrictions which would be disclosed by an accurate survey or inspection of the premises.
 - Any lien, or right of title, for services, taxes, or unpaid assessments or liabilities furnished, imposed by law and not shown by the public records.
 - Taken or special easements which are not shown as existing items by the public records.
- Special Exceptions:
 - All taxes for the year 2021 and subsequent years.
 - Any and all unpaid water bills associated with subject property.

NOTE: The above items may be removed or modified upon further examination.

No insurance is afforded as to the exact amount of damage contained in the property described herein.

Liability rights incident to the premises.

COMMITMENT NO. 2-00387 PART II: SCHEDULE B (CONTINUED)

(a) Rights of tenants in possession under unrecorded leases.

(b) Any security interest created at closing.

(c) Right of Way Deed from H. J. Moulder to Gwinnett County, a political subdivision of the State of Georgia, dated June 10, 1981, filed for record June 12, 1981 at 8:38 a.m., recorded in Deed Book 3155, Page 2775, Records of Gwinnett County, Georgia.

(d) Right of Way Deed from Margene Moulder to the Georgia Department of Transportation, dated November 13, 1980, filed for record November 16, 1980 at 4:10 p.m., recorded in Deed Book 3155, Page 2775, Records of Gwinnett County, Georgia.

(e) Right of Way Easement from Margene Moulder to Walton Electric Membership Corporation, a corporation, dated August 22, 1980, filed for record March 28, 1984 at 8:09 a.m., recorded in Deed Book 3155, Page 2775, Records of Gwinnett County, Georgia.

(f) Blanket Easement for Right of Access to Service, Inspect & Maintain Equipment, Not Plottable.

(g) Business Trust, dated December 13, 2000, filed for record December 21, 2000 at 8:07 a.m., recorded in Deed Book 3155, Page 2775, Records of Gwinnett County, Georgia.

(h) Right of Way Easement from Margene Moulder to Walton Electric Membership Corporation, a corporation, dated December 28, 2007, filed for record August 7, 2008 at 3:32 p.m., recorded in Deed Book 3155, Page 2775, Records of Gwinnett County, Georgia.

(i) Blanket Easement for Right of Access to Service, Inspect & Maintain Equipment, Not Plottable.

(j) Blanket Easement for Right of Access to Service, Inspect & Maintain Equipment, Not Plottable.

(k) Blanket Easement for Right of Access to Service, Inspect & Maintain Equipment, Not Plottable.

(l) Blanket Easement for Right of Access to Service, Inspect & Maintain Equipment, Not Plottable.

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 74 of the 5th District of Gwinnett County, Georgia being more particularly described as follows:

Beginning at a 1/2" rebar found at the intersection of the westerly right of way of North Road (variable R/W) and the line common to land lots 73 and 74 said point being the TRUE POINT OF BEGINNING.

From said point as thus established thence; South 61 degrees 20 minutes 09 seconds West along said Land Lot line a distance of 154.84 feet to a 1/2" rebar found,

Thence, continuing said Land Lot line the same bearing and distance, South 61 degrees 20 minutes 09 seconds West a distance of 428.29 feet to an iron pin set

Thence, leaving said Land Lot line North 54 degrees 35 minutes 18 seconds West a distance of 42.34 feet to an iron pin set on the easterly right of way line of Georgia Highway 124 (aka Scenic Highway) (145' R/W per Georgia Department of Transportation Project FR-078-1(14) Dated 2-4-1988)

Thence, northerly along said easterly right of way North 14 degrees 49 minutes 13 seconds east a distance of 1471.43 feet to an iron pin set

Thence, leaving said right of way South 85 degrees 03 minutes 42 seconds East a distance of 54.94 feet to an iron pin set on the westerly right of way of North Road (variable right of way)

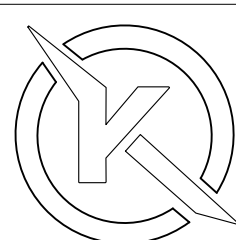
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Thence, continuing southerly along said westerly right of way following a curve to the right a distance of 214.48 feet, said curve having a radius of 2053.48 feet and being subtended by a line south 3 degrees 12 minutes 31 seconds east a distance of 214.38 feet to a 1/2" rebar found said point being the TRUE POINT OF BEGINNING.

As shown on a survey for Brand Properties by Keystone Land Surveying Dated 9-3-2020

REVISIONS

Date	Description	By

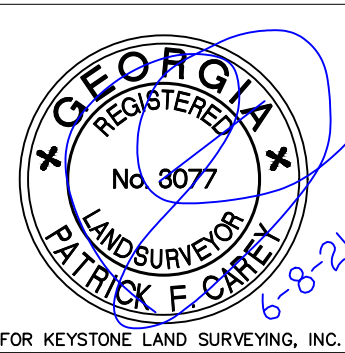


KEYSTONE LAND SURVEYING, INC.
162 E. OGDEN ST.
SUITE F
LAWRENCEVILLE, GEORGIA
770.245.8700
www.keystonelandsurveying.com

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ALTA/NSPS LAND TITLE SURVEY FOR
SCENIC POINTE, LLC
1498 SCENIC HIGHWAY SNELLVILLE, GA 30078

LAND LOT 74 - 5TH DISTRICT
GWINNETT COUNTY, GEORGIA



Date: 6-4-2021
Scale: 1" = 60'
Client:
Drawn By: PC
Sheet 1 of 1

STATE OF GEORGIA

CITY OF SNELLVILLE

ORDINANCE NO. 2021-21

AN ORDINANCE TO AMEND THE 2040 COMPREHENSIVE PLAN FUTURE LAND USE MAP FOR THE CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR THE 8.93± ACRE TRACT OF LAND LOCATED IN LAND LOT 74 OF THE 5TH 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 21-05

PROPERTY OWNER: Lillian Margene Moulder Trust

SIZE: 8.93± Acres

LOCATION: 1498 Scenic Highway,
Snellville, Georgia

TAX PARCEL: 5074 007

DEVELOPMENT/PROJECT: 7-Lot Commercial/Retail Foodservice and
Office Subdivision Development

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 designate the land use as it applies to the 8.93± acre tract of land located at 1498 Scenic

Highway Snellville, Georgia (Tax Parcel 5074 007) for 7-Lot Commercial/Retail Foodservice and Office Subdivision Development; 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. Having been annexed into the City of Snellville, the future land use designation of the 8.93± acre tract of land shown on the Boundary Survey dated 6-8-2021 entitled “ALTA/NSPS Land Title Survey for Scenic Pointe, LLC”, described and shown in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference, is hereby designated as Commercial Retail. This designation in future land use, as well as the change to the city boundaries, are 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(s) 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 City of Snellville 2040 Comprehensive Plan Future Land Use Map approved by the Mayor and Council to the extent of any discrepancy between this Ordinance and the City of Snellville 2040 Comprehensive Plan Future Land Use Map approved by the Mayor and Council.

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 October 25, 2021. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

ORDAINED this _____ day of October, 2021.

Barbara Bender, Mayor

ATTEST:

Dave Emanuel, Mayor Pro Tem

Melisa Arnold, City Clerk

Solange Destang, Council Member

APPROVED AS TO FORM:

Cristy Lenski, Council Member

W. Charles Ross, City Attorney
Powell & Edwards, P.C.

Gretchen Schulz, Council Member

Tod Warner, Council Member

EXHIBIT A

DRAFT

GENERAL NOTES:
1. Title exceptions per title commitment package from Chicago Title Insurance Company.
2. This plot is subject to any restrictions, easements, covenants or restrictions that may exist either written or unwritten.
3. Underground Utilities shown on this survey are from a combination of utilities field marked by others and public records. Underground utilities not shown hereon may exist. The Surveyor does not take responsibility for absence or presence of any such utilities shown or not shown.
4. This Plot has been prepared for the exclusive use of the person(s) or entities named hereon.

FIELD DATA:

DATE OF FIELD SURVEY
8-29-2020, 8-30-2020,
9-2-2020

THE CALCULATED POSITIONAL
TOLERANCE BASED ON REDUNDANT
LINEAR MEASUREMENTS OF
OBSERVED POSITIONS WAS FOUND
TO BE 0.010 FEET.

EQUIPMENT:
ELECTRONIC TOTAL STATION AND NETWORK GPS
GPS RECEIVER: CHAMPION INSTRUMENTS, PRO,
SN:1033458,
NETWORK: eGPSVRS

TOTAL AREA: 388,820SQ FT, 8.93 AC

CALCULATED PLAT CLOSURE: 1 FOOT IN 511,456 FEET

SURVEY DATA:

TYPE OF SURVEY: RETRACEMENT
SOURCE OF TITLE DESCRIPTION FOR SUBJECT
PROPERTY: DB 50145 PG 337
PROPERTY OWNER AT TIME OF SURVEY:
LILLIAN MARGENE MOULDER TRUST
PARCEL NUMBER: R5014 007

REFERENCE: PLAT BOOK 51 PAGE 207

FLOOD HAZARD NOTE: THIS PROPERTY IS
LOCATED IN A ZONE X FLOOD HAZARD
AREA AS DEFINED BY FIRM MAP OF
GWINNETT COUNTY, GEORGIA 13135C00117F
EFFECTIVE DATE SEPTEMBER 29, 2006

TITLE EXCEPTIONS [SURVEYOR COMMENTS IN BRACKETS]

COMMITMENT NO. 2-00387 PART I: SCHEDULE B

THIS COMMITMENT DOES NOT REPLICATE ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, MARITAL STATUS, OR NATIONAL ORIGIN.

The Policy will not include against loss or damage resulting from the terms and provisions of any lease or easement identified on Schedule B, and will include the following Exceptions unless a change to the limitation of the Company.

SCHEDULE B OF THE POLICY OR POLICIES TO WHICH THIS COMMITMENT IS REFERRED TO THE FOLLOWING MATTERS UNLESS THE SAME ARE DISPOSED OF TO THE SATISFACTION OF THE COMPANY:

- Any defect, any encumbrance, adverse claim, or other matter that appears for the first time in the public records or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I Requirements are satisfied.
- Standard Exceptions:
 - Rights or claims of parties to possession not shown by the public records.
 - Easements, or claims of easements, not shown by the public records.
 - Encumbrances, whether existing in perpetuity, or other matters which would be disclosed by an accurate survey or inspection of the premises.
 - Any lien, or right of title, for services, taxes, or unpaid assessments or liabilities, whether imposed by law and not shown by the public records.
 - Taken or special easements which are not shown as existing items by the public records.
- Special Exceptions:
 - All taxes for the year 2021 and subsequent years.
 - Any and all unpaid water bills associated with subject property.

NOTE: The above items may be removed or modified upon further examination.

No insurance is afforded as to the exact amount of damage contained in the property described herein.

Liability rights incident to the premises.

COMMITMENT NO. 2-00387 PART II: SCHEDULE B (CONTINUED)

(a) Rights of tenants in possession under unrecorded leases.

(b) Any security interest created at closing.

(c) Right of Way Deed from H. J. Moulder to Gwinnett County, a political subdivision of the State of Georgia, dated June 10, 1981, filed for record June 12, 1981 at 8:38 a.m., recorded in Deed Book 3155, Page 275, Records of Gwinnett County, Georgia.

(d) Right of Way Deed from Margene Moulder to the Georgia Department of Transportation, dated November 13, 1980, filed for record November 16, 1980 at 4:10 p.m., recorded in Deed Book 3155, Page 275, Records of Gwinnett County, Georgia.

(e) Right of Way Easement from Margene Moulder to Walton Electric Membership Corporation, a corporation, dated August 22, 1980, filed for record March 28, 1984 at 8:09 a.m., recorded in Deed Book 3155, Page 275, Records of Gwinnett County, Georgia.

(f) Blanket Easement for Right of Access to Service, Inspect & Maintain Equipment, Not Plottable.

(g) Business Trust, dated December 13, 2000, filed for record December 21, 2000 at 8:07 a.m., recorded in Deed Book 3155, Page 275, Records of Gwinnett County, Georgia.

(h) Right of Way Easement from Margene Moulder to Walton Electric Membership Corporation, a corporation, dated December 28, 2007, filed for record August 7, 2008 at 3:32 p.m., recorded in Deed Book 3155, Page 275, Records of Gwinnett County, Georgia.

(i) Blanket Easement for Right of Access to Service, Inspect & Maintain Equipment, Not Plottable.

(j) Blanket Easement for Right of Access to Service, Inspect & Maintain Equipment, Not Plottable.

(k) Blanket Easement for Right of Access to Service, Inspect & Maintain Equipment, Not Plottable.

(l) Blanket Easement for Right of Access to Service, Inspect & Maintain Equipment, Not Plottable.

(m) Blanket Easement for Right of Access to Service, Inspect & Maintain Equipment, Not Plottable.

(n) Blanket Easement for Right of Access to Service, Inspect & Maintain Equipment, Not Plottable.

(o) Blanket Easement for Right of Access to Service, Inspect & Maintain Equipment, Not Plottable.

(p) Blanket Easement for Right of Access to Service, Inspect & Maintain Equipment, Not Plottable.

(q) Blanket Easement for Right of Access to Service, Inspect & Maintain Equipment, Not Plottable.

(r) Blanket Easement for Right of Access to Service, Inspect & Maintain Equipment, Not Plottable.

(s) Blanket Easement for Right of Access to Service, Inspect & Maintain Equipment, Not Plottable.

(t) Blanket Easement for Right of Access to Service, Inspect & Maintain Equipment, Not Plottable.

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 74 of the 5th District of Gwinnett County, Georgia being more particularly described as follows:

Beginning at a 1/2" rebar found at the intersection of the westerly right of way of North Road (variable R/W) and the line common to land lots 73 and 74 said point being the TRUE POINT OF BEGINNING.

From said point as thus established thence; South 61 degrees 20 minutes 09 seconds West along said Land Lot line a distance of 154.84 feet to a 1/2" rebar found,

Thence, continuing said Land Lot line the same bearing and distance, South 61 degrees 20 minutes 09 seconds West a distance of 428.29 feet to an iron pin set

Thence, leaving said Land Lot line North 54 degrees 35 minutes 18 seconds West a distance of 42.34 feet to an iron pin set on the easterly right of way line of Georgia Highway 124 (aka Scenic Highway) (145' R/W per Georgia Department of Transportation Project FR-078-1(14) Dated 2-4-1988)

Thence, northerly along said easterly right of way North 14 degrees 49 minutes 13 seconds east a distance of 1471.43 feet to an iron pin set

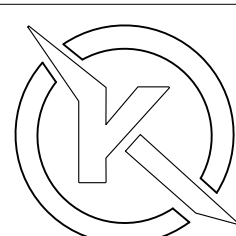
Thence, leaving said right of way South 85 degrees 03 minutes 42 seconds East a distance of 54.94 feet to an iron pin set on the westerly right of way of North Road (variable right of way)

Thence southerly along said westerly right of way South 6 degrees 12 minutes 03 seconds east a distance of 954.11 feet to an iron pin set

Thence, continuing southerly along said westerly right of way following a curve to the right a distance of 214.48 feet, said curve having a radius of 2053.48 feet and being subtended by a line south 3 degrees 12 minutes 31 seconds east a distance of 214.38 feet to a 1/2" rebar found said point being the TRUE POINT OF BEGINNING.

As shown on a survey for Brand Properties by Keystone Land Surveying Dated 9-3-2020

REVISIONS		
Date	Description	By

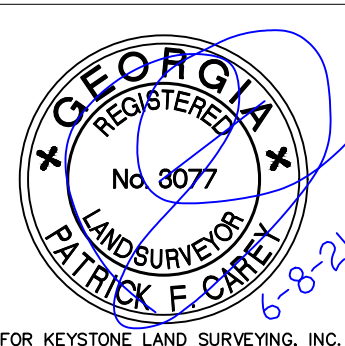


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ALTA/NSPS LAND TITLE SURVEY FOR
SCENIC POINTE, LLC
1498 SCENIC HIGHWAY SNELLVILLE, GA 30078

LAND LOT 74 - 5TH DISTRICT
GWINNETT COUNTY, GEORGIA



Date: 6-4-2021
Scale: 1" = 60'
Client:
Drawn By: PC
Sheet 1 of 1

STATE OF GEORGIA

CITY OF SNELLVILLE

ORDINANCE NO. 2021-22

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR A 8.93± ACRE TRACT OF LAND LOCATED IN LAND LOT 74 OF THE 5TH LAND DISTRICT, GWINNETT COUNTY, GEORGIA; 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: #RZ 21-05

PROPERTY OWNER(S): Lillian Margene Moulder Trust
Loganville, Georgia

LOCATION: 8.93± Acres 1498 Scenic Highway,
Snellville, Georgia

PARCEL: 5074 007

DEVELOPMENT/PROJECT: 7-Lot Commercial/Retail Foodservice and
Office Subdivision Development

APPLICANT/CONTACT: Scenic Pointe, LLC
C/O Robert Jack Wilson, Esquire
10 Lumpkin Street
Lawrenceville, Georgia 30046
770-962-9780
jwilson@rjwpclaw.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 8.93± acre tract of land located AT 1498 Scenic Highway, Snellville, Georgia (Tax Parcel 5074 007) for a 7-Lot Commercial/Retail Foodservice and Office Subdivision Development; and

WHEREAS, the governing authority of the City of Snellville, Georgia desires to grant a variance from the No-Access Buffer Requirements of Section 207-2.C.5 Buffer; of the Unified Development Ordinance to allow for access through the buffer; 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 8.93± acre tract of land shown on the boundary survey Plat, entitled “ALTA/NSPS Land Title Survey for Scenic Pointe, LLC”, signed, sealed and dated 6-8-2021 described and shown in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference, is hereby zoned BG (General Business) District.

This action is subject to the attachment of the following approved variance (1) and conditions (1-12):

VARIANCE:

1. Variance from of Section 207-2.C.5 Buffer to allow for access through the no-access buffer.

CONDITIONS:

1. The property shall be developed in accordance with the conceptual zoning site plan entitled “Scenic Pointe Commercial Retail,” sealed and dated 6-1-2021

(stamped received 7-13-2021), with modifications permitted to meet conditions of zoning or State, County, and City regulations. Substantial variation from the conceptual rezoning site plan, as determined by the Director of Planning and Development will require Mayor and Council approval, after receiving recommendations by the Planning Department and Planning Commission.

2. A mandatory master association shall be formed for the property and shall have maintenance and architectural design regulations for the master-planned development #ANX 21-02 LUP 21-05 RZ 21-05 – Scenic Pointe, LLC – 1498 Scenic Highway, Snellville, Georgia, which shall control items as construction materials, landscaping, common property maintenance, monuments, and such other usual and necessary covenants and restrictions to protect the quality and integrity of the master-planned development.

3. There shall be mandatory master protective covenants for the property that will include all phases of the development; and concurrent therewith, a master association shall be formed which will include all component parts of the proposed master-planned development. The master association shall be responsible for the oversight, upkeep, and maintenance of the entrance areas, private drives, sidewalks, parking lot and pedestrian lighting, and tress and landscaping.

4. An inter-parcel access stub which connects to the adjoining Sam's Club property to the south (Parcel 5073 003) shall be provided as shown on the submitted site plan. Said connection and improvements shall be completed by the developer and/or Master Association and/or property owner once the adjoining property owner agrees to a shared access easement agreement.

5. The developer shall grant, at no cost, to the City of Snellville, a permanent public access easement for the 0.25± acre (10,896 sq. ft.) real property adjacent to and located to the North of Lot 1 and identified as 'Prop. Park' on the zoning site plan. Prior to the release of the first Certificate of Occupancy, developer to be responsible for implementing and completing the proposed improvements as depicted on the pocket park conceptual plan attached hereto as Exhibit "B" and the recording of the easement.

6. The developer shall construct, at no cost to the City of Snellville, the 'Welcome to Snellville' gateway sign (conceptual sign drawing attached as Exhibit "C") located to the North of Lot 1 and identified as 'Prop. Park' on the zoning site plan, and as shown on the pocket park conceptual plan attached hereto as Exhibit "B". Prior to sign construction, the final sign design shall be approved by the Mayor and Council.

7. The developer shall grant, at no cost, to the City of Snellville, a permanent access and maintenance easement for the 'Welcome to Snellville' sign located to the North of Lot 1 and identified as 'Prop. Park' on the zoning site plan, as

depicted on the pocket park conceptual plan attached hereto as Exhibit “B” and the recording of the easement.

8. Except for the two North Road access drives as shown on the submitted site plan, there shall be a twenty (20) foot undisturbed buffer (approximately 1,169 feet in length) along the eastern property line where adjacent to the North Road right-of-way.

9. In areas where the existing undisturbed buffer is sparsely vegetated, the developer shall be required to install and maintain any supplemental plantings within the ten (10) foot landscape strip where adjacent to the undisturbed buffer along North Road as determined by the Director of Planning and Development. #ANX 21-02 LUP 21-05 RZ 21-05 – Scenic Pointe, LLC – 1498 Scenic Highway, Snellville, Georgia.

10. The approved zoning conditions and variances shall be referenced on any plat, including subdivision plat provided to any buyer or leasee.

11. Uses involving adult entertainment, including the sale or display of adult magazines, books, videos and as further defined by the Adult Entertainment Ordinance in effect on the date this condition is imposed, are prohibited.

12. Signs higher than 15 feet or larger than 225 square feet are prohibited.

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 October 25, 2021. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

ORDAINED this _____ day of October, 2021.

Barbara Bender, Mayor

ATTEST:

Dave Emanuel, Mayor Pro Tem

Melisa Arnold, City Clerk

Solange Destang, Council Member

APPROVED AS TO FORM:

Cristy Lenski, Council Member

W. Charles Ross, City Attorney
Powell & Edwards, P.C.

Gretchen Schulz, Council Member

Tod Warner, Council Member

EXHIBIT “A”

DRAFT

GENERAL NOTES:
1. Title exceptions per title commitment package from Chicago Title Insurance Company.
2. This plot is subject to any restrictions, easements, covenants or restrictions that may exist either written or unwritten.
3. Underground Utilities shown on this survey are from a combination of utilities field marked by others and public records. Underground utilities not shown hereon may exist. The Surveyor does not take responsibility for absence or presence of any such utilities shown or not shown.
4. This Plot has been prepared for the exclusive use of the person(s) or entities named hereon.

FIELD DATA:

DATE OF FIELD SURVEY
8-29-2020, 8-30-2020,
9-2-2020

THE CALCULATED POSITIONAL
TOLERANCE BASED ON REDUNDANT
LINEAR MEASUREMENTS OF
OBSERVED POSITIONS WAS FOUND
TO BE 0.010 FEET.

EQUIPMENT:
ELECTRONIC TOTAL STATION AND NETWORK GPS
GPS RECEIVER: CHAMPION INSTRUMENTS, PRO,
SN:1033458,
NETWORK: eGPSVRS

TOTAL AREA: 388,820SQ FT, 8.93 AC

CALCULATED PLAT CLOSURE: 1 FOOT IN 511,456 FEET

SURVEY DATA:

TYPE OF SURVEY: RETRACEMENT
SOURCE OF TITLE DESCRIPTION FOR SUBJECT
PROPERTY: DB 50145 PG 337
PROPERTY OWNER AT TIME OF SURVEY:
LILLIAN MARGENE MOULDER TRUST
PARCEL NUMBER: R5014 007

REFERENCE: PLAT BOOK 51 PAGE 207

FLOOD HAZARD NOTE: THIS PROPERTY IS
LOCATED IN A ZONE X FLOOD HAZARD
AREA AS DEFINED BY FIRM MAP OF
GWINNETT COUNTY, GEORGIA 13135C0017F
EFFECTIVE DATE SEPTEMBER 29, 2006

TITLE EXCEPTIONS [SURVEYOR COMMENTS IN BRACKETS]

COMMITMENT NO.
2-00387

PART I, SCHEDULE B
THIS COMMITMENT DOES NOT REPLICATE ANY COVENANT, CONDITION, RESTRICTION, OR
LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT
THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR
FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY,
OR ANCESTRAL STATUS, OR NATIONAL ORIGIN.

The Policy will not include against loss or damage resulting from the terms and provisions of any
lease or easement identified on Schedule B, and will include the following Exceptions unless a
caption to the satisfaction of the Company:

SCHEDULE B OF THE POLICY OR POLICIES TO WHICH IT IS REFERRED WILL CONTAIN EXCEPTIONS TO
THE FOLLOWING MATTERS UNLESS THE SAME ARE DISPOSED OF TO THE SATISFACTION
OF THE COMPANY:

1. Any defect, any encumbrance, adverse claim, or other matter that appears for the first
time in the public records or is created, attached, or is disclosed between the
Commitment Date and the date on which all of the Schedule B, Part I Requirements are
met.

2. Standard Exceptions:
(a) Rights or claims of parties to possession not shown by the public records;
(b) Easements, or claims of easements, not shown by the public records;
(c) Encumbrances, whether existing in perpetuity, or other matters which could be
discovered by an accurate survey or inspection of the premises;
(d) Any lien, or right of title, for services, taxes, or unpaid assessments or liabilities
imposed by law and not shown by the public records;
(e) Taxes or special assessments which are not shown as existing items by the public
records.

3. Special Exceptions:
(a) All taxes for the year 2021 and subsequent years;
(b) Any and all unpaid water bills associated with subject property.

NOTE: The above items may be removed or modified upon further examination.
(c) No insurance is afforded as to the exact amount of damage contained in the
properly described items;
(d) Erection rights incident to the premises.

COMMITMENT NO.
2-00387

PART II, SCHEDULE B (CONTINUED)
ADDED:

(a) Rights of tenants in possession under unrecorded leases;
(b) Any security interest created at closing.

(c) Right of Way Deed from H. J. Moulder to Gwinnett County, a political subdivision
of the State of Georgia, dated June 10, 1981, filed for record June 12, 1981 at
8:38 a.m., recorded in Deed Book 3155, Page 275, Records of Gwinnett County,
Georgia.

(d) Right of Way Deed from Margene Moulder to the Georgia Department of
Transportation, dated November 13, 1980, filed for record November 16, 1980 at
4:10 p.m., recorded in Deed Book 3155, Page 275, Records of Gwinnett County,
Georgia.

(e) Right of Way Easement from Margene Moulder to Walton Electric Membership
Corporation, a corporation, dated August 22, 1980, filed for record March 28,
1984 at 8:03 a.m., recorded in Deed Book 3155, Page 275, Records of Gwinnett County,
Georgia.

(f) Blanket Easement for Right of Access to Service, Inspect & Maintain Equipment, Not Plottable
(Business Trust, dated December 13, 2000, filed for record December 21, 2000 at
9:07 a.m., recorded in Deed Book 3155, Page 275, Records of Gwinnett County,
Georgia.)

(g) Right of Way Easement from Margene Moulder to Walton Electric Membership
Corporation, a corporation, dated December 28, 2007, filed for record August 7,
2008 at 3:32 p.m., recorded in Deed Book 3155, Page 275, Records of Gwinnett County,
Georgia.

(h) Blanket Easement for Right of Access to Service, Inspect & Maintain Equipment, Not Plottable
(Business Trust, dated December 13, 2000, filed for record December 21, 2000 at
9:07 a.m., recorded in Deed Book 3155, Page 275, Records of Gwinnett County,
Georgia.)

(i) The Proposed R/W is now the existing R/W and the slope easement has expired.

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 74 of the 5th District of Gwinnett County,
Georgia being more particularly described as follows:

Beginning at a 1/2" rebar found at the intersection of the westerly right of way of North Road (variable
R/W) and the line common to land lots 73 and 74 said point being the TRUE POINT OF BEGINNING.

From said point as thus established thence; South 61 degrees 20 minutes 09 seconds West along said
Land Lot line a distance of 154.84 feet to a 1/2" rebar found,

Thence, continuing said Land Lot line the same bearing and distance, South 61 degrees 20 minutes 09
seconds West a distance of 428.29 feet to an iron pin set

Thence, leaving said Land Lot line North 54 degrees 35 minutes 18 seconds West a distance of 42.34 feet
to an iron pin set on the easterly right of way line of Georgia Highway 124 (aka Scenic Highway) (145'
R/W per Georgia Department of Transportation Project FR-078-1(14) Dated 2-4-1988)

Thence, northerly along said easterly right of way North 14 degrees 49 minutes 13 seconds east a
distance of 1471.43 feet to an iron pin set

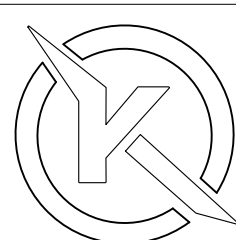
Thence, leaving said right of way South 85 degrees 03 minutes 42 seconds East a distance of 54.94 feet
to an iron pin set on the westerly right of way of North Road (variable right of way)

Thence southerly along said westerly right of way South 6 degrees 12 minutes 03 seconds east a
distance of 954.11 feet to an iron pin set

Thence, continuing southerly along said westerly right of way following a curve to the right a distance of
214.48 feet, said curve having a radius of 2053.48 feet and being subtended by a line south 3 degrees 12
minutes 31 seconds east a distance of 214.38 feet to a 1/2" rebar found said point being the TRUE
POINT OF BEGINNING.

As shown on a survey for Brand Properties by Keystone Land Surveying Dated 9-3-2020

REVISIONS		
Date	Description	By

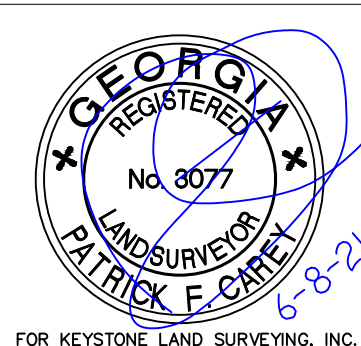


KEYSTONE LAND SURVEYING, INC.
162 E. OGDEN ST.
SUITE F
LAWRENCEVILLE, GEORGIA
770.245.8700
www.keystonelandsurveying.com

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ALTA/NSPS LAND TITLE SURVEY FOR
SCENIC POINTE, LLC
1498 SCENIC HIGHWAY SNELLVILLE, GA 30078

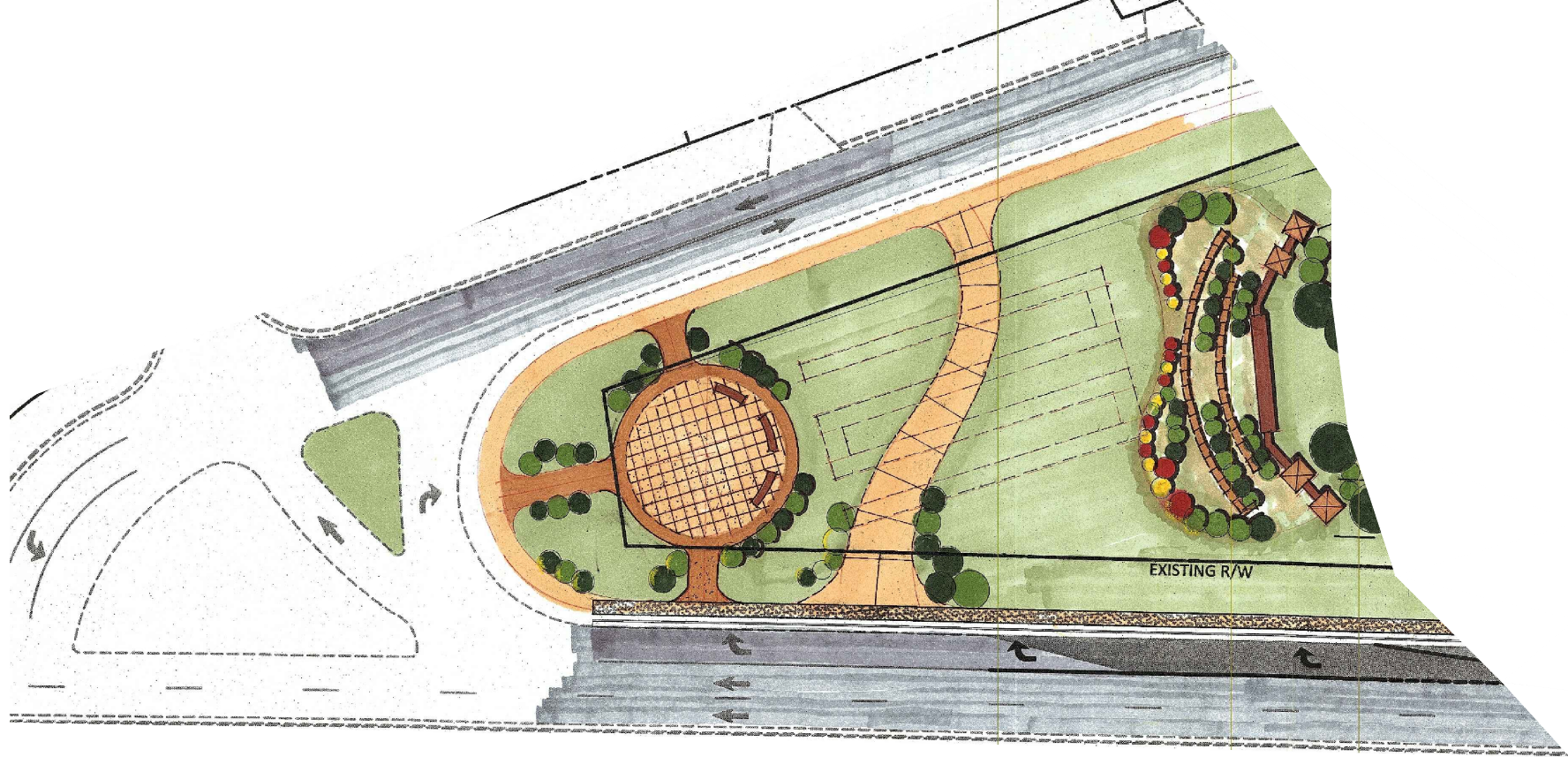
LAND LOT 74 - 5TH DISTRICT
GWINNETT COUNTY, GEORGIA



Date: 6-4-2021
Scale: 1" = 60'
Client:
Drawn By: PC
Sheet 1 of 1

EXHIBIT “B”

DRAFT





Agenda Item Summary



TO: The Mayor and Council

FROM: Jason Thompson, Director
Department of Planning and Development

DATE: October 25, 2021

RE: #UDO 21-01 - Text Amendment to the Snellville Unified
Development Ordinance (UDO)

STATUS: Public Hearing (2nd Reading)

Following the October 26, 2020 adoption of the Unified Development Ordinance ("UDO"), the Planning Department has identified several areas of the current code that need to be amended to reduce ambiguity and also to help further the purpose of the Towne Center Overlay District ("TCO") and the Use Provisions.

More specifically:

- The definition for 'Storefront Street' being amended to add Hugh Drive to the list of storefront streets and limit that portion of Oak Road that lies within the TCO.
- TCO District: reduce the single use, tenant, or occupant building size threshold requirement for a Special Use Permit from 45,000 sq. ft. to 10,000 sq. ft.; however, provide an exception for those properties already zoned TC-MU as of 10-26-2021.
- TCO District: for properties with any portion within one-half mile radius from the intersection of Oak Road and Clower Street, require a minimum building height of 2 stories or 24 feet, whichever is greater.
- TCO District: require at least 80% of the ground level/first floor building area be devoted to retail, restaurant, and/or entertainment uses which are open to the general public for mixed-use building types.
- Use Provisions (Use Table): add several additional group living uses; require as a SUP or remove uses in the TCO and TC-MU districts; add certain medical uses and allow Ambulatory Surgical Center as a *limited use* in the TC-MU district on lots less than 3 acres in size; and add self-storage as a special use in the HSB district.
- Residential Uses: add additional use types and provide definitions.

Text Amendment – Unified Development Ordinance
Case #UDO 21-01
October 25, 2021
Page... 2

Financial Impact:	None
Planning Department Recommendation:	Approval
Planning Commission Meeting:	September 28, 2021
Planning Commission Recommendation:	Approval
Mayor and Council Meetings:	October 11, 2021 (1st Reading) October 25, 2021 (2nd Reading and Public Hearing)
Action Requested:	Consideration, Public Hearing and Action

Case Documents (website link):

- [UDO Sec. 102-2 - Defined Terms \(V1 9-10-2021\)](#)
- [UDO Sec. 205-1 - Towne Center Overlay District \(V2 9-10-2021\)](#)
- [UDO Sec. 206-2 - Allowed Use Table \(V2 9-10-2021\)](#)
- [UDO Sec. 206-3 - Residential Uses \(V1 9-10-2021\)](#)
- [UDO Sec. 206-5.6 - Medical Uses \(V1 9-10-2021\)](#)
- [Map of Parcels within Half-Mile Radius of Oak Road and Clower Street \(9-10-2021\)](#)
- [9-27-2021 Memo to Planning Commission \(9-13-2021\)](#)
- [Unofficial 9-28-2021 Planning Commission Regular Meeting Minutes \(10-7-2021\)](#)
- [9-28-2021 Planning Commission Case Report \(10-5-2021\)](#)
- [UDO Sec. 205-1 – Towne Center Overlay District \(V3 10-20-2021\)](#)
- [UDO Sec. 206-2 – Allowed Use Table \(V3 10-20-2021\)](#)
- [UDO Sec. 206-5.6 – Medical Uses \(V2 10-20-2021\)](#)
- [Draft Ordinance \(10-21-2021 as follows\)](#)

CITY OF SNELLVILLE

STATE OF GEORGIA

ORDINANCE NO. UDO 21-01

AN ORDINANCE TO AMEND PORTIONS OF CHAPTERS 100, 200 OF THE UNIFIED DEVELOPMENT ORDINANCE FOR THE CITY OF SNELLVILLE, GEORGIA, TO REPEAL CONFLICTING ORDINANCES, 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 Articles 2, 5 & 6 of the Unified Development Ordinance FOR the City of Snellville, Georgia;

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. Chapter 100, Article 2 of the Unified Development Ordinance for the City of Snellville, Georgia is hereby amended as follows:

Section 102-2 Defined Terms, is hereby amended by adding the following language:

Storefront Street. A public or private street intended for a higher standard of Design and Walkability. Storefront Streets include Oak Road (that portion within the TCO District), Wisteria Drive, Clower Street, Hugh Drive, and other streets specifically designated through a condition of rezoning

Section 2. Chapter 200, Articles 5 and 6 of the Unified Development Ordinance for the City of Snellville, Georgia is hereby amended as follows:

Section 205-1.2 Applicability, is hereby amended by deleting the previous Section 205-1.2 and inserting in its place the following language:

205-1.2. Applicability

A. Towne Center Districts

This section applies to all TC Districts (TC-MU and TC-R).

B. Other Districts

This section applies to all other zoning districts within the Towne Center Overlay

C. Relationship to Underlying Zoning

When this overlay's requirements differ from those of the underlying zoning district or elsewhere in this UDO, the requirements of this overlay will apply.

Section 205-1.5 Building Standards, is hereby amended by deleting the previous Section 205-1.5(C) and inserting in its place the following language:

C. Building Size

No building with a single use, tenant, or occupant may exceed 10,000 square feet without first obtaining a special use permit from the City Council and in accordance with Sec. 103-10.

1. Exception: For properties zoned TC-MU as of 10-26-2021, no building with a single use, tenant, or occupant may exceed 45,000 square feet without first obtaining a special use permit from the City Council.

Section 205-1.6 Space Limits, is hereby amended by deleting the previous Section 205-1.6.B and inserting in its place the following language:

A. Space Limit Standards

The following standards apply:

1. Lot area: 1,600 sf. min.
2. Lot width: 32 ft. min.
3. Minimum building height: For properties with any portion within one-half (½) mile radius from the intersection of Oak Road and Clower Street, two (2) stories or twenty-four (24) feet, whichever is greater.
4. Maximum building height: Five floors or 80 feet, whichever is less.
5. Minimum front yard, street (side) yard: Zero ft.
6. Maximum front yard: 10 ft.
7. Maximum side (street) yard: No maximum.
8. Minimum rear yard: 15 ft., but 30 ft. if abutting a residential district not within the overlay.
9. Minimum side (interior) yard: Zero (0) ft., but 40 ft. if abutting a residential district not within the overlay
10. Lot coverage: 100% max: Front yards may exceed maximum distances listed above upon request of GDOT or the Gwinnett County DOT and with approval of the Director.

Section 205-1.14 Requirements, is hereby amended by deleting the previous Section 205-1.14 and inserting in its place the following language:

205-1.14. Storefront Street Requirements

- A. The following additional requirements apply to the portions of lots abutting storefront streets (see Sec. 102-2. Defined Terms of Article 2. Definitions for a list of ‘storefront streets’).
- B. Except as provided in paragraph C below, curb cuts and driveways are not permitted along any storefront street when vehicular access may be provided from an alternative street located immediately adjacent to a contiguous property.
- C. Two curb cuts are permitted along a storefront street for motel/hotel/extended stay hotel patron access.
- D. Buildings abutting a storefront street are limited to:
 1. Mixed-use buildings where a minimum of eighty-percent (80%) of the ground level/first floor building area is devoted to retail, restaurant, and/or entertainment uses open to the general public, or ground floor dwelling units except when such units are not along a street-facing façade.
 2. Shopfronts.

3. Additional building types may be provided to the rear of a conforming mixed-use building or shopfront.

Section 206-2 Allowed Use Table, is hereby amended by deleting the previous Table and inserting in its place the following Table attached hereto as Exhibit “A”.

Section 206-3 Residential Uses, is hereby amended by deleting the previous Sections 206-3.2 and inserting in its place the following language:

206-3.2. Group Living

A. Defined

Residential occupancy of a structure by a group of people that does not meet the definition of household living. Generally, group living facilities have a common eating area for residents, and residents may receive care or training.

The Fair Housing Act (42 U.S.C. Section 3604(f)(3)) makes it unlawful to make a dwelling unavailable to a person because of race, color, national origin, sex, familial status, handicap or disability. No policy or practice of this UDO is intended to have a disparate impact on a protected class. Further, in order to avoid prohibited discrimination, if a person or persons identified as a protected class believes a reasonable accommodation can be made to any use restriction, that person or persons must make an application for a special use or zoning text or map change.

Group living includes the following:

1. Addiction treatment facility.
2. Assisted living facility.
3. Boarding or rooming house.
4. Collective residence.
5. Nursing facility (skilled)
6. Nursing home.
7. Retirement community (continuing care).
8. Hospice.
9. Monastery or convent.
10. Shelter.

B. Addiction Treatment Facility

1. Defined

An inpatient facility for treatment and recovery for substance abuse and addiction.

C. Assisted Living Facility

1. Defined

A facility for the frail elderly that provides rooms, meals, personal care, and supervision for self-administered medication. Facility may also provide specialized memory care.

D. Boarding or Rooming House

1. Defined

A dwelling in which meals, lodging, or both are furnished for compensation to more than two, but not more than ten non-transient persons.

E. Collective Residence

1. Defined

Any residence, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food, one

or more personal services, support, care, or treatment exclusively for two or more persons who are not related to the owner or administrator of the residence by blood or marriage and which is licensed as a group home, personal care home, or community living arrangement pursuant to O.C.G.A. § 31- 2-4(d)(8). Any residence that Georgia law requires to be licensed as a Community Living Arrangement, Group Home, Personal Care Residence, or any other facility permitted by the State of Georgia to house two or more unrelated persons, is considered to be a collective residence.

2. Use Standards

Where a collective residence is allowed by a special use permit, it is subject to the following:

- a. The facility must be licensed by the Department of Human Resources of the State of Georgia. Before applying for a special use permit, the applicant must seek a specific permit from the State of Georgia for operating the collective residence. All details of the State application must be attached to the special use permit application and must be incorporated by reference as a condition of said permit. If the applicant changes the operation of the collective residence from the type disclosed in the State application, the special use permit will be automatically revoked, and the applicant must apply for a new special use permit for the new type of community residence. The new application must be judged by the City on its own merits and subject to the full review for a new special use permit, which may be denied based on the required criteria of these use standards. The fact that a different type of community residence has been operated at this same site has no bearing on the new application.
- b. The facility must apply for and receive an occupation tax certificate/business license from the City before operation. The certificate and license must be revoked if any condition of the special use permit is violated.
- c. The facility must apply for, earn, and maintain nonprofit corporation status in accordance with the requirements of O.C.G.A. § 14-3-120 et seq., unless otherwise stated in these use standards.
- d. The facility must submit annual reports to the City Manager, just as the community residence would for a member under O.C.G.A. § 14-3-1620 et seq.
- e. The facility must comply with all parking requirements, except that no more than six parking spaces are allowed at any community residence unless otherwise allowed or required by the special use permit.
- f. Every bedroom in the residences must contain at least 80 square feet of floor area for each person who sleeps in that room.
- g. Community living arrangements and family personal care homes are subject to the following:
 - i. Special use permits may only be granted for the care of up to six persons without a variance from the City Council.
 - ii. Except as otherwise stated in i above, operations are subject to Sec. 206-8.12 (Home Occupation).
- h. Group homes are subject to the following:
 - i. The dwelling unit must be licensed by the Department of Human Resources of the State of Georgia as a child care institution.
 - ii. Group homes are exempt from the requirements of article XVIII, subsection 18.4G. to the extent they require that the owner of the group home live on-premises, and to the extent that subsection 18.4G. requires that only two or fewer employees occupy the premises. At least one employee must occupy the premises. Two is the minimum number of employees that must work on the premises.
- i. Family personal care homes are subject to the following:
 - i. The dwelling unit must be the primary and legal place of residence for the owner

- of the family personal care home.
- ii. For purposes of these use standards, "owner" of the family personal care home means an individual, not a partnership or corporation, who is an officer in the nonprofit corporation that owns the place of residence at which the personal care home is located. Dwelling and premises must maintain a residential character.
- j. If the use fails to comply with any threshold requirement under these use standards, its special use permit is subject to revocation by the Director pursuant to Sec. 103-10 (Special Use Permits).
- k. Collective residences may not be located within 1,500 feet of each other. This distance is measured by the most direct route of travel on the ground in the following manner: i. From the main entrance of the collective residence; 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 next closest collective residence.
- l. The application for a special use permit must include the following:
 - i. A full review of fire code compliance and fire access requirements must be made and to the extent that special needs are demonstrated, the special use permit can be conditioned by including additional conditions.
 - ii. All environmental health requirements must be disclosed and modifications to the facility may be required as a condition of the special use permit.
 - iii. A parking plan to accommodate all residents, staff, visitors, and professionals caring for residents, and the granting of a special use permit may be conditioned on compliance with parking requirements of this UDO. Parking in the public right-of-way is prohibited.
 - iv. The real estate that is the subject of the special use permit must be owned at the time of application and during the term of the special use permit by the nonprofit organization operating the facility.
 - v. The application for the special use permit must be in a form prepared by the Director and must incorporate disclosure of all the following:
 - a. All information required to demonstrate compliance with the requirements of these use standards.
 - b. A full and complete financial disclosure by the applicant to include financial statements that reveal how trust funds of residents will be maintained, a balance sheet showing the overall capital structure of the nonprofit organization, and a full capital disclosure targeted at the financial condition of the specific facility to be operated at the site of the special use permit.
- F. Retirement Community (Continuing Care)
 - 1. Defined

A managed residential facility for elderly adults that allows residents to age in one community, with on-site access to healthcare services and a transition to greater levels of care over time. These facilities provide distinct levels of care: independent living in which residents live on their own and have access to a wide array of amenities; assisted living, which provides help with daily tasks such as bathing and dressing; and, 24-hour nursing home-style care. As a resident's health needs increase, they transition from one level to the next, all within the same community.
- G. Hospice
 - 1. Defined

A health care facility for the terminally ill that emphasizes pain control and emotional support for the patient and family, typically refraining from taking extraordinary measures to prolong life.
- H. Monastery or Convent

1. Defined

A place of residence providing group living accommodations to a community of persons living in seclusion under religious vows.

I. Shelter

1. Defined

A facility providing temporary sleeping facilities for displaced persons

Section 206-5.6 Medical, is hereby amended by deleting the previous Sections 206-5.6 and inserting in its place the following language:

A. Defined

A facility providing medical or surgical care to patients. Some facilities may offer overnight care. Medical includes the following:

1. Ambulatory surgical center.
2. Blood plasma donation center, medical or dental laboratory.
3. Hospital, urgent care, emergency medical office.
4. Kidney dialysis center.
5. Medical clinic.
6. Medical, dental office or chiropractor, osteopath, physician, medical practitioner.

B. Ambulatory Surgical Center

1. Defined

A health care facility focused on providing same-day surgical care, including diagnostic and preventive procedures.

2. Use Standards

Where an ambulatory surgical center is allowed as a limited use, it is subject to the following:

- a. Maximum lot size cannot exceed 2.99 acres.

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. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 5. This Ordinance was adopted October 25, 2021. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

DRAFT

ORDAINED this _____ day of October, 2021.

Barbara Bender, Mayor

ATTEST:

Dave Emanuel, Mayor Pro Tem

Melisa Arnold, City Clerk

Solange Destang, Council Member

APPROVED AS TO FORM:

Cristy Lenski, Council Member

W. Charles Ross, City Attorney
Powell & Edwards, P.C.

Gretchen Schulz, Council Member

Tod Warner, Council Member

EXHIBIT “A”

Sec. 206-2. Allowed Use Table

DRAFT

Sec. 206-2. Allowed Use Table

KEY: P = Permitted Use L = Limited Use SP = Special Use '–' = Use Not Permitted																				
	Residential								Mixed-Use & Business						Towne Center					
Use Category Specific Use	RS-30	RS-15	RS-5	R-DU	R-TH	RM	RX	RO	PRC	OP	BG	HSB	MU	NR	LM	TCO[1]	TC-MU	TC-R	CI	Definition/ Standards
Residential Uses																				
All household Living, as listed below:																				Sec. 206-3.1.A
Single-family detached dwelling	P	P	P	P	P	P	P	P	P	--	--	--	P	P	--	--	SP	SP	--	Sec. 206-3.1.B
Two-family dwelling	--	--	--	P	P	P	P	--	--	--	--	--	P	P	--	--	SP	SP	--	Sec. 206-3.1.C
Single-family attached dwelling	--	--	--	--	L	L	L	L	--	--	--	--	L	L	--	--	SP	SP	--	Sec. 206-3.1.D
Multiple-family dwelling	--	--	--	--	--	P	P	--	--	--	--	--	SP	SP	--	--	--	--	--	Sec. 206-3.1.E
Towne Center loft	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	SP	SP	--	Sec. 206-3.1.F
Towne Center flat	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	SP	SP	SP	--	Sec. 206-3.1.G
Mobile home	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 206-3.1.H
Live-work	--	--	--	--	--	--	SP	--	--	--	--	--	P	P	--	--	SP	SP	--	Sec. 206-3.1.I
All group living, as listed below:																				Sec. 206-3.2.A
Addiction treatment facility	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 206-3.2.B
Assisted living facility	--	--	--	--	--	--	--	--	--	SP	P	P	SP	SP	--	SP	SP	SP	P	Sec. 206-3.2.C
Boarding and rooming house	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	SP	SP	--	Sec. 206-3.2.D
Collective residence	SP	SP	SP	SP	SP	SP	SP	--	SP	--	--	--	SP	SP	--	--	SP	SP	SP	Sec. 206-3.2.E
Community living arrangement	SP	SP	SP	SP	SP	SP	SP	--	SP	--	--	--	SP	SP	--	--	SP	SP	SP	Sec. 206-3.2.E
Group home	SP	SP	SP	SP	SP	SP	SP	--	SP	--	--	--	SP	SP	--	--	SP	SP	SP	Sec. 206-3.2.E
Hospice	--	--	--	--	--	--	--	SP	--	--	SP	SP	SP	--	--	--	SP	SP	P	Sec. 206-3.2.G
Monastery or convent	--	--	--	--	--	--	--	--	--	--	--	--	SP	--	--	--	SP	SP	P	Sec. 206-3.2.H
Nursing facility (skilled)	--	--	--	--	--	--	--	--	--	SP	P	P	SP	SP	--	SP	SP	SP	P	Sec. 206-3.2.A
Nursing home	--	--	--	--	--	--	--	--	--	SP	P	P	SP	SP	--	SP	SP	SP	P	Sec. 206-3.2.A
Personal care home	SP	SP	SP	SP	SP	SP	SP	--	SP	--	--	--	SP	SP	--	--	SP	SP	SP	Sec. 206-3.2.E

EXHIBIT "A"

[illegible]

EXHIBIT "A"

KEY: P = Permitted Use L = Limited Use SP = Special Use '-' = Use Not Permitted																				
	Residential								Mixed-Use & Business						Towne Center					
Use Category Specific Use	RS-30	RS-15	RS-5	R-DU	R-TH	RM	RX	RO	PRC	OP	BG	HSB	MU	NR	LM	TCO[1]	TC-MU	TC-R	CI	Definition/ Standards
Commercial Uses																				
Adult entertainment establishment	-	-	-	-	-	-	-	-	-	-	L	L	-	-	-	-	-	-	-	Sec. 206-5.1
All day care, as listed below:																				Sec. 206-5.2.A
Adult care center	-	-	-	-	-	-	-	-	-	P	P	P	SP	-	-	P	SP	-	P	Sec. 206-5.2.B
Day care center	-	-	-	-	-	-	-	-	-	P	P	P	SP	-	-	P	SP	-	P	Sec. 206-5.2.C
Family day care home	P	P	P	P	P	P	P	-	P	-	-	-	SP	P	-	-	SP	SP	-	Sec. 206-5.2.D
All event facility	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	P	P	-	-	Sec. 206-5.3
All hotels, motels, extended stay hotels	-	-	-	-	-	-	-	-	-	-	SP	SP	SP	-	-	SP	SP	-	-	Sec. 206-5.4
All indoor recreation, except as listed below:	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	P	Sec. 206-5.5.A
Amusement center, game/video arcade	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	P	Sec. 206-5.5.A
Assembly hall, auditorium, meeting hall	-	-	-	-	-	SP	-	SP	-	-	SP	SP	SP	-	-	SP	-	-	SP	Sec. 206-5.5.A
Billiard hall, pool hall	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	P	Sec. 206-5.5.A
Bowling alley	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	P	Sec. 206-5.5.A
Convention center, arena, indoor stadium	-	-	-	-	-	-	-	-	-	-	SP	SP	SP	-	-	SP	SP	-	SP	Sec. 206-5.5.A
Electric or gas powered vehicle tracks	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	SP	SP	-	P	Sec. 206-5.5.A
Extreme sports facility such as BMX, skateboarding or rollerblading	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	SP	SP	-	P	Sec. 206-5.5.A
Gym, health spa, or yoga studio	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	-	-	-	Sec. 206-5.5.B
Ice or roller skating rink	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	SP	SP	-	P	Sec. 206-5.5.A
Indoor sports facility	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	SP	SP	-	P	Sec. 206-5.5.A
Inflatable playground	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	SP	SP	-	P	Sec. 206-5.5.A
Meditation center	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	P	Sec. 206-5.5.A
Miniature golf facility	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	SP	SP	-	P	Sec. 206-5.5.A

EXHIBIT "A"

KEY: P = Permitted Use L = Limited Use SP = Special Use '-' = Use Not Permitted																				
	Residential									Mixed-Use & Business						Towne Center				
Use Category Specific Use	RS-30	RS-15	RS-5	R-DU	R-TH	RM	RX	RO	PRC	OP	BG	HSB	MU	NR	LM	TCO[1]	TC-MU	TC-R	CI	Definition/ Standards
School for the arts	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	-	-	Sec. 206-5.5.C
Indoor shooting range	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	SP	SP	-	P	Sec. 206-5.5.A
Theaters	-	-	-	-	-	-	-	-	-	-	SP	SP	SP	-	-	SP	SP	-	-	Sec. 206-5.5.D
All medical, except as listed below:	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	Sec. 206-5.6.A
Ambulatory surgical center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	L	-	P	Sec. 206-5.6.B
Blood plasma donation center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	Sec. 206-5.6.A
Chiropractor	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	P	P	-	P	Sec. 206-5.6.A
Dental office	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	P	P	-	P	Sec. 206-5.6.A
Emergency medical office	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	P	Sec. 206-5.6.A
Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	Sec. 206-5.6.A
Kidney dialysis center	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	P	Sec. 206-5.6.A
Medical clinic	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	P	P	-	P	Sec. 206-5.6.A
Medical or dental laboratory	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	Sec. 206-5.6.A
Medical office	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	P	P	-	P	Sec. 206-5.6.A
Medical practitioner	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	P	P	-	P	Sec. 206-5.6.A
Osteopath	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	P	P	-	P	Sec. 206-5.6.A
Physician’s office	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	P	P	-	P	Sec. 206-5.6.A
Urgent care	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	P	Sec. 206-5.6.A
All office, except as listed below	-	-	-	-	-	-	-	-	-	P	P	P	P	P	L	P	P	-	-	Sec. 206-5.7.A, Sec. 206-5.7.H
Accountant, bookkeeper, auditor office	-	-	-	-	-	-	-	-	-	P	P	P	P	P	L	P	P	-	-	Sec. 206-5.7.A
Advertising office	-	-	-	-	-	-	-	-	-	P	P	P	P	P	L	P	P	-	-	Sec. 206-5.7.A
Architect office	-	-	-	-	-	-	-	-	-	P	P	P	P	P	L	P	P	-	-	Sec. 206-5.7.A
Attorney’s office	-	-	-	-	-	-	-	-	-	P	P	P	P	P	L	P	P	-	-	Sec. 206-5.7.A
Banks	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	P	P	-	-	Sec. 206-5.7.B
Business management consulting	-	-	-	-	-	-	-	-	-	P	P	P	P	P	L	P	P	-	-	Sec. 206-5.7.A

EXHIBIT "A"

KEY: P = Permitted Use L = Limited Use SP = Special Use '-' = Use Not Permitted																				
	Residential									Mixed-Use & Business						Towne Center				
Use Category Specific Use	RS-30	RS-15	RS-5	R-DU	R-TH	RM	RX	RO	PRC	OP	BG	HSB	MU	NR	LM	TCO[1]	TC-MU	TC-R	CI	Definition/ Standards
Business school	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	P	P	-	-	Sec. 206-5.7.G
Business services	-	-	-	-	-	-	-	-	-	P	P	P	P	P	L	P	P	-	-	Sec. 206-5.7.A
Call center	-	-	-	-	-	-	-	-	-	P	P	P	P	P	L	P	P	-	-	Sec. 206-5.7.A
Collection agency	-	-	-	-	-	-	-	-	-	P	P	P	P	P	L	P	P	-	-	Sec. 206-5.7.A
Commercial art	-	-	-	-	-	-	-	-	-	P	P	P	P	P	L	P	P	-	-	Sec. 206-5.7.A
Computer or data processing	-	-	-	-	-	-	-	-	-	P	P	P	P	P	L	P	P	-	-	Sec. 206-5.7.A
Counseling in office setting	-	-	-	-	-	-	-	-	-	P	P	P	P	P	L	P	P	-	-	Sec. 206-5.7.A
Employment center	-	-	-	-	-	-	-	-	-	P	P	P	P	P	L	P	P	-	-	Sec. 206-5.7.A
Engineer office	-	-	-	-	-	-	-	-	-	P	P	P	P	P	L	P	P	-	-	Sec. 206-5.7.A
Finance company	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	P	P	-	-	Sec. 206-5.7.C
Financial services	-	-	-	-	-	-	-	-	-	P	P	P	P	P	L	P	P	-	-	Sec. 206-5.7.A
Graphic design	-	-	-	-	-	-	-	-	-	P	P	P	P	P	L	P	P	-	-	Sec. 206-5.7.A
Insurance adjuster	-	-	-	-	-	-	-	-	-	P	P	P	P	P	L	P	P	-	-	Sec. 206-5.7.A
Insurance agent	-	-	-	-	-	-	-	-	-	P	P	P	P	P	L	P	P	-	-	Sec. 206-5.7.A
Interior decorator	-	-	-	-	-	-	-	-	-	P	P	P	P	P	L	P	P	-	-	Sec. 206-5.7.A
Investment or brokerage house	-	-	-	-	-	-	-	-	-	P	P	P	P	P	L	P	P	-	-	Sec. 206-5.7.A
Lawyer's office	-	-	-	-	-	-	-	-	-	P	P	P	P	P	L	P	P	-	-	Sec. 206-5.7.A
Lender office	-	-	-	-	-	-	-	-	-	P	P	P	P	P	L	P	P	-	-	Sec. 206-5.7.A
Loan office	-	-	-	-	-	-	-	-	-	L	L	L	L	-	-	L	L	-	-	Sec. 206-5.7.D
Mortgage agent	-	-	-	-	-	-	-	-	-	P	P	P	P	P	L	P	P	-	-	Sec. 206-5.7.A
Office showroom	-	-	-	-	-	-	-	-	-	P	P	P	P	P	L	P	P	-	-	Sec. 206-5.7.E
Professional services	-	-	-	-	-	-	-	-	-	P	P	P	P	P	L	P	P	-	-	Sec. 206-5.7.A
Radio, film, recording, and television studios and stations	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.7.F
Real estate agent	-	-	-	-	-	-	-	-	-	P	P	P	P	P	L	P	P	-	-	Sec. 206-5.7.A
Sales office	-	-	-	-	-	-	-	-	-	P	P	P	P	P	L	P	P	-	-	Sec. 206-5.7.A
Savings and loan institution	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	P	P	-	-	Sec. 206-5.7.B
Security system services	-	-	-	-	-	-	-	-	-	P	P	P	P	P	L	P	P	-	-	Sec. 206-5.7.A

EXHIBIT "A"

KEY: P = Permitted Use L = Limited Use SP = Special Use '-' = Use Not Permitted																				
	Residential									Mixed-Use & Business						Towne Center				
Use Category Specific Use	RS-30	RS-15	RS-5	R-DU	R-TH	RM	RX	RO	PRC	OP	BG	HSB	MU	NR	LM	TCO[1]	TC-MU	TC-R	CI	Definition/ Standards
Trade school	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	P	P	-	-	Sec. 206-5.7.G
Travel agency	-	-	-	-	-	-	-	-	-	P	P	P	P	P	L	P	P	-	-	Sec. 206-5.7.A
Vocational school	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	P	P	-	-	Sec. 206-5.7.G
All outdoor recreation, including:	-	-	-	-	-	-	-	-	-	-	SP	SP	SP	-	-	SP	SP	-	SP	Sec. 206-5.8
Amusement park	-	-	-	-	-	-	-	-	-	-	SP	SP	SP	-	-	SP	SP	-	SP	Sec. 206-5.8
Batting cage	-	-	-	-	-	-	-	-	-	-	SP	SP	SP	-	-	SP	SP	-	SP	Sec. 206-5.8
Drive-in theater	-	-	-	-	-	-	-	-	-	-	SP	SP	SP	-	-	SP	SP	-	SP	Sec. 206-5.8
Electric or gas powered vehicle tracks	-	-	-	-	-	-	-	-	-	-	SP	SP	SP	-	-	SP	SP	-	SP	Sec. 206-5.8
Extreme sports facility (BMX, skateboarding or rollerblading)	-	-	-	-	-	-	-	-	-	-	SP	SP	SP	-	-	SP	SP	-	SP	Sec. 206-5.8
Golf driving range	-	-	-	-	-	-	-	-	-	-	SP	SP	SP	-	-	SP	SP	-	SP	Sec. 206-5.8
Miniature golf	-	-	-	-	-	-	-	-	-	-	SP	SP	SP	-	-	SP	SP	-	SP	Sec. 206-5.8
Outdoor amusements	-	-	-	-	-	-	-	-	-	-	SP	SP	SP	-	-	SP	SP	-	SP	Sec. 206-5.8
Outdoor shooting range	-	-	-	-	-	-	-	-	-	-	SP	SP	SP	-	-	SP	SP	-	SP	Sec. 206-5.8
Outdoor sports field/court	-	-	-	-	-	-	-	-	-	-	SP	SP	SP	-	-	SP	SP	-	SP	Sec. 206-5.8
Outdoor stadium, arena	-	-	-	-	-	-	-	-	-	-	SP	SP	SP	-	-	SP	SP	-	SP	Sec. 206-5.8
Outdoor theater	-	-	-	-	-	-	-	-	-	-	SP	SP	SP	-	-	SP	SP	-	SP	Sec. 206-5.8
Water park	-	-	-	-	-	-	-	-	-	-	SP	SP	SP	-	-	SP	SP	-	SP	Sec. 206-5.8
All passenger terminal (no on-site storage or parking of vehicles), including:	-	-	-	-	-	-	P	-	-	-	P	P	P	-	-	P	P	-	P	Sec. 206-5.9
Bus terminal	-	-	-	-	-	-	P	-	-	-	P	P	P	-	-	P	P	-	P	Sec. 206-5.9
Limousine service	-	-	-	-	-	-	P	-	-	-	P	P	P	-	-	P	P	-	P	Sec. 206-5.9
Non-emergency transport	-	-	-	-	-	-	P	-	-	-	P	P	P	-	-	P	P	-	P	Sec. 206-5.9
Taxicab service	-	-	-	-	-	-	P	-	-	-	P	P	P	-	-	P	P	-	P	Sec. 206-5.9
All personal services, except the following:	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	-	-	Sec. 206-5.10.A

EXHIBIT "A"

KEY: P = Permitted Use L = Limited Use SP = Special Use '-' = Use Not Permitted																				
	Residential									Mixed-Use & Business						Towne Center				
Use Category Specific Use	RS-30	RS-15	RS-5	R-DU	R-TH	RM	RX	RO	PRC	OP	BG	HSB	MU	NR	LM	TCO[1]	TC-MU	TC-R	CI	Definition/ Standards
Animal care (indoor)	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	Sec. 206-5.10.B
Animal boarding	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	Sec. 206-5.10.B
Animal grooming	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	Sec. 206-5.10.B
Animal hospital	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	Sec. 206-5.10.B
Animal shelter	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	Sec. 206-5.10.B
Animal care (outdoor)	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	SP	-	-	-	Sec. 206-5.10.C
Beauty salon	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	P	P	-	-	Sec. 206-5.10.A
Body piercing	-	-	-	-	-	-	-	-	-	-	SP	SP	SP	-	-	SP	SP	-	-	Sec. 206-5.10.H
Doggy day care (indoor)	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	Sec. 206-5.10.B
Dry cleaning	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	L	-	-	Sec. 206-5.10.D
Eyeglass shop	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	-	-	Sec. 206-5.10.A
Food catering	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	Sec. 206-5.10.A
Fortune teller	-	-	-	-	-	-	-	-	-	-	SP	SP	SP	-	-	SP	-	-	-	Sec. 206-5.10.G
Funeral home, mortuary (without crematorium)	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	-	-	-	-	Sec. 206-5.10.A
Funeral, mortuary (with crematorium)	-	-	-	-	-	-	-	-	-	-	SP	SP	SP	-	SP	-	-	-	-	Sec. 206-5.10.A
Hair salon	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	P	P	-	-	Sec. 206-5.10.A
Kennel (indoor)	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	Sec. 206-5.10.B
Laundry, coin-operating or full-service	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	L	-	-	Sec. 206-5.10.D
Locksmith shop	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	Sec. 206-5.10.A
Massage therapy	-	-	-	-	-	-	-	-	-	L	L	L	L	L	-	L	-	-	-	Sec. 206-5.10.E
Nail salon	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	P	P	-	-	Sec. 206-5.10.A
Personal Repair	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	Sec. 206-5.10.F
Pet clinic	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	Sec. 206-5.10.B
Pet grooming	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	Sec. 206-5.10.B
Photocopying, printing and reproduction service	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	-	Sec. 206-5.10.A
Psychic, fortune teller	-	-	-	-	-	-	-	-	-	-	SP	SP	SP	-	-	SP	-	-	-	Sec. 206-5.10.G

EXHIBIT "A"

KEY: P = Permitted Use L = Limited Use SP = Special Use '-' = Use Not Permitted																				
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Use Category Specific Use	RS-30	RS-15	RS-5	R-DU	R-TH	RM	RX	RO	PRC	OP	BG	HSB	MU	NR	LM	TCO[1]	TC-MU	TC-R	CI	Definition/ Standards
Tailor or milliner	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	-	-	Sec. 206-5.10.A
Tanning salon	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	-	-	Sec. 206-5.10.A
Tattoo parlor or body piercing	-	-	-	-	-	-	-	-	-	-	SP	SP	SP	-	-	SP	SP	-	-	Sec. 206-5.10.H
Taxidermist	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P	-	-	Sec. 206-5.10.A
Tutoring service	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	-	-	Sec. 206-5.10.A
Upholster, non-vehicle	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	Sec. 206-5.10.F
Veterinary clinic	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	Sec. 206-5.10.B
All restaurants, except as listed below:	-	-	-	-	-	-	-	-	-	L	L	L	L	-	-	L	-	-	L	Sec. 206-5.11.A, Sec. 206-5.11.E
Bar	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 206-5.11.B
Brewpub	-	-	-	-	-	-	-	-	-	-	L	L	L	-	L	L	L	-	-	Sec. 206-5.11.A, Sec. 206-5.11.E
Coffee shop	-	-	-	-	-	-	-	-	-	L	L	L	L	-	-	L	-	-	L	Sec. 206-5.11.A, Sec. 206-5.11.E
Drive-in restaurant	-	-	-	-	-	-	-	-	-	-	-	L	-	-	-	-	-	-	-	Sec. 206-5.11.D, Sec. 206-5.11.E
Drive-thru facility (as an accessory use)	-	-	-	-	-	-	-	-	-	L	L	L	L	-	L	L	L	-	L	Sec. 206-8.9
Ice cream shop	-	-	-	-	-	-	-	-	-	L	L	L	L	-	-	L	-	-	L	Sec. 206-5.11.A, Sec. 206-5.11.E
Juice shop	-	-	-	-	-	-	-	-	-	L	L	L	L	-	-	L	-	-	L	Sec. 206-5.11.A, Sec. 206-5.11.E
Lounge	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 206-5.11.B
Nightclub	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 206-5.11.B
Pizza delivery	-	-	-	-	-	-	-	-	-	L	L	L	L	-	-	L	-	-	L	Sec. 206-5.11.A, Sec. 206-5.11.E
Restaurant	-	-	-	-	-	-	-	-	-	L	L	L	L	-	-	L	-	-	L	Sec. 206-5.11.A, Sec. 206-5.11.E
Restaurant, take-out	-	-	-	-	-	-	-	-	-	L	L	L	L	-	-	L	-	-	L	Sec. 206-5.11.A, Sec. 206-5.11.E
Tavern	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 206-5.11.B
Tea shop	-	-	-	-	-	-	-	-	-	L	L	L	L	-	-	L	-	-	L	Sec. 206-5.11.A, Sec. 206-5.11.E
Yogurt shop	-	-	-	-	-	-	-	-	-	L	L	L	L	-	-	L	-	-	L	Sec. 206-5.11.A, Sec. 206-5.11.E
All retail, except as listed below:	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.A

EXHIBIT "A"

KEY: P = Permitted Use L = Limited Use SP = Special Use '-' = Use Not Permitted																				
	Residential									Mixed-Use & Business						Towne Center				
Use Category Specific Use	RS-30	RS-15	RS-5	R-DU	R-TH	RM	RX	RO	PRC	OP	BG	HSB	MU	NR	LM	TCO[1]	TC-MU	TC-R	CI	Definition/ Standards
Animal supplies	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Antique shop	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Appliance store	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.A
Art and school supplies	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Art gallery	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	-	-	Sec. 206-5.12.A
Art studio	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	-	-	Sec. 206-5.12.A
Artisan shop	-	-	-	-	-	-	-	-	-	L	L	L	L	L	L	L	L	-	-	Sec. 206-5.12.C
Baked goods	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Bakery	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P	-	-	Sec. 206-5.12.D
Beverage store	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Bicycle shop	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.A
Book store	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Bottle shop	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.E
Building supply (no outdoor storage)	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P	-	-	Sec. 206-5.12.F
Building supply (with outdoor storage)	-	-	-	-	-	-	-	-	-	-	SP	SP	SP	-	P	-	-	-	-	Sec. 206-5.12.F
Camera store	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Check cashing	-	-	-	-	-	-	-	-	-	-	SP	SP	SP	-	-	SP	-	-	-	Sec. 206-5.12.K
Clothing store	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Consumer fireworks retail sales facility	-	-	-	-	-	-	-	-	-	-	L	L	L	-	-	-	-	-	-	Sec. 206-5.12.G
Convenience food store	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Convenience goods	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Craft store	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Department store	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.A
Drug store	-	-	-	-	-	-	-	-	-	L	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.H
Dry goods store	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Electronics store	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.A
Fabric store	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Flower shop	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Food store	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B

EXHIBIT "A"

KEY: P = Permitted Use L = Limited Use SP = Special Use '-' = Use Not Permitted																				
	Residential								Mixed-Use & Business						Towne Center					
Use Category Specific Use	RS-30	RS-15	RS-5	R-DU	R-TH	RM	RX	RO	PRC	OP	BG	HSB	MU	NR	LM	TCO[1]	TC-MU	TC-R	CI	Definition/ Standards
Furniture store	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Garden supplies	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
General retail	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Gift and cards	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Grocery store	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Growler shop	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.E
Guns and ammunition	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.A
Hardware store	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Hobby store	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Home building supply store	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	Sec. 206-5.12.A
Home improvement supplies	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	Sec. 206-5.12.B
Household products	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Jewelry store	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Lawnmower shop and other small engine (sales, rental, repair)	-	-	-	-	-	-	-	-	-	-	SP	SP	SP	-	P	-	-	-	-	Sec. 206-5.12.I
Meat market	-	-	-	-	-	-	-	-	-	-	L	L	L	-	L	L	L	-	-	Sec. 206-5.12.J
Medical supply store	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Music and musical instruments store	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
News store	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Office supplies	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Package shipping (UPS)	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Pawn broker	-	-	-	-	-	-	-	-	-	-	SP	SP	SP	-	-	SP	-	-	-	Sec. 206-5.12.K
Pawn shop	-	-	-	-	-	-	-	-	-	-	SP	SP	SP	-	-	SP	-	-	-	Sec. 206-5.12.K
Pet store and supplies	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Pharmacy	-	-	-	-	-	-	-	-	-	L	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.H
Phone store	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Photo finishing	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Picture frames	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B

EXHIBIT "A"

KEY: P = Permitted Use L = Limited Use SP = Special Use '-' = Use Not Permitted																				
	Residential									Mixed-Use & Business						Towne Center				
Use Category Specific Use	RS-30	RS-15	RS-5	R-DU	R-TH	RM	RX	RO	PRC	OP	BG	HSB	MU	NR	LM	TCO[1]	TC-MU	TC-R	CI	Definition/ Standards
Plant nursery	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	Sec. 206-5.12.L
Pottery store	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Printed materials store	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Produce store	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Seafood store	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Shoe store	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Smoke shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 206-5.12.M
Souvenir shop	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Sporting goods store	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Stationery store	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Swimming pool supply store (indoor)	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.A
Swimming pool supply store (outdoor)	-	-	-	-	-	-	-	-	-	-	SP	SP	SP	-	P	-	-	-	-	Sec. 206-5.12.F
Title pawn	-	-	-	-	-	-	-	-	-	-	SP	SP	SP	-	-	-	-	-	-	Sec. 206-5.12.K
Toy store	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Trophies store	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.B
Vape shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 206-5.12.M
Video game store	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.A
Video store	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	Sec. 206-5.12.A
All vehicular, as listed below:																				Sec. 206-5.13.A
Automobile parts store (no repair or installation)	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	-	-	-	-	Sec. 206-5.13.B
Boat and recreational vehicle sales, rental, or service	-	-	-	-	-	-	-	-	-	-	-	SP	-	-	SP	-	-	-	-	Sec. 206-5.13.C
Car wash, self-serve, full-service, detailing	-	-	-	-	-	-	-	-	-	-	SP	P	SP	-	P	P	-	-	-	Sec. 206-5.13.D
Gas station (with convenience store). No vehicle repair or service	-	-	-	-	-	-	-	-	-	-	SP	SP	-	-	SP	-	-	-	-	Sec. 206-5.13.E
Internet vehicles sales	-	-	-	-	-	-	-	-	-	L	L	L	-	-	L	L	-	-	-	Sec. 206-5.13.F

EXHIBIT "A"

KEY: P = Permitted Use L = Limited Use SP = Special Use '—' = Use Not Permitted																				
	Residential									Mixed-Use & Business						Towne Center				
Use Category Specific Use	RS-30	RS-15	RS-5	R-DU	R-TH	RM	RX	RO	PRC	OP	BG	HSB	MU	NR	LM	TCO[1]	TC-MU	TC-R	CI	Definition/ Standards
Public parking (for off-site uses)	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	SP	SP	--	--	Sec. 206-5.13.G
Remote parking (for off-site uses)	--	--	--	--	--	--	--	--	--	SP	SP	SP	SP	--	--	SP	SP	--	SP	Sec. 206-5.13.H
Vehicle rental	--	--	--	--	--	--	--	--	--	--	SP	SP	--	--	SP	--	--	--	--	Sec. 206-5.13.I
Vehicle sales, rental, or auction	--	--	--	--	--	--	--	--	--	--	SP	SP	--	--	SP	--	--	--	--	Sec. 206-5.13.J
Vehicle repair (minor), including the following:	--	--	--	--	--	--	--	--	--	--	SP	SP	--	--	SP	SP	--	--	--	Sec. 206-5.13.K
Audio and alarm installation	--	--	--	--	--	--	--	--	--	--	SP	SP	--	--	SP	SP	--	--	--	Sec. 206-5.13.K
Bed-liner installation	--	--	--	--	--	--	--	--	--	--	SP	SP	--	--	SP	SP	--	--	--	Sec. 206-5.13.K
Custom accessories	--	--	--	--	--	--	--	--	--	--	SP	SP	--	--	SP	SP	--	--	--	Sec. 206-5.13.K
Emissions testing	--	--	--	--	--	--	--	--	--	--	SP	SP	--	--	SP	--	--	--	--	Sec. 206-5.13.K
Glass repair and replacement	--	--	--	--	--	--	--	--	--	--	SP	SP	--	--	SP	SP	--	--	--	Sec. 206-5.13.K
Minor scratch and dent repair	--	--	--	--	--	--	--	--	--	--	SP	SP	--	--	SP	SP	--	--	--	Sec. 206-5.13.K
Quick lubrication facility	--	--	--	--	--	--	--	--	--	--	SP	SP	--	--	SP	SP	--	--	--	Sec. 206-5.13.K
Vehicle repair (major), including the following:	--	--	--	--	--	--	--	--	--	--	--	--	--	--	SP	--	--	--	--	Sec. 206-5.13.L
Body and paint shop	--	--	--	--	--	--	--	--	--	--	--	--	--	--	SP	--	--	--	--	Sec. 206-5.13.L
Brake repair and replacement	--	--	--	--	--	--	--	--	--	--	--	--	--	--	SP	--	--	--	--	Sec. 206-5.13.L
Muffler shop	--	--	--	--	--	--	--	--	--	--	--	--	--	--	SP	--	--	--	--	Sec. 206-5.13.L
Tire repair and replacement	--	--	--	--	--	--	--	--	--	--	--	--	--	--	SP	--	--	--	--	Sec. 206-5.13.L
Transmission repair and replacement	--	--	--	--	--	--	--	--	--	--	--	--	--	--	SP	--	--	--	--	Sec. 206-5.13.L
Industrial Uses																				
All craft manufacturing, including:	--	--	--	--	--	--	--	--	--	--	L	L	L	--	P	L	L	--	--	Sec. 206-6.1
Ceramic products	--	--	--	--	--	--	--	--	--	--	L	L	L	--	P	L	L	--	--	Sec. 206-6.1
Clothing products	--	--	--	--	--	--	--	--	--	--	L	L	L	--	P	L	L	--	--	Sec. 206-6.1
Electronic goods	--	--	--	--	--	--	--	--	--	--	L	L	L	--	P	L	L	--	--	Sec. 206-6.1

EXHIBIT "A"

[illegible]

EXHIBIT "A"

[illegible]

EXHIBIT "A"

KEY: P = Permitted Use L = Limited Use SP = Special Use '-' = Use Not Permitted																				
	Residential								Mixed-Use & Business						Towne Center					
Use Category	RS-30	RS-15	RS-5	R-DU	R-TH	RM	RX	RO	PRC	OP	BG	HSB	MU	NR	LM	TCO[1]	TC-MU	TC-R	CI	Definition/ Standards
Specific Use																				
Ambulance service (with on-site storage or parking)	--	--	--	--	--	--	--	--	--	--	--	SP	--	--	SP	--	--	--	--	Sec. 206-6.3.B
Baking plants	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	Sec. 206-6.3.A
Brewery	--	--	--	--	--	--	--	--	--	--	P	P	P	--	P	SP	SP	--	--	Sec. 206-6.3.C
Carpet cleaning plant	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	Sec. 206-6.3.A
Contractors storage	--	--	--	--	--	--	--	--	--	--	--	SP	--	--	P	--	--	--	--	Sec. 206-6.3.D
Distillery	--	--	--	--	--	--	--	--	--	--	P	P	P	--	P	SP	SP	--	--	Sec. 206-6.3.C
Dry cleaning plant	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	Sec. 206-6.3.A
Food and beverage production	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	Sec. 206-6.3.A
Land-intensive outdoor sales and services	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	Sec. 206-6.3.A
Laundry cleaning plant	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	Sec. 206-6.3.A
Limousine service (with on-site storage or parking)	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	Sec. 206-6.3.A
Manufactured building sales	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	Sec. 206-6.3.A
Mobile home sales	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	Sec. 206-6.3.A
Non-emergency transport service (with on-site storage or parking)	--	--	--	--	--	--	--	--	--	--	--	SP	--	--	SP	--	--	--	--	Sec. 206-6.3.A
Repair or services of business, industrial, machinery, equipment or products by providing centralized services for separate retail outlets	--	--	--	--	--	--	--	--	--	--	--	SP	--	--	SP	--	--	--	--	Sec. 206-6.3.A
Sale, rental, or repair of machinery, heavy equipment, or special trade tools	--	--	--	--	--	--	--	--	--	--	--	SP	--	--	SP	--	--	--	--	Sec. 206-6.3.E
Taxicab service (with on-site storage or parking)	--	--	--	--	--	--	--	--	--	--	--	SP	--	--	SP	--	--	--	--	Sec. 206-6.3.A

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KEY: P = Permitted Use L = Limited Use SP = Special Use '-' = Use Not Permitted																				
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Winery	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P	-	-	Sec. 206-6.3.C
All light manufacturing, except as listed below:	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	Sec. 206-6.4.A
Bookbinding plant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	
Cabinet makers	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	Sec. 206-6.4.A
Clothing, textile or apparel manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	Sec. 206-6.4.A
Facilities that assemble or manufacture scientific instruments, semiconductor and related devices	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	Sec. 206-6.4.A
Furniture manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	
Machine shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	Sec. 206-6.4.A
Medical supply manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	Sec. 206-6.4.A
Mini-warehouse	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	Sec. 206-6.7.A
Pharmaceutical manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	Sec. 206-6.4.A
Printing plant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	Sec. 206-6.4.A
Publishing plant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	Sec. 206-6.4.A
Sheet metal shop	-	-	-	-	-	-	-	-	-	-	-	SP	-	-	P	-	-	-	-	Sec. 206-6.4.A
Stone, clay, glass or concrete products	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	Sec. 206-6.4.A
Tool repair	-	-	-	-	-	-	-	-	-	-	-	SP	-	-	P	-	-	-	-	Sec. 206-6.4.A
Welding shop	-	-	-	-	-	-	-	-	-	-	-	SP	-	-	P	-	-	-	-	Sec. 206-6.4.A
Woodworking shop	-	-	-	-	-	-	-	-	-	-	-	SP	-	-	P	-	-	-	-	Sec. 206-6.4.A
Storage Uses																				
Contractors equipment storage	-	-	-	-	-	-	-	-	-	-	-	SP	-	-	P	-	-	-	-	Sec. 206-6.5.A
Equipment storage	-	-	-	-	-	-	-	-	-	-	-	SP	-	-	P	-	-	-	-	Sec. 206-6.5.A
Fleet storage	-	-	-	-	-	-	-	-	-	-	-	SP	-	-	P	-	-	-	-	Sec. 206-6.5.A

EXHIBIT "A"

KEY: P = Permitted Use L = Limited Use SP = Special Use '-' = Use Not Permitted																				
	Residential									Mixed-Use & Business						Towne Center				
Use Category Specific Use	RS-30	RS-15	RS-5	R-DU	R-TH	RM	RX	RO	PRC	OP	BG	HSB	MU	NR	LM	TCO[1]	TC-MU	TC-R	CI	Definition/ Standards
New and operable used vehicle, boat, or other similar operable vehicle storage	--	--	--	--	--	--	--	--	--	--	--	SP	--	--	P	--	--	--	--	Sec. 206-6.5.A
Trailer storage, drop-off lot	--	--	--	--	--	--	--	--	--	--	--	SP	--	--	P	--	--	--	--	Sec. 206-6.5.A
Storage of soil, mulch, stone, lumber, pipe, steel, and other similar material equipment	--	--	--	--	--	--	--	--	--	--	--	SP	--	--	P	--	--	--	--	Sec. 206-6.5.A
Storage and splitting of logs	--	--	--	--	--	--	--	--	--	--	--	SP	--	--	P	--	--	--	--	Sec. 206-6.5.A
Towing/impounding of vehicles	--	--	--	--	--	--	--	--	--	--	--	SP	--	--	P	--	--	--	--	Sec. 206-6.5.A
Tractor trailers storage	--	--	--	--	--	--	--	--	--	--	--	SP	--	--	P	--	--	--	--	Sec. 206-6.5.A
All self-storage, as listed below:	--	--	--	--	--	--	--	--	--	--	--	SP	--	--	P	--	--	--	--	Sec. 206-6.7
Indoor multi-story storage	--	--	--	--	--	--	--	--	--	--	--	SP	--	--	P	--	--	--	--	Sec. 206-6.7.A
Mini-warehouse	--	--	--	--	--	--	--	--	--	--	--	SP	--	--	P	--	--	--	--	Sec. 206-6.7.A
Warehouse, self-storage	--	--	--	--	--	--	--	--	--	--	--	SP	--	--	P	--	--	--	--	Sec. 206-6.7.A
Research and Development																				
Laboratories, offices and other facilities used for research and development	--	--	--	--	--	--	--	--	--	SP	--	--	--	--	P	--	SP	--	--	Sec. 206-6.6.A
Pilot plants used to test manufacturing processes	--	--	--	--	--	--	--	--	--	SP	--	--	--	--	P	--	SP	--	--	Sec. 206-6.6.A
Prototype production facilities	--	--	--	--	--	--	--	--	--	SP	--	--	--	--	P	--	SP	--	--	Sec. 206-6.6.A
Warehouse and Distribution																				
Building materials storage yard	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	Sec. 206-6.8.A
Bulk storage, cold storage, frozen food lockers	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	Sec. 206-6.8.A

EXHIBIT "A"

KEY: P = Permitted Use L = Limited Use SP = Special Use '-' = Use Not Permitted																				
	Residential								Mixed-Use & Business						Towne Center					
Use Category	RS-30	RS-15	RS-5	R-DU	R-TH	RM	RX	RO	PRC	OP	BG	HSB	MU	NR	LM	TCO[1]	TC-MU	TC-R	CI	Definition/ Standards
Specific Use																				
Distribution of products and merchandise	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	Sec. 206-6.8.A
Household moving and general freight storage	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	Sec. 206-6.8.A
Parcel service	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	Sec. 206-6.8.A
Transfer and storage business	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	Sec. 206-6.8.A
Waste Related																				
Hazardous household materials collection center	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 206-6.9.A
Hazardous waste facility	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 206-6.9.A
Junk yard	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 206-6.9.A
Salvage yard	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 206-6.9.A
Landfill	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 206-6.9.A
Recycling processing center	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 206-6.9.A
Scrap metal processor	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 206-6.9.A
Waste incinerator	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 206-6.9.A
Waste transfer station	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 206-6.9.A
Wholesale, all	--	--	--	--	--	--	--	--	--	--	--	SP	--	--	P	--	--	--	--	Sec. 206-6.10.A
Railroad spur tracks	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
Agricultural																				
All crop and tree farming	P	P	P	P	P	P	P	--	P	--	--	--	--	--	--	--	--	--	--	Sec. 206-7.1
Accessory Uses																				
Accessory uses not otherwise listed below, as determined by the Director	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 206-8.2
Accessory cemetery	SP	SP	SP	SP	SP	SP	SP	--	SP	--	SP	SP	SP	SP	--	--	--	--	SP	Sec. 206-8.3
Accessory dwelling unit (ADU)	--	--	--	--	--	--	L	--	--	--	--	--	L	L	--	--	L	L	--	Sec. 206-8.4

EXHIBIT "A"

KEY: P = Permitted Use L = Limited Use SP = Special Use '-' = Use Not Permitted																				
	Residential									Mixed-Use & Business						Towne Center				
Use Category Specific Use	RS-30	RS-15	RS-5	R-DU	R-TH	RM	RX	RO	PRC	OP	BG	HSB	MU	NR	LM	TCO[1]	TC-MU	TC-R	CI	Definition/ Standards
Automated retail structure	-	-	-	-	-	-	-	-	-	L	L	L	L	-	-	L	L	L	-	Sec. 206-8.5
Bee keeping	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	-	-	-	L	Sec. 206-8.6
Caretaker’s residence	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	Sec. 206-8.7
Donation bin	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 206-8.8
Drive-thru facility	-	-	-	-	-	-	-	-	-	L	L	L	L	-	L	L	L	-	L	Sec. 206-8.9
Dumpster	-	-	-	-	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	Sec. 206-8.10
Heliport	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SP	Sec. 206-8.11
Home occupation	L	L	L	L	L	L	L	L	L	-	-	-	L	L	-	-	L	L	-	Sec. 206-8.12
In-law suite	L	L	L	L	L	L	L	L	L	-	-	-	L	L	-	-	L	L	-	Sec. 206-8.13
Institutional accessory uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 206-8.14
Keeping of pets	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	Sec. 206-8.15
Keeping of livestock	L	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 206-8.16
Modular offices/ classroom	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SP	Sec. 206-8.17
On-site parking	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 206-8.18
Outdoor storage, minor	-	-	-	-	-	-	-	-	-	-	L	L	L	-	L	-	L	-	-	Sec. 206-8.19
Outdoor storage, major	-	-	-	-	-	-	-	-	-	-	-	SP	-	-	SP	-	-	-	-	Sec. 206-8.20
Parking of business vehicles	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L		Sec. 206-8.21
Parking of recreational vehicles	L	L	L	L	L	L	L	L	L	-	-	-	-	L	-	-	-	-	-	Sec. 206-8.22
Parking and storage of watercraft	L	L	L	L	L	L	L	L	L	-	-	-	-	L	-	-	-	L	-	Sec. 206-8.23
Portable accessory structure (PAS)	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	Sec. 206-8.24
Religious accessory uses	L	L	L	L	L	L	L	-	L	-	L	L	L	L	-	L	L	L	L	Sec. 206-8.25
Roofed accessory structure	L	L	L	L	L	L	L	L	L	P	P	P	P	P	P	P	P	L	P	Sec. 206-8.26
Satellite dish antenna	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	Sec. 206-8.27
Swimming pool, hot tub, spa, koi pond	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	Sec. 206-8.28
Unroofed accessory structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 206-8.29

Table Note [1] TCO use standards do not apply to properties zoned TC-MU or TC-R.

City of Snellville
State of Georgia

ORDINANCE NO. 2021-19

AN ORDINANCE TO AMEND ARTICLE II, DIVISION 1 OF THE CODE OF ORDINANCES OF THE CITY OF SNELLVILLE TO BE CONSISTENT WITH THOSE OF GWINNETT COUNTY, TO REPEAL CONFLICTING ORDINANCES, 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 its noise regulations to bring the regulations up-to-date and to be consistent with the newly adopted Gwinnett County noise regulation; and

WHEREAS, the Mayor and the Council of the City of Snellville, Georgia are 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. Chapter 26, Article II, Division 1, Sections 26-181 through 26-206 of the Code of Ordinances of the City of Snellville is hereby deleted in its entirety and replaced with the following:

ARTICLE II. - NOISE CONTROL

State Law reference— Limits on sound volume produced by radio, tape player or other mechanical sound-making device or instrument from within motor vehicle, O.C.G.A. § 40-6-14; sale of muffler which causes excessive noise prohibited, O.C.G.A. § 40-8-71(c).

DIVISION 1. - GENERALLY

Sec. 26-181. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm means any fire, burglary, motor vehicle or civil defense alarm, whistle or similar stationary emergency signaling device.

Construction means any site preparation, assembly, erection, substantial repair, alteration, demolition or similar action, for or of public or private rights-of-way, structures, utilities or similar property.

Consumer fireworks means any small fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion, that comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission as provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations, the United States Department of Transportation as provided for in Part 172 of Title 49 of the Code of Federal Regulations, and the American Pyrotechnics Association as provided for in the 2001 American Pyrotechnics Association Standards 87-1, and additionally shall mean Roman candles.

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage, demanding immediate attention.

Emergency vehicle means a motor vehicle belonging to a fire department; a certified private vehicle belonging to a volunteer firefighter or firefighting association, partnership or corporation; an ambulance; a motor vehicle belonging to a private security agency; or a motor vehicle belonging to a federal, state, county or municipal law enforcement agency, provided such vehicles are in use as an emergency vehicle by one authorized to use such vehicle for that purpose.

Emergency work means any work for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Motor vehicle means a vehicle with two or more wheels, or a machine propelled or drawn by mechanical power, and used on the public roads and highways in the transportation of passengers or property, or any combination thereof, which is required to be licensed, but does not include any vehicle, locomotive or car operated exclusively on rails.

Noise sensitive area means an area where a school, hospital, nursing home, church, court or public library is located within 1,000 linear feet of such area.

Powered model vehicle means any self-propelled airborne, waterborne or landborne plane, vessel or vehicle which is not designed to carry persons, including, but not limited to, any model airplane, boat, car or rocket.

Public right-of-way means any street, avenue, boulevard, highway, sidewalk, alley or similar place normally accessible to the public which is owned or controlled by a governmental entity.

Real property line means a line along the surface, and its vertical plane extension, which separates the real property owned, rented or leased by one person from that owned, rented or leased by another person, excluding intrabuilding real property division.

Residential area means an area classified as a residential zoning district.

Sec. 26-182. - General prohibition.

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise, or any noise that unreasonably or unnecessarily annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others in the city. The provisions of this section shall not apply to or be enforced against:

- (1) Any vehicle of the city while engaged in necessary public business.
- (2) Excavations or repairs of streets by or on behalf of the city, county or state at night when public welfare and convenience renders it impossible to perform such work during the day.
- (3) The reasonable use of amplifiers or loudspeakers in the course of public addresses that are noncommercial in character.

Sec. 26-183. - Enumeration.

The acts contained in this article, among others, shall constitute a violation of this article, but such enumeration shall not be deemed to be exclusive.

Sec. 26-184. - Horns; signaling devices.

The following shall be a violation of this article:

- (1) The sounding of any horn or sound-producing signaling device on any automobile, motorcycle or other vehicle on any street or public place in the city, except as a danger warning.
- (2) The creation of any unreasonably loud or harsh sound by means of any such sound-producing signaling device, or the sounding of any such device for an unreasonable period of time.
- (3) The use of any sound-producing signaling device, except a police whistle, including those operated by hand or electricity.
- (4) The use of any horn, whistle or other device operated by engine exhaust.
- (5) The use of any signaling device when traffic is held up for any reason.

Sec. 26-185. - Radios, phonographs, other machines or devices that produce or reproduce sound.

The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person who is in the room, vehicle or chamber in which such machine or device is operated and who is a voluntary listener, shall be a violation of this article. The operation of any such set, instrument, phonograph, machine or device between the hours of 9:00 p.m. and 7:00 a.m. in such a manner as

to be plainly audible at a distance of 100 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

Sec. 26-186. - Loudspeakers, amplifiers, other devices for production or reproduction of sound for commercial advertising.

The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure without a special permit from the city clerk or city council shall be a violation of this article. Announcements over loudspeakers can only be made by the announcer, in person, and without the aid of any mechanical device.

Sec. 26-187. - Hawkers; peddlers; vendors.

The shouting and crying of hawkers, peddlers and vendors which disturbs the peace and quiet of the neighborhood shall be a violation of this article.

Sec. 26-188. - Construction or repairing of buildings.

The erection, including excavation, demolition, alteration or repair, of any building other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except on urgent necessity in the interest of public health and safety, and then only with a permit from the city building official, shall be a violation of this article. Such permit may be granted for a period not to exceed three days or less while the emergency continues, and the permit may be renewed by the mayor and city council for periods of three days or less while the emergency continues. If the city council determines that the public health and safety will not be impaired by the erection, demolition, alteration or repair of a building or the excavation of streets and highways from 6:00 p.m. to 7:00 a.m. and further determines that loss or inconvenience would result to any party in interest, the city council may grant permission for such work to be done from 6:00 p.m. to 7:00 a.m., upon application made at the time the permit for such work is applied for or during the progress of such work.

Sec. 26-189. - Powered model vehicles.

The operation of, or permitting the operation of, powered model vehicles between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and 10:00 p.m. and 10:00 a.m. on weekends or holidays, shall be a violation of the provisions of this article.

Sec. 26-190. - Emergency signaling devices.

(a) Except in case of an emergency, the intentional sounding of any alarm between the hours of 10:00 p.m. and 7:00 a.m. shall be a violation of the provisions of this article.

(b) The testing of any alarm for a period in excess of 60 seconds at any time shall be a violation of the provisions of this article.

(c) The testing of a complete emergency signaling system, including the signaling device and the personnel response for the signaling device, more than once in each calendar month, and the sounding of such emergency signaling system for a period in excess of 15 minutes, shall be a violation of the provisions of this article.

Sec. 26-191. - Leaf blowers, etc.

The using or operating of any landscape maintenance devices, including two-cycle, electrical or battery-powered blower or other similar device between the hours of 9:00 p.m. and 7:00 a.m. daily within or adjacent to residential or noise sensitive areas such that the sound from such device is plainly audible across the real property line of the source, shall be a violation of the provisions of this article.

Sec. 26-192. - Sanitation pickup.

The use or operation of any motorized vehicle for the purpose of gathering sanitation from designated sanitation dumpsters between the hours of 10:00 p.m. and 7:00 a.m. daily within residential or noise sensitive areas shall be a violation of the provisions of this article. Unless regulated by zoning or other ordinances applying to specific commercial areas, the use or operation of any motorized vehicle for the purpose of gathering sanitation from designated sanitation dumpsters between the hours of 10:00 pm and 6:00 am daily in commercial areas shall be a violation of the provisions of this article.

Sec. 26-193. - Mufflers or sound-dissipation devices.

(a) It shall be unlawful to operate or cause to be operated any motor vehicle or motorcycle not equipped with a muffler which is in good working order and in constant operation in violation of O.C.G.A. 40-8-71.

(b) It shall be unlawful to remove or render inoperative or cause to be removed or rendered inoperative any muffler or sound-dissipative device on a motor vehicle or motorcycle other than for purposes of maintenance, repair or replacement thereof.

Sec. 26-194. - Exhausts.

The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat or motor vehicle, except through a muffler or other device that will effectively prevent loud or explosive noises, shall be a violation of this article.

Sec. 26-195. - Defect in vehicle or load.

The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise shall be a violation of this article.

Sec. 26-196. - Loading; unloading; opening boxes.

The creation of a loud and excessive noise in connection with loading or unloading of any vehicle, or the opening and destruction of bales, boxes, crates and containers shall be a violation of this article.

Sec. 26-197. - Schools; courts; churches; hospitals.

The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while they are in session or adjacent to any hospital, and which unreasonably interferes with the work of such institution, or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed about such institution indicating the presence of such institution, shall be a violation of this article.

Sec. 26-198. - Noises to attract attention.

The use of any drum or other instrument or device for the purpose of attracting attention to any performance, show or sale by the creation of noise shall be a violation of this article.

Sec. 26-199. - Transportation of metal rails, pillars or columns.

The transportation of rails, pillars or columns of iron, steel or other material over and along the streets and other public places upon carts, drays, cars, trucks or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places shall be a violation of this article.

Sec. 26-200. - Piledrivers, hammers, other such appliances.

The operation between the hours of 6:00 p.m. and 7:00 a.m. of any piledriver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise, without a special permit from the city council shall be a violation of this article.

Sec. 26-201. - Blowers, power fans, internal combustion engines.

The operation of any noise-creating blower, power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower, power fan or internal combustion engine is equipped with a muffler device sufficient to deaden such noise, shall be a violation of this article.

Sec. 26-202. - Sound trucks.

The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other commercial purposes and the use of sound trucks for noncommercial purposes during such hours, in such places or with such volume as would constitute such use a public nuisance shall be a violation of this article.

Sec. 26-203. - Vehicle repair in residential areas.

The repairing, rebuilding or testing of any motor vehicle between the hours of 10:00 p.m. and 7:00 a.m. within any residential area in such a manner as to disturb the peace, quiet and comfort of the residents of the area shall be a violation of this article.

Sec. 26-204. - Exemptions.

The following uses and activities shall be exempt from the noise regulations set forth in this division:

- (1) Noises of safety signals and warning devices;
- (2) Noises resulting from any authorized emergency vehicle when responding to an emergency call or to an emergency;
- (3) Noises resulting from emergency work, to be construed as work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from an imminent exposure to danger.

Applications for other exemptions shall be filed with the city clerk for approval by the mayor, and shall state the time, date, organization and reason for the exemption request.

Sec. 26-205. - Injunctions.

The operation or maintenance of any device, vehicle or machinery in violation of any provision of this article which causes discomfort or annoyance to reasonable persons of normal sensitivity, or which endangers the comfort, repose, health or peace of residents of the city, shall be deemed, and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

Sec. 26-206. - Consumer fireworks.

Unless otherwise prohibited by state law, it shall be lawful for any person, firm, corporation, association, or partnership to use or ignite or cause to be ignited any consumer fireworks during the times specified in O.C.G.A. 25-10-2 as noted below:

- (1) On any day beginning at the time of 10:00 a.m. and up to and including the ending time of 9:00 p.m.;

(2) On January 1, July 3, July 4, and December 31 of each year after the time of 9:00 p.m. and up to and including the time of 11:59 p.m.; and

(3) On January 1 of each year beginning at the time of 12:00 midnight and up to and including the ending time of 1:00 a.m.

DIVISION 2. - SPECIAL PERMITS

Sec. 26-226. - Required.

Any person desiring relief from any provision of this article shall apply for a special permit to cause or create a noise at sound levels which would otherwise be in violation of this article.

Sec. 26-227. - Application.

Applications for a special permit under this division shall be made in writing to the Snellville Police Department Chief or Police or Department designee on forms provided for such purpose.

Sec. 26-228. - Fee.

A fee as set forth in the schedule of fees and charges on file in the office of the city clerk shall accompany the application for a permit required by this division.

Sec. 26-229. - Conditions for issuance.

The Snellville Police Department Chief of Police or Department designee shall grant a special permit under the provisions of this division upon a showing by the applicant that:

(1) Additional time is necessary for the applicant to alter or modify the activity in order to comply with the provisions of this article;

(2) The activity, operation or noise source will be of a temporary duration and cannot be done in a manner that would comply with the provisions of this article; and

(3) No reasonable alternative is available to the applicant.

Sec. 26-230. - Contents.

Any permit granted pursuant to this division shall contain on such permit all conditions upon which such permit has been granted, including, but not limited to, the effective date, time of day, location, sound level limit or equipment limitation.

Sec. 26-231. - Expiration.

No special permit issued under this division shall be issued for a period in excess of 3 consecutive days.

Sec. 26-232. - Renewal.

Any special permit granted under this division may be renewed upon application to the Snellville Police Department Chief of Police or Department designee upon a showing that the reasons for which the permit was granted still exist.”

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 October 25, 2021. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

SO ORDAINED THIS 25th DAY OF OCTOBER, 2021.

Signatures Appear on Following Page

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

W. Charles Ross, City Attorney
Powell & Edwards, P.C.

Gretchen Schulz, Council Member

Tod Warner, Council Member