

STATE OF GEORGIA

CITY OF SNELLVILLE

ORDINANCE NO. _____

AN ORDINANCE TO DENY THE REQUEST 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 5TH LAND DISTRICT, GWINNETT COUNTY, GEORGIA, 3491 ROSEBUD ROAD, SNELLVILLE, GEORGIA; TO DENY VARIANCES; 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

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 deny RZ 21-02, which requested to amend the 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; and,

WHEREAS, the governing authority of the City of Snellville, Georgia desires to deny variances requested by the Applicant 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; 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. For reasons stated in the public hearing and upon a review of the application submitted by the Applicant, the request for a change to the Official Zoning Map for the City of Snellville, Georgia from RS-30 (Single-family Residential) District to RO (Residential for Older Persons) District 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 denied.

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 denied.

(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 denied.

(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 denied.

(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 denied.

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 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"