

STATE OF GEORGIA

CITY OF SNELLVILLE

ORDINANCE NO. 2020-_____

AN ORDINANCE TO CREATE A UNIFIED DEVELOPMENT ORDINANCE FOR THE CITY OF SNELLVILLE, GEORGIA, TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

WHEREAS, the Constitution of the State of Georgia provides in Article IX, Section II, Paragraph IV thereof, that the governing authority of the City may adopt plans and exercise the power of zoning; and

WHEREAS, the City of Snellville, Georgia, is further authorized by State law to exercise a wide range of powers, including but not limited to preventing the pollution of natural streams, regulating the erection and construction of buildings and other structures, developing zoning regulations, providing for public improvements, regulating and controlling signs, billboards, trees, shrubs, fences, buildings and all other structures or obstructions adjacent to the right-of-way of streets and roads or within view thereof, regulating various special uses; and to exercise all other powers necessary or desirable to promote or protect the health, safety, peace, security, good order, comfort, convenience and general welfare of the city and its inhabitants; and

WHEREAS, The Georgia General Assembly has enacted the Georgia Planning Act of 1989, (Georgia Laws, 1989, pp. 1317-1391, Act 634) which among

other things provides for local governments to adopt plans and regulations to implement plans for the protection and preservation of natural resources, the environment, vital areas, and land use; and

WHEREAS, The City of Snellville, Georgia finds that the regulations contained in this Unified Development Ordinance (UDO) are necessary for the purposes of implementing its 2040 Comprehensive Plan adopted pursuant to the requirements of the Georgia Planning Act of 1989; and

WHEREAS, this Unified Development Ordinance (UDO) has been prepared and considered in accordance with the provisions of the Zoning Procedures Law, O.C.G.A. 36-66-1 et. seq.; 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. Appendix A of the Code of Snellville, Georgia is hereby deleted in its entirety and in its place is inserted the text as set forth in Exhibit “A” attached hereto, entitled “The Unified Development Ordinance for the City of Snellville, Georgia”, and that said Exhibit “A” is hereby adopted and incorporated into this Ordinance by this reference.

Section 2. Appendix B of the Code of Snellville, Georgia is hereby deleted in its entirety.

Section 3. The following Chapters of the Code of Snellville Georgia are hereby deleted in their entirety:

Chapter 18 Buildings
Chapter 19 Buffers, Landscaping, etc.
Chapter 30 Floods

Section 4. Chapter 26 of the Code of Snellville Georgia is hereby amended as follows :

Articles I, III, IV, VII, VIII and Article IX are deleted in their entirety.

Article II is hereby amended and re-codified by re-numbering it as Article I.

Article V is hereby amended and re-codified by re-numbering it as Article II.

Article VI is hereby amended and re-codified by re-numbering it as Article III.

Article X is hereby amended and re-codified by re-numbering it as Article IV.

Article XI is hereby amended and re-codified by re-numbering it as Article V.

Section 5. Chapter 62 of the Code of Snellville Georgia is hereby amended as follows :

Articles I & III are deleted in their entirety.

Article II is hereby amended and re-codified by re-numbering it as Article I and changing its Title to “Stormwater Management Plans” and is further amended as follows:

Division 1 is deleted in its entirety.
Division 2 is re-codified as Division 1.

Article IV is re-codified as Article II.

Section 6. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

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

Section 9. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the city.

Section 10. 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, 2020.

Barbara Bender, Mayor

ATTEST:

Dave Emanuel, Mayor Pro Tem

Melisa Arnold, City Clerk

Cristy Lenski, Council Member

APPROVED AS TO FORM:

Solange Destang, Council Member

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

Gretchen Schulz, Council Member

Tod Warner, Council Member