



TO: Mayor & City Council
FROM: Jane Whittington, City Clerk
DATE: November 1, 2024
RE: Veto by Mayor Hembree, RZ-24-004, 1036 & 1040 Whitehead Rd.

Mayor Hembree vetoed the ordinance for RZ-24-004. The Ordinance related to RZ-24-004 is attached to this memo.

The Charter provides: “Ordinances vetoed by the mayor shall be represented by the clerk to the council at its next regular meeting and, if the council should then or at its next regular meeting adopt the ordinance by an affirmative vote of four members, it shall become law.”

As required by the Charter, I am placing the Ordinance on the regular agenda for the November 12, 2024 Council Meeting. The council should take action on the ordinance at either the November 12, 2024 Council Meeting or the December 9, 2024 Council Meeting.


Under the language of the Charter stated above, the Council’s consideration and action is whether to approve Ordinance RZ-24-004 as attached to this memo. In order to approve the ordinance, an affirmative vote of four members is required. If Ordinance RZ-24-004 is not approved by an affirmative vote of four members, the mayor’s veto stands. Further, if the rezoning is not approved by an affirmative vote of four members, then no action will have been taken on the rezoning matter for RZ-24-004. RZ-24-004 will remain pending until action is taken by the council. If the veto stands, the options for the council include: to table, to deny, to approve (without conditions), to approve (with different conditions), or to allow withdrawal (if requested) by the applicant.

If you have any questions, please let me know or contract the city attorney to discuss.



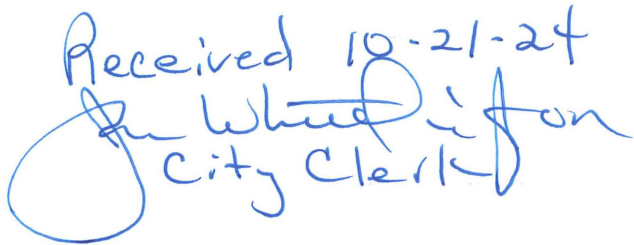
I am vetoing the action taken by City Council on October 14, 2024 on RZ-24-004 because I have concerns with the action taken by City Council.

Best regards,

A handwritten signature in blue ink that reads "Brandon Hembree". The signature is fluid and cursive, with a large initial 'B'.

Brandon Hembree
Mayor
City of Sugar Hill

October 21, 2024

A handwritten receipt stamp in blue ink. It reads "Received 10-21-24" on the first line, "In White" on the second line, and "City Clerk" on the third line. The signature "In White" is written in a cursive style.

ORDINANCE

RZ-24-004

1036 and 1040 Whitehead Road

TAX PARCELS: R7-306-009 and R7-306-111 Containing 4.61 acres +/-

The Council of the City of Sugar Hill, Georgia hereby ordains:

That "The Zoning Ordinance of the City of Sugar Hill" is hereby amended by amending the official zoning map adopted by that ordinance to classify the area described on Exhibit A which is attached hereto and incorporated herein by reference as Medium Density Single Family Residential District within the Central Business District (RS-100/CBD) on said official zoning map.

BE IT FURTHER ORDAINED that the following conditions are hereby amended on the property as conditions of zoning:

- SEE EXHIBIT "B"

IT IS SO ORDAINED, this 14th day of October, 2024.

Those voting in favor:

Those voting in opposition:

Mayor Pro Tem Alvin Hicks

Mayor Pro Tem Alvin Hicks

Council Member Joshua Page

Council Member Joshua Page

Council Member Gary Pirkle

Council Member Gary Pirkle

Council Member Meg Avery

Council Member Meg Avery

Council Member Taylor Anderson

Council Member Taylor Anderson

ATTEST:

City Clerk

Submitted to Mayor: 10/17/24

Approved by Mayor, this _____ day of _____ 2024.

*Returned by Mayor October 21, 2024
as vetoed*

Vetoed

Brandon Hembree

Brandon Hembree, Mayor

BK53051 PG0839

Exhibit A—Legal Description

All that tract or parcel of land lying and being in Land Lot 306, 7th District, Gwinnett County, Georgia, containing 4.124 acres as shown on a plat of survey for Larry Bailey by W. T. Dunahoo & Associates, Registered Land Surveyor, dated August 5, 1985, recorded in Plat Book 33, page 219A, Gwinnett County Plat Records, which plat is hereby referred to, incorporated herein and made a part of this description and being more particularly described as follows:

BEGINNING at an iron pin on the northwestern right-of-way of Whitehead Road said point being 1,148.46 feet southwesterly from the intersection of the right-of-way of Whitehead Road and the centerline of Broad Street as measured along the northwestern right-of-way of Whitehead where the property herein described joins the property now or formerly owned by Drummond; thence proceeding North 32 degrees 10 minutes 36 seconds West a distance of 206.77 feet to an iron pin; thence North 60 degrees 14 minutes 16 seconds East a distance of 99.13 feet to an iron pin; thence North 15 degrees 23 minutes 27 seconds West a distance of 373.08 feet to an iron pin; thence North 06 degrees 03 minutes 20 seconds West a distance 89.22 feet to an iron pin; thence South 64 degrees 05 minutes 57 seconds West a distance of 398.51 feet to an auto axle; thence proceeding South 25 degrees 24 minutes 16 seconds East a distance of 472.91 feet to an iron pin; thence North 59 degrees 46 minutes 01 second East a distance of 105.64 feet to an iron pin; thence South 32 degrees 10 minutes 09 seconds East a distance of 207.69 feet to an iron pin on the northwestern right-of-way of Whitehead Road; thence proceeding North 59 degrees 14 minutes 26 seconds East a distance of 100.23 feet to an iron pin, the place or point of beginning.

- All that tract or parcel of land lying and being in Land Lot 306 of the 7th District of Gwinnett County, Georgia, known and designated as Lot 63 of the J. C. Orr Subdivision as shown on plat of subdivision prepared by S. C. Moon, Surveyor, dated September, 1940, recorded in Plat Book 8, page 53, Gwinnett County, Georgia Records, and being more particularly described according to a plat of survey made by W. T. Dunahoo and Associates, Inc., dated September 12, 1980, as follows:

BEGINNING at an iron pin on the northwesterly side of Whitehead Road (based on a 30-foot right-of-way), 360 feet northwesterly as measured along the northwesterly side of Whitehead Road from the intersection formed by the northwesterly side of Whitehead Road with the center line of Spring Hill Drive; thence North 30 degrees 02 minutes West, 218 feet to an iron pin found; thence North 62 degrees 20 minutes East, 99 feet to an iron pin found; thence South 30 degrees 19 minutes East, 214.8 feet to an iron pin found on the northwesterly side of Whitehead Road; thence South 60 degrees 30 minutes West along the northwesterly side of Whitehead Road, 100 feet to the point of beginning.

RZ-24-004
Exhibit B

1. The applicant shall be required to submit a revised site plan meeting the conditions below for review.
2. At least three natural gas appliances shall be installed within each residential unit prior to a certificate of occupancy.
3. Covenants shall stipulate that 0% of the total number of dwelling units are allowed to be leased at any one time. Notice shall be recorded in the covenants.
4. Bailey Avenue shall remain a private street without through connection.
5. The buffers against parcels R7-306-011A and R7-306-008 shall be no less than fifteen (15) feet on all property lines that abut the proposed development.
6. The buffer adjacent to parcels R7-306-011A and R7-306-008 shall be substantially landscaped and maintained and shall provide suitable screening subject to review and approval by the Planning Director.
7. The developer shall fund the HOA reserve fund for the amount of \$1,000 per unit developed.
8. The cost of all stormwater management facilities shall be paid for by the developer.
9. There shall be a maximum of 7 units per acre allowed for the project.
10. Off-street parking shall not be allowed on Whitehead Road.

(c) Nothing in this section shall be construed to prohibit the adoption of other codes or regulations by reference, provided a copy of the referenced code or regulation is attached to the adopting ordinance.

Section 2.27. Submission of ordinances to the mayor; authenticating, recording, codification, printing.

(a) Procedure:

- (1) Every ordinance adopted by the council shall be presented promptly by the city clerk to the mayor.
- (2) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the clerk with or without approval or with disapproval. If the ordinance has been approved by the mayor, it shall become law upon its return to the clerk. If the ordinance is neither approved nor disapproved, it shall become law at 12:00 Noon on the tenth calendar day after its adoption. If the ordinance is disapproved, the mayor shall submit to the council, through the clerk, a written statement of the reasons for the veto. The clerk shall record upon the ordinance the date of its delivery to and receipt from the mayor.
- (3) Ordinances vetoed by the mayor shall be represented by the clerk to the council at its next regular meeting and, if the council should then or at its next regular meeting adopt the ordinance by an affirmative vote of four members, it shall become law.
- (4) The mayor may disapprove or reduce any item or items of appropriation in any ordinance. The approved part or parts of any ordinance making appropriations shall become law and the part or parts disapproved shall not become law unless subsequently passed by the city council over the mayor's veto as provided herein.

(b) The council shall provide for the preparation of a general codification of all of the ordinances of the city having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be published promptly, together with all amendments thereto, with this charter and any amendments thereto, and such codes of technical regulations and other rules and regulations as the city council may specify. This compilation shall be known and cited officially as "The Code of the City of Sugar Hill, Georgia." Copies of the code shall be furnished to all officers, departments, and agencies of the city and shall be made available for purchase of the written document by the public at a reasonable price as fixed by the council and by electronic format.

(c) The council shall cause each ordinance and each amendment to this charter to be printed promptly following its adoption and the printed ordinances and charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the council or available via electronic format. Following publication of the first code of the City of Sugar Hill and at all times thereafter, the ordinances and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in