

STATE OF GEORGIA

CITY OF SNELLVILLE

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR A 2.704± ACRE TRACT OF LAND LOCATED IN LAND LOT 99 OF THE 5TH LAND DISTRICT, GWINNETT COUNTY, GEORGIA, 3320 BRUSHY FORK ROAD, LOGANVILLE; 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 21-04

SIZE: 2.704± Acres

LOCATION: 3320 Brushy Fork Road, Loganville,
Georgia

TAX PARCEL: R5099 003

**REQUESTED ZONING MAP
AMENDMENT:** LM (Light Manufacturing) District

**APPROVED ZONING MAP
AMENDMENT:** OP (Office Professional) District

DEVELOPMENT/PROJECT: Office Building and Associated Parking for
Future Expansion of TOMCO2 Systems
Facility

PROPERTY OWNERS: Stephen Ray Moon and Walter Major Moon
Braselton, Georgia

APPLICANT/CONTACT: For TOMCO2 Systems Company
Shane Lanham, Esq.
Mahaffey Pickens Tucker, LLP
770-232-0000 or slanham@mptlawfirm.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 2.704± acre tract of land located at 3320 Brushy Fork Road, Loganville, Georgia (Tax Parcel R5099 003) for a 14,300 sq. ft. office building and associated for the future expansion of TOMCO2 Systems facility; 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 Official Zoning Map for the City of Snellville, Georgia for the 2.704± acre tract of land as shown on the conceptual rezoning site plan entitled “TOMCO2 Office Building”, sealed and dated 2-8-2021 (stamped received 2-10-2021), in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference is hereby amended and changed to OP (Office-Professional) District. This action is subject to the attachment of the following conditions (1-4):

CONDITIONS:

1. The property shall be developed in accordance with the conceptual site plan entitled “TOMCO2 Office Building”, sealed and dated 2-8-2021 (stamped received 2-10-2021), 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.

2. Use of and development of the property shall conform to the use provisions and zoning district regulations for the OP District.
3. Interparcel access and connectivity to the adjacent TOMCO2 Systems Facility property to the south (Parcel R5099 005) is prohibited; however, a pedestrian/golf cart sidewalk no wider than ten (10) feet in width shall be allowed to connect to the adjacent TOMCO2 property.
4. Signs higher than 15 feet or larger than 225 square feet are prohibited.

Section 2. The changes in zoning classification are 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 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 was adopted on _____, 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 April, 2021.

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

EXHIBIT "A"