

**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 5.58± ACRE TRACT OF LAND LOCATED IN LAND LOT 94 OF THE 5<sup>TH</sup> LAND DISTRICT, GWINNETT COUNTY, GEORGIA, 3491 ROSEBUD ROAD, SNELLVILLE, GEORGIA; TO ADD CONDITIONS AFFECTING THE PROPERTY; TO APPROVE VARIANCES; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**CASE NUMBER:** #RZ 21-02

**SIZE:** 5.58± Acres

**LOCATION:** 3491 Rosebud Road, Snellville, Georgia

**TAX PARCEL:** R5094 327

**CURRENT ZONING MAP:** RS-30 (Single-Family Residential) District

**REQUESTED ZONING MAP AMENDMENT:** RO (Residential for Older Persons) District

**DEVELOPMENT/PROJECT:** 21-Lot Single-family Detached (Age-Restricted 55+) Residential Subdivision

**PROPERTY OWNER:** Summit Chase Country Club, Inc.  
Snellville, Georgia

**APPLICANT/CONTACT:** John Gaskin  
Patrick Malloy Companies, LLC  
Atlanta, Georgia  
770-319-5258 or  
[john.gaskin@pmcommunities.com](mailto:john.gaskin@pmcommunities.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 5.58± acre tract of land located at 3491 Rosebud Road, Snellville, Georgia (Tax Parcel R5094 327) for a 21-lot single-family detached (age-restricted) residential subdivision development and incorporate it into the adjoining 75.29± acre 253-lot tract that was rezoned in June 2019 (case #RZ 19-02 LUP 19-01) for an age-restricted (55+) single-family detached residential community; 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 5.58± acre tract of land as shown on the conceptual rezoning site plan entitled “Rezoning Exhibit Summit Chase Snellville Georgia”, dated 1-22-2021 (stamped received 2-5-2021), in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference is hereby changed from RS-30 (Single-family Residential) District to RO (Residential for Older Persons) District. This action is subject to the attachment of the following conditions (1-17):

**CONDITIONS:**

1. The property shall be developed in accordance with the conceptual rezoning site plan entitled “Rezoning Exhibit Summit Chase Snellville Georgia”, dated 1-22-2021 (stamped received 2-5-2021), 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. Single-family detached dwellings shall not exceed a density of 3.41 units per acre. The project is to be deed restricted to residents aged 55 and older.
3. Stormwater detention facility(s) shall be fenced with either a black vinyl-coated chain link fence a minimum of four feet in height, or 6-8-foot-tall privacy fence.
4. Signs higher than 15 feet and larger than 225 sq. ft. in area are prohibited.
5. All corner lots and lots abutting an external public street shall be designated as “High Visibility Lots” and require a continuation of the front façade treatments to the corner side to continue the architectural theme that is presented on the front elevation to the corner elevation exposed to public view.
6. There shall be master protective covenants for the entire development that will include all phases of the development (recreation/amenity and residential) and such other usual and necessary covenants and restrictions to protect the quality and integrity of the single-family development.
7. A mandatory homeowner’s association shall be formed and incorporated for all single-family lots in the development and common areas which will include all component parts of the proposed development. The Homeowners’ Association shall be responsible for the oversight, upkeep, maintenance and repair of all common areas/facilities; private streets; curb and gutter; stormwater detention facilities, including detention ponds, underground pipe/structures, catch basins, headwalls and manholes; street frontage and amenity area landscaping; gated entrance areas; ground signage; walls and fencing; open space areas; amenities

- including tennis court, swimming pool, clubhouse, walking trails and other amenities, and the like contained within the overall development, and maintain adequate liability insurance and working capital.
8. The Homeowners' Association shall be responsible for the exterior maintenance of individual residences to include, at a minimum, painting of the exteriors on a rotation not to exceed ten (10) years.
  9. A Residential Drainage Plan (RDP) shall be submitted for review and approval by the Director of Planning and development for those lots so designated on the Final Plat prior to issuance of a building permit.
  10. A no-access easement shall be provided on the side and rear of all lots abutting Rosebud Road, Temple Johnson Road, and Brushy Fork Road.
  11. All driveways shall be a minimum of twenty-two feet (22') in length, measured from the front of the garage door to the leading edge of the sidewalk (edge closest to dwelling), and shall be wide enough to accommodate the parallel parking of two vehicles.
  12. All streets shall be privately owned and maintained by the Homeowners' Association.
  13. All approved zoning conditions and variances shall be referenced on any plat of a lot provided to homebuyers.
  14. Non-substantial variances, as determined by the Director of Planning and Development and/or City Manager for the design requirements, zoning requirements, development regulations, and construction requirements must be

submitted in writing for administrative review and approval by the Director of Planning and Development.

15. The 5.58± acre parcel shall be subject to and included within the Master Protective Covenants written for the entire Summit Chase development that includes the adjoining 75 acre parcel zoned in June 2019 for case #RZ 19-02 LUP 19-01.
16. Concurrent with the rezoning the Mayor and Council shall include the adoption of the following Architectural Plans submitted by the developer: TIFTON, WESTON, EDLSON, JEFFERSON, AUBURN, DENTON, PEARSON, and MONTROSE.
17. With the exception of the “High Visibility Lots” in Condition #5 (above), the approved architectural plans shall at a minimum be subject to the following Architectural Design Standards:
  - a. Forty-Five (45) percent of the units shall have a front facade composed of cedar shake accent with two-foot (2') masonry/brick water table. Side and rear elevations shall be constructed of stained/painted cedar shake and/or cement board siding.
  - b. Forty-Five (45) percent of the units shall have a front facade composed of cedar shake accent with thirty (30) percent brick/masonry accent. Side and rear elevations shall be constructed of stained/painted cedar shake and/or cement board siding.

- c. Ten (10) percent of the units shall have a front facade of cedar shake with Seventy (70) percent brick/masonry. Side and Rear elevations shall be constructed of stained/painted cedar shake and or cement board siding.

**Section 2.** (a) The requested variance from UDO Sec. 202-9.7, Building Separation to reduce the 15 foot minimum separation between buildings on the same site to 10 feet is approved.

(b) The requested variances from UDO Table 201-3.2.D, Allowed Building Materials to exceed the 50% maximum allowance for use of siding material on the front, side, and rear elevation of any one dwelling is approved, subject to Condition #17 (above).

(c) The requested variance from UDO Sec. 201-3.3.E.3, Garage Doors, to allow the garage doors facing a street to not be required to be located at least 10 feet behind front wall plane of the dwelling, not including front porches is approved.

(d) The requested variance from UDO Sec. 201-3.3.E.4, Garage Doors, to allow single-family detached dwelling garage doors facing a street to comprise more than 50% of the overall width of the front wall plane of the house is approved.

**Section 3.** 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 4.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 5.** (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 6.** Penalties in effect for violations of the 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 7.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed

**Section 8.** 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"