



**City of Flowery Branch
City Council Meeting
Thursday, March 18, 2021, 6:00 PM
City of Flowery Branch City Hall
5410 West Pine Street, Flowery Branch GA, 30542**



CALL WORK SESSION TO ORDER:

PLEDGE OF ALLEGIANCE:

UNFINISHED BUSINESS - WORK SESSION:

- Consider a rezoning request submitted by Mr. Bill Stark. Request is to rezone six parcels totaling 118 +/- acres from M-1 (Light Industrial) to R-3 (Multi-Family) with the intention to construct a residential community consisting of single family detached homes and townhomes.
[Scanned complete rezoning application packet.pdf](#)
[Combined pdf.pdf](#)
[original layout & TSW suggestions.pdf](#)
[AIM Potential M1 Layout by Rochester.pdf](#)
[Staff Report .pdf](#)
[March 18 Buffer Plan.pdf](#)
- Second Reading of Ordinances 631, 632, 633, and 634 - variance requests for 6026 Lights Ferry Road, 6040, 6041, and 6043 Morrow Drive submitted by Mr. Chris Hill of Hillgrove Homes
[Variance Application.pdf](#)
[Variance Staff Report .pdf](#)
[ERBcombinedfinalemix.pdf](#)
- Second Reading of Ordinance 623 a rezoning request submitted by Mr. Bret Clark.
[FINAL SITE MARCH 18.pdf](#)
[McEver Letter of Intent 2020-10-29.pdf](#)
[Zoning Analysis 2020-10-30.pdf](#)
[B Clark Ap.pdf](#)
[Staff Report Bret Clark McEver Mixed-Use.pdf](#)
[Ordinance 20-623 Bret Clark McEver-Gainesville.pdf](#)

NEW BUSINESS -WORK SESSION:

- Minor Updates and Clarification to Utility Rates Resolution 20-020, effective March 18, 2021
[Executive Summary - Res 20-020 Updated March 2021.pdf](#)
[20-020 WS Rates Final Ordinance passed 8-20-2020.pdf](#)
[Fireline SDC - Other Entities.pdf](#)

DEPARTMENT REPORTS:

- City Manager Report
- City Clerk Report

- City Attorney Report
- Water/Wastewater Monthly Department Report
[WWW DEPARTMENT REPORT- March 2021.pdf](#)
- Public Works Monthly Department Report
[PUBLIC WORKS - Mar 2021.pdf](#)
- Police Monthly Department Report
[PD - March 2021.pdf](#)
- Planning and Development Monthly Department Report
[PCD - March 2021.pdf](#)
- Finance Monthly Department Report
[FINANCE Mar 2021.pdf](#)
- FY2021 - Quarter 2 Financial Update
- ClearGov - Citizen Transparency Website Presentation
- City Council Report

ADJOURNMENT WORK SESSION:**VOTING SESSION AGENDA****CALL VOTING SESSION TO ORDER:**

PUBLIC COMMENTS: - Please limit to two minutes

CONSENT AGENDA:

- Consider Mayor Miller Per Diem
[Mayor Miller Per Diem.pdf](#)

UNFINISHED BUSINESS - VOTING SESSION:

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EXECUTIVE SESSION:

ADJOURNMENT:

If you have a disability or impairment and need special assistance please contact the City Clerk prior to the meeting at 770-967-6371 - Meeting agenda is subject to change



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider a rezoning request submitted by Mr. Bill Stark. Request is to rezone six parcels totaling 118 +/- acres from M-1 (Light Industrial) to R-3 (Multi-Family) with the intention to construct a residential community consisting of single family detached homes and townhomes.

COUNCIL MEETING DATE: March 18, 2021

HISTORY:

Tracts were rezoned from R-2 (Residential) to M-1 (Light Industrial) with the intent to construct an industrial park in 2014. The industrial park was never constructed. Although a site plan was not include in the rezoning(s) of 2014, one was recently crafted for the City by Rochester and Associates, Inc. to show a potential layout for an industrial site (see attached - AIM Potential M1 Layout by Rochester). Please note this plan includes additional parcels of land that are not included in the Bill Stark rezoning request.

March 18, 2021 work session discussion concerning buffers (plan attached below).

FACTS AND ISSUES:

In reviewing the initial submittal Staff had concerns regarding the lack of connectivity between the two phases. Applicant would need to acquire additional land in order to connect the phases.

The applicant needs to have the entirety of the six parcels properly zoned for a higher density single family detached/townhome subdivision (R3) as part of the purchase agreement. The applicant is hesitant to acquire more land without having the proper zoning designation in place. In order to achieve this goal, and still meet the City's desire for a cohesive two-phase development, staff recommends rezoning all six parcels to the requested R3 zoning, but restricting phase two (parcels 08117 002001 & 08134 000006) as follows:

1. No permits shall be issued unless connectivity with phase one is achieved in a manner satisfactory to Flowery Branch Mayor and Council.
2. A revised site plan shall be submitted to Mayor and Council for approval prior to the issuance of any permits.
3. Elevations shall be submitted and approved by Mayor and Council prior to the issuance of any permits.
4. Ordinances 629 and 630 shall be amended to reflect the approved site plan, approved elevations, and all conditions as set forth by Mayor and Council.

OPTIONS:

March 4 Public Hearing & Work Session

March 18 - Work Session

April 1 - Work Session (If Needed)

April 15 - First Vote

May 6 - Work Session (If Needed)

May 20 - Second and Final Vote

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

No action - work session discussion only.

SAMPLE MOTION:

March 4 Public Hearing & Work Session

March 18 - Work Session

April 1 - Work Session (If Needed)

April 15 - First Vote

May 6 - Work Session (If Needed)

May 20 - Second and Final Vote

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Scanned complete rezoning application packet.pdf](#)
- [Combined pdf.pdf](#)
- [original layout & TSW suggestions.pdf](#)
- [AIM Potential M1 Layout by Rochester.pdf](#)
- [Staff Report .pdf](#)
- [March 18 Buffer Plan.pdf](#)



Development Planning & Engineering, Inc.

Letter of Intent
City of Flowery Branch
Mulberry Street

20-085



Development Planning & Engineering, Inc.

Letter of Intent

City of Flowery Branch
Community Development
PO Box 757
Flowery Branch, Georgia 30542

Rich Atkinson
Director of Planning and Community Development

RE: Mulberry Street Tract (Parcel numbers 08117 002008A, 08117002016D, 08117 002016B, 08117 002061, 08117 002001, 08134 000006)

Dear Mr. Atkinson:

Please let this letter serve as our letter of intent to accompany our Rezoning Application for the project located in the 5000 block of Mulberry Street in the City of Flowery Branch, Hall County, Georgia. The proposed use for the property is an approximately 117.9-acre tract that will be completed in two phases. We are proposing Phase 1, with an acreage of 48.15 and 55 single family detached houses along with 140 attached townhomes, yielding a density of 4.33 lots per acre. Phase 2 has a boundary acreage of 69.8 acres with 144 single family detached homes, yielding a density of 2.06 units per acre. We are requesting the subject property be rezoned from the existing M-1 zoning to R3 Residential Multi-Family district.

We request to have the following Development Standards for the proposed project. This illustrates Bill Stark Communities commitment to building a quality development for the City of Flowery Branch and surrounding neighbors.

Proposed Development Standards

Sidewalks	• Five feet in Width on Internal Streets
Proposed Buffer	• 40 Foot Natural Undisturbed Buffer adjacent to Residentially zoned properties as shown on the Zoning Exhibit

Landscape Strip	• 10-foot landscape strip along Mulberry Street with trees and shrubs every 50 linear feet
Driveways	• Driveway width minimum 16 feet
House Square Footage	• 1,600 Square Feet Minimum
Setbacks Minimum Lot & Square Footage	• Single Family Detached • Minimum 6,000 Square Feet Phase 1 • Minimum 6,875 Square Feet Phase 2 • Front Setback 20 feet • Side Setback 5 feet • Rear Setback 25 feet • Townhome- As shown on zoning plan
Architecture	• All Facades to be a combination of brick, stone, and/or concrete siding • Minimum 2-foot brick water table • Architectural Shingles • Minimum of a Two Car Garage
Landscaping	• Landscaped Entrance • Front, Side and Rear Yards shall be sodded • All lawn and common area maintenance provided by a Mandatory HOA within attached townhome portion • All common area maintenance provided by a Mandatory HOA within the single-family subdivision (Phase 1 & Phase 2)
Proposed Amenities	• Parks and natural areas located within Phase 1 and Phase 2 • Active Amenity, walking path, dog park and large central park in Phase 1 • Recreation Area in Phase 2

According to the City of Flowery Branch comprehensive plan, housing should be “diverse and affordable housing that meets the needs of existing and future city residents, with a desirable mix of housing types, detached, single-family and townhouses. For planned traditional neighborhoods, acceptable uses are primarily single-family residences. Duplexes, townhouses, and accessory apartments may be permitted. Greens, plazas, and pocket parks incorporated into development plans.”

We feel that our project supports the spirit of the recommendations of the Comprehensive Plan by providing a mix of housing types and various parks and amenities with 199 single family detached units and 140 townhomes.

YOUR ENGINEERING PARTNER WITH THE *EXPERIENCE* YOU EXPECT AND THE *SERVICE* YOU DESERVE

dpengr.com • 5074 Bristol Industrial Way Suite A Buford, Georgia 30518 • Telephone: 770.271.2868 • Fax: 770.271.0779

We appreciate your consideration of this rezoning request and please do not hesitate to give us a call if you have any questions.

Sincerely,

Tonya Woods
Development Planning and Engineering

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Development Planning & Engineering, Inc.

Rezoning Application City of Flowery Branch Mulberry Street

20-085



REZONING APPLICATION

Date: 12/4/2020

Address of Request:

Mulberry Street (Parcels parcels 08117 002008A, 08117002016D, 08117 002016B,
08117 002061, 08117 002001, 08134 000006)

Tax Map # See above Current Zoning: M1

Is this site located within the boundaries of the historic district? No
Yes

Currently a conforming use?

Any conditions of zoning, CUP's, etc.? NA

Applicant Information

Name: Stark Land Development /Development Planning and Engineering

Address: 3719 Winder Highway, Flowery Branch Georgia 30542

5074 Bristol Industrial Way, Suite B, Buford Georgia 30518

E-mail address: billstarkproperties@gmail.com twoods@dpengr.com

Phone number: 770.231.3829 770.271.2868

Signature:

Notary:



Property owner information (if different than the applicant)

Property owner (please print): _____

Signature of property owner: _____

Notary:

Property Information

Tax Map Number: parcels (08117 002008A, 08117002016D, 08117 002016B, 08117 002061, 08117 002001, 08134 000006)

Current Zoning: M1 Total Acres: 117.962

Is this property located within the city-limits of Flowery Branch? Yes

Proposed City of Flowery Branch Zoning: R3

Current Use: Vacant Land _____

Please review the Flowery Branch Code of Ordinances, Appendix C, "Zoning Ordinance", Article 34, for complete requirements.

Please provide the following at time of submittal in (one hard copy and digitally):

- Legal description
- Current survey of property



- Site plan shall meet the requirements of the Flowery Branch Code of Ordinances; Appendix C, “Zoning Ordinance”, Article 34 sections 34.5
- Development statistics per the Flowery Branch Code of Ordinances; Appendix C, “Zoning Ordinance”, Article 34 sections 34.6
- Analysis requirements per the Flowery Branch Code of Ordinances; Appendix C, “Zoning Ordinance”, Article 34 sections 34.7
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)
- Names and addresses of adjoining property owners
- Reasons for requesting rezoning
- Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect the subject property

Conflict of Interest Disclosure

Identify all members of the City Council of the City of Flowery Branch and Employees of the City of Flowery Branch Community Development Department who

Have a property interest in the real property affected by this request

Have a financial interest (direct ownership interest) of the total assets or capital stock of a business entity where such ownership interest is more than 10% in any business entity which has a property interest in the real property affected by this request

Have a member of the family (spouse, mother, father, brother, sister, son or daughter) having a property financial interest as herein defined, in the real property affected by this request



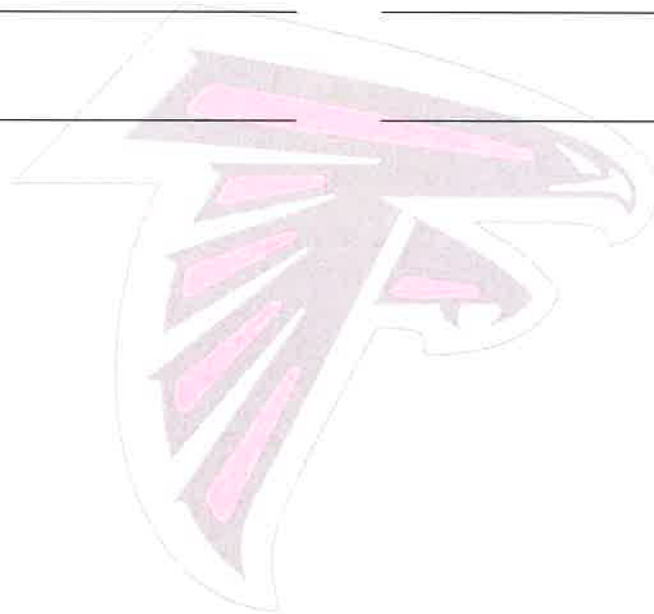
Disclosure of Campaign Contributions

List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total \$250.00 or more or to whom gifts were made having a total value of \$250.00 or more.

Elected Officials Name

Amount of Description of Gift

_____	_____
_____	_____



CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____





REZONING ADDITIONAL INFORMATION REQUIREMENT

Date:

____12/14/2020_____

Address of Request:

____Mulberry Street_____

Tax Map # ____Multiple parcels_____ Current Zoning: _M1_____

Please submit an analysis of the proposed project including:

1. Value of improvements upon complete build out.
Phase One approximately 44 million, Phase Two approximately 40 million
2. Property tax valuation based upon existing millage rate (indicate total tax expectation if project is phased).
3. Schedule of the total build out (showing a timeline of construction in months/years if project is phased). Phase One approximately 36 months, Phase Two 5 years
4. Anticipated total square footage (heated) to be built in the requested number of units.
542,000 Square feet
5. Total acreage developed with units. 117.96 acres
6. Total acreage for right of way and roads. 5850 linear feet x 50 feet
ROW=292,500 square feet= 6.7148 acres in ROW
7. Total acreage of open space/common area (include plan for maintenance of open space/common area). 19 acres/Phase 1 32 acres/Phase 2
8. Acreage required for buffer and watershed protection.



- Does the buffer comply with the current City ordinance? Yes
 - Do individual property lines for lots extend into the buffer? - Does the Developer intend to dedicate any of the site area to the City? If so, for what purpose? The majority of the stream buffers are located within common area, but there are several lots where the stream buffer encroaches.
9. Does your proposal consider Multi Transportation alternatives? (Please describe in detail) None
10. Please identify all amenities and total number of acres they incorporate by complete description. Multiple open spaces, parks, natural areas, and developed amenities. 19 acres/Phase 1 32 acres/Phase 2
11. Number of street lights and separation table as proposed on your site plan. Approximately 60 street lights
12. Will Technology Development be included in this development? Fiber/Internet/TV
13. List the total linear feet and cubic yards for sidewalks.
- Phase 1
- $5850 \text{ linear feet} \times 2 = 11,700 \times 5 \text{ feet in width} = 58,500 \times .33 \text{ feet} = 19,305 / 27 = 715 \text{ cubic yards}$
- Phase 2
- $7125 \text{ linear feet} \times 2 = 14,250 \times 5 \text{ feet in width} = 71,250 \times .33 \text{ feet} = 23,512 / 27 = 870 \text{ cubic yards}$
14. Are appropriate storm water controls provided in your proposal? Are these controls completely and accurately reflected on all drawings and plans? Conceptual Stormwater facilities shown, to be fully engineered prior to land disturbance permitting



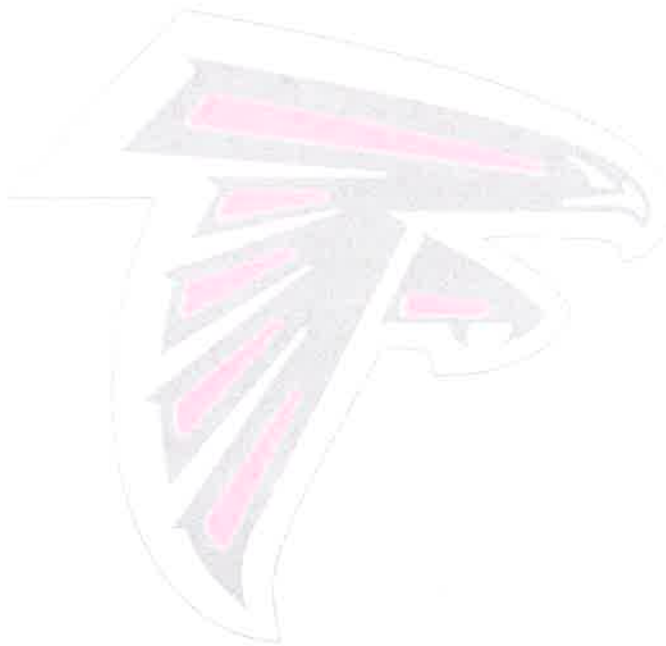
15. Has a transportation/traffic study been done to predict the impact of anticipated traffic? Has the project been reviewed by all appropriate County and State agencies relating to transportation issues? No
16. Does the proposal provide for utilization of “reuse” water? Is this depicted on the plans? Do the plans provide for storage of “reuse” water? No
17. What is the total capacity for daily Wastewater Management? $270 \times 339 = 91,530$ GPD
18. What is the anticipated maximum daily water consumption? Are low flow fixtures required by the development? 270 GPD per day per unit
19. Has a slope and grade study been done on this development? Does the study reflect density placement? Preliminary evaluation
20. Please identify what public safety needs are being considered for the project? NA
21. Has the Hall County School System been notified of the proposed density for this project? Not at this time
22. Please provide a copy of all private covenants and/or architectural guidelines to be filed regarding this development. To be provided
23. Information as required under Ordinance No. 349 for preliminary plat approval if rezoning involves subdivision. Ordinance No. 349 can be found at www.flowerybranchga.org



CITY STAFF ONLY

Received By: _____

Date: _____ Total Fee: _____



Rezoning Applicant's Response

Mulberry Street

Flowery Branch

(a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. *The proposed use of a R3 is suitable in view of the use of nearby properties.*

(b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. *Currently the project is zoned agriculture. The proposed zoning of R3 will not adversely affect the existing use or usability of the adjacent or nearby property.*

(c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. *No, the property does not have a reasonable economic use as currently zoned as industrial.*

(d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. *The proposed zoning of R3, and a planned 199 single family houses and 144 townhomes unit development would not cause an excessive or burdensome use of streets, facilities, utilities or schools.*

(e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. *The City's Comprehensive Plan shows the area being mixed use in nature, but this area would also be conducive to a neighborhood with varying housing types and prices. According to the Plan, one goal is:*

"3. Housing: Protect neighborhoods and promote diverse and affordable housing that meets the needs of existing and future city residents. Techniques to implement this goal include: residential and planned unit development zoning districts, subdivision regulations, community development plans, neighborhood improvement plans and programs, and housing code enforcement."

This R3 zoning district would promote additional housing options within the City.

(f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. *Additional residential units within this area would further the growth of this part of the City and County. Due to the surrounding property uses, the property would best be suited for a zoning of the R3 zoning classification.*

(g) Existing use(s) and zoning of the subject property and nearby properties. *Within the immediate area, there are commercial and residential uses.*

(h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under

the existing zoning district classification. *This property has been vacant, due to the topography and creeks, the proposed plan encompasses protection of these areas.*

(i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. *This development would not deter improvement of the adjacent properties. It will increase housing options within the area.*

(j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. *This would not create an isolated zoning district. A mix of single family and attached single family is a compatible to the surrounding areas.*

(k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. *No negative effects would arise due to a change in the use or character of this zoning district.*

(l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. *The environmental impact would be minimal, as all local and state municipality ordinances regarding drainage, erosion, flooding, air and water quality would be met. The sensitive areas located within the site have been protected.*

(m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. *The Comprehensive Map provides for this area to be mixed use. The proposed plan will meet the purpose of the zoning ordinance.*



Development Planning & Engineering, Inc.

Legal Description
City of Flowery Branch
Mulberry Street

20-085

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 117 of the 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows.

Beginning at the Land Lot Corner common to Land Lots 116, 117, 133 and 134; THENCE North 15 degrees 02 minutes 30 seconds East for a distance of 1214.17 feet to a point on the easterly right-of-way of Flowery Way (50' r/w), said point being THE TRUE POINT OF BEGINNING;

THENCE North 54 degrees 28 minutes 51 seconds West a distance of 79.88 feet to a point;

THENCE along a curve to the right for an arc length of 83.93 feet, having a radius of 97.73 feet, being subtended by a chord bearing North 27 degrees 50 minutes 09 seconds West, for a distance of 81.37 feet to a point;

THENCE North 00 degrees 37 minutes 14 seconds East a distance of 37.65 feet to a point;

THENCE along a curve to the left for an arc length of 161.59 feet, having a radius of 1062.34 feet, being subtended by a chord bearing North 02 degrees 23 minutes 32 seconds East, for a distance of 161.43 feet to a point;

THENCE North 59 degrees 21 minutes 52 seconds East a distance of 550.94 feet to a point;

THENCE North 29 degrees 41 minutes 03 seconds West a distance of 227.76 feet to a point;

THENCE North 60 degrees 06 minutes 17 seconds East a distance of 95.98 feet to a point;

THENCE North 05 degrees 32 minutes 20 seconds West a distance of 505.00 feet to a point;

THENCE North 30 degrees 48 minutes 47 seconds West a distance of 200.02 feet to a point;

THENCE North 60 degrees 07 minutes 29 seconds East a distance of 546.35 feet to a point;

THENCE North 61 degrees 45 minutes 30 seconds West a distance of 170.77 feet to a point;

THENCE North 40 degrees 21 minutes 09 seconds East a distance of 281.72 feet to a point;

THENCE North 62 degrees 53 minutes 14 seconds West a distance of 366.82 feet to a point;

THENCE North 08 degrees 38 minutes 44 seconds West a distance of 3.72 feet to a point;

THENCE North 34 degrees 56 minutes 31 seconds East a distance of 32.42 feet to a point;

THENCE North 56 degrees 32 minutes 25 seconds East a distance of 104.80 feet to a point;

THENCE North 27 degrees 43 minutes 17 seconds East a distance of 60.76 feet to a point;

THENCE North 39 degrees 43 minutes 06 seconds East a distance of 52.39 feet to a point;

THENCE North 46 degrees 23 minutes 29 seconds East a distance of 104.80 feet to a point;

THENCE North 45 degrees 36 minutes 51 seconds East a distance of 102.84 feet to a point;

THENCE North 60 degrees 29 minutes 30 seconds East a distance of 49.12 feet to a point;

THENCE North 54 degrees 07 minutes 44 seconds East a distance of 93.75 feet to a point;

THENCE North 42 degrees 33 minutes 43 seconds East a distance of 80.31 feet to a point located on the westerly right-of-way of Mulberry Street;

THENCE South 21 degrees 44 minutes 30 seconds East a distance of 175.25 feet along said right-of-way to a point;

THENCE along a curve to the right for an arc length of 313.04 feet, having a radius of 2200.00 feet, being subtended by a chord bearing South 17 degrees 39 minutes 56 seconds East, for a distance of 312.77 feet along said right-of-way to a point;

THENCE South 13 degrees 35 minutes 21 seconds East a distance of 195.20 feet along said right-of-way to a point;

THENCE along a curve to the left for an arc length of 57.05 feet, having a radius of 2300.00 feet, being subtended by a chord bearing South 14 degrees 18 minutes 00 seconds East, for a distance of 57.05 feet along said right-of-way along said right-of-way to a point;

THENCE South 15 degrees 10 minutes 26 seconds East a distance of 185.01 feet along said right-of-way to a point;

THENCE South 56 degrees 37 minutes 14 seconds West a distance of 346.80 feet leaving said right-of-way to a point;

THENCE South 58 degrees 04 minutes 45 seconds East a distance of 70.72 feet to a point;

THENCE South 33 degrees 41 minutes 04 seconds East a distance of 326.98 feet to a point;

THENCE North 68 degrees 43 minutes 53 seconds East a distance of 204.17 feet to a point located on the southwesterly right-of-way of Mulberry Street;

THENCE South 34 degrees 22 minutes 19 seconds East a distance of 56.13 feet along said right-of-way to a point;

THENCE South 50 degrees 07 minutes 20 seconds East a distance of 100.00 feet along said right-of-way to a point;

THENCE South 59 degrees 48 minutes 22 seconds East a distance of 100.00 feet along said right-of-way to a point;

THENCE South 59 degrees 21 minutes 30 seconds West a distance of 309.92 feet leaving said right-of-way to a point;

THENCE South 48 degrees 30 minutes 26 seconds East a distance of 170.07 feet to a point;

THENCE North 47 degrees 46 minutes 21 seconds East a distance of 318.84 feet to a point located on the southwesterly right-of-way of Mulberry Street;

THENCE along a curve to the right for an arc length of 94.92 feet, having a radius of 425.00 feet, being subtended by a chord bearing South 53 degrees 05 minutes 41 seconds East, for a distance of 94.72 feet along said right-of-way to a point;

THENCE South 46 degrees 41 minutes 47 seconds East a distance of 67.27 feet along said right-of-way to a point;

THENCE South 47 degrees 35 minutes 36 seconds West a distance of 347.20 feet leaving said right-of-way to a point;

THENCE South 27 degrees 38 minutes 32 seconds East a distance of 367.62 feet to a point;

THENCE South 60 degrees 15 minutes 22 seconds West a distance of 649.98 feet to a point;

THENCE South 60 degrees 16 minutes 13 seconds West a distance of 352.85 feet to a point;

THENCE North 48 degrees 12 minutes 16 seconds West a distance of 30.32 feet to a point;

THENCE North 02 degrees 53 minutes 11 seconds West a distance of 24.24 feet to a point;

THENCE North 24 degrees 11 minutes 12 seconds West a distance of 30.92 feet to a point;

THENCE North 40 degrees 44 minutes 55 seconds East a distance of 27.08 feet to a point;

THENCE North 07 degrees 29 minutes 14 seconds East a distance of 37.47 feet to a point;

THENCE North 56 degrees 00 minutes 04 seconds West a distance of 35.03 feet to a point;

THENCE South 78 degrees 44 minutes 58 seconds West a distance of 37.19 feet to a point;

THENCE North 10 degrees 05 minutes 48 seconds West a distance of 14.68 feet to a point;

THENCE North 11 degrees 22 minutes 48 seconds East a distance of 35.30 feet to a point;

THENCE North 06 degrees 31 minutes 58 seconds East a distance of 20.38 feet to a point;

THENCE North 39 degrees 32 minutes 23 seconds West a distance of 28.59 feet to a point;

THENCE North 04 degrees 29 minutes 41 seconds West a distance of 33.89 feet to a point;

THENCE North 00 degrees 17 minutes 51 seconds West a distance of 39.43 feet to a point;

THENCE North 04 degrees 15 minutes 12 seconds East a distance of 30.56 feet to a point;

THENCE South 60 degrees 19 minutes 46 seconds West a distance of 742.04 feet to a point, said point being THE TRUE POINT OF BEGINNING.

Said tract contains an area of 48.156 acres more or less.

Together with:

All that tract or parcel of land lying and being in Land Lot 116 and 117 of the 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows.

Beginning at the Land Lot Corner common to Land Lots 116, 117, 133 and 134; THENCE South 30 degrees 22 minutes 57 seconds East for a distance of 1101.65 feet to a point; THENCE South 30 degrees 21 minutes 16 seconds East for a distance of 218.48 feet to a point, said point being THE TRUE POINT OF BEGINNING;

THENCE North 48 degrees 22 minutes 48 seconds East a distance of 875.57 feet to a point;
THENCE North 11 degrees 52 minutes 38 seconds East a distance of 26.55 feet to a point;
THENCE North 50 degrees 18 minutes 59 seconds East a distance of 47.92 feet to a point;
THENCE North 01 degrees 30 minutes 02 seconds West a distance of 62.59 feet to a point;
THENCE North 13 degrees 27 minutes 39 seconds East a distance of 69.62 feet to a point;
THENCE North 73 degrees 24 minutes 27 seconds East a distance of 32.42 feet to a point;
THENCE North 28 degrees 33 minutes 29 seconds West a distance of 42.32 feet to a point;
THENCE North 17 degrees 38 minutes 29 seconds East a distance of 31.76 feet to a point;
THENCE North 32 degrees 22 minutes 06 seconds East a distance of 80.36 feet to a point;
THENCE North 74 degrees 02 minutes 00 seconds East a distance of 46.63 feet to a point;
THENCE North 12 degrees 58 minutes 57 seconds East a distance of 49.55 feet to a point;
THENCE North 07 degrees 31 minutes 42 seconds West a distance of 50.45 feet to a point;
THENCE North 30 degrees 16 minutes 15 seconds East a distance of 26.90 feet to a point;
THENCE North 10 degrees 19 minutes 38 seconds West a distance of 26.62 feet to a point;
THENCE North 58 degrees 48 minutes 33 seconds East a distance of 24.02 feet to a point;
THENCE North 41 degrees 18 minutes 24 seconds East a distance of 34.46 feet to a point;
THENCE North 16 degrees 53 minutes 06 seconds West a distance of 36.79 feet to a point;
THENCE North 77 degrees 44 minutes 30 seconds East a distance of 26.19 feet to a point;
THENCE North 06 degrees 55 minutes 46 seconds East a distance of 19.96 feet to a point;
THENCE North 58 degrees 22 minutes 20 seconds East a distance of 32.80 feet to a point;
THENCE North 52 degrees 55 minutes 19 seconds East a distance of 39.42 feet to a point;
THENCE North 44 degrees 28 minutes 57 seconds East a distance of 28.81 feet to a point;
THENCE North 38 degrees 27 minutes 51 seconds East a distance of 28.60 feet to a point;
THENCE North 63 degrees 30 minutes 30 seconds West a distance of 21.24 feet to a point;
THENCE North 14 degrees 15 minutes 36 seconds West a distance of 47.62 feet to a point;
THENCE North 41 degrees 07 minutes 00 seconds East a distance of 23.46 feet to a point;
THENCE North 08 degrees 45 minutes 20 seconds West a distance of 35.65 feet to a point;
THENCE North 10 degrees 03 minutes 40 seconds East a distance of 44.66 feet to a point;
THENCE North 13 degrees 34 minutes 23 seconds West a distance of 63.51 feet to a point;
THENCE South 72 degrees 35 minutes 22 seconds West a distance of 35.85 feet to a point;
THENCE North 27 degrees 17 minutes 06 seconds East a distance of 43.82 feet to a point;
THENCE North 29 degrees 54 minutes 21 seconds West a distance of 49.61 feet to a point;
THENCE North 26 degrees 51 minutes 13 seconds West a distance of 95.89 feet to a point;
THENCE North 17 degrees 28 minutes 07 seconds West a distance of 55.39 feet to a point;
THENCE North 23 degrees 53 minutes 55 seconds West a distance of 149.25 feet to a point;
THENCE North 17 degrees 29 minutes 34 seconds West a distance of 47.91 feet to a point;
THENCE North 31 degrees 06 minutes 18 seconds West a distance of 33.89 feet to a point;

THENCE North 12 degrees 15 minutes 25 seconds West a distance of 26.69 feet to a point;
 THENCE North 65 degrees 43 minutes 13 seconds East a distance of 21.21 feet to a point;
 THENCE North 60 degrees 10 minutes 55 seconds East a distance of 787.01 feet to a point;
 THENCE North 21 degrees 58 minutes 54 seconds West a distance of 529.33 feet to a point;
 THENCE North 50 degrees 49 minutes 21 seconds East a distance of 298.67 feet to a point;
 THENCE South 42 degrees 11 minutes 33 seconds East a distance of 439.12 feet to a point;
 THENCE North 47 degrees 05 minutes 23 seconds East a distance of 201.10 feet to a point located on the southwesterly right-of-way of Mulberry Street;
 THENCE South 46 degrees 31 minutes 54 seconds East a distance of 178.61 feet along said right-of-way to a point;
 THENCE South 56 degrees 13 minutes 11 seconds West a distance of 409.48 feet leaving said right-of-way to a point;
 THENCE South 21 degrees 49 minutes 31 seconds East a distance of 400.05 feet to a point;
 THENCE along a curve to the left for an arc length of 289.42 feet, having a radius of 60.00 feet, being subtended by a chord bearing South 09 degrees 09 minutes 33 seconds East, for a distance of 80.01 feet to a point;
 THENCE North 80 degrees 50 minutes 59 seconds East a distance of 12.88 feet to a point;
 THENCE South 14 degrees 42 minutes 21 seconds East a distance of 467.39 feet to a point located on the northwesterly right-of-way of Lanier Parkway State Hwy. #365 (I-985);
 THENCE South 31 degrees 59 minutes 20 seconds West a distance of 146.27 feet along said right-of-way to a point;
 THENCE South 29 degrees 20 minutes 32 seconds West a distance of 506.50 feet along said right-of-way to a point;
 THENCE South 36 degrees 25 minutes 35 seconds West a distance of 258.07 feet along said right-of-way to a point;
 THENCE South 20 degrees 56 minutes 49 seconds West a distance of 240.77 feet along said right-of-way to a point;
 THENCE South 36 degrees 05 minutes 29 seconds West a distance of 215.20 feet along said right-of-way to a point;
 THENCE North 67 degrees 12 minutes 40 seconds West a distance of 10.00 feet along said right-of-way to a point;
 THENCE South 22 degrees 47 minutes 20 seconds West a distance of 701.09 feet along said right-of-way to a point;
 THENCE South 30 degrees 41 minutes 18 seconds West a distance of 300.64 feet along said right-of-way to a point;
 THENCE South 23 degrees 03 minutes 37 seconds West a distance of 301.00 feet along said right-of-way to a point;
 THENCE South 26 degrees 52 minutes 28 seconds West a distance of 325.95 feet along said right-of-way to a point;
 THENCE North 30 degrees 22 minutes 57 seconds West a distance of 1255.51 feet leaving said right-of-way to a point, said point being THE TRUE POINT OF BEGINNING.

Said tract contains an area of 69.806 acres more or less.



Development Planning & Engineering, Inc.

Adjacent Property Owners
City of Flowery Branch
Mulberry Street

20-085



Development Planning & Engineering, Inc.

Adjacent Property Owners
Mulberry Street Rezoning
M1-R3

08117 002053
DONALD SHANE JONES
5533 OAKFERN TRL
FLOWERY BRANCH, GA 30542

08117 002052
CNC PROPERTIES, LLC
6164 LAKE LANIER HEIGHTS ROAD
BUFORD, GA 30518

08117 002051
CARL N. CLARK ESTATE PROPERTIES, LLC
6164 LAKE LANIER HEIGHTS ROAD
BUFORD, GA 30518

08117 002050
CNC PROPERTIES, LLC
6164 LAKE LANIER HEIGHTS ROAD
BUFORD, GA 30518

08117 002049
WILLIAM TERRY MOONEY
MOONEY JOAN
BOX 307 FLOWERY WAY
FLOWERY BRANCH, GA 30542

08117 002062
GLORIA ANN PEAK
2640 LANIER BEACH SOUTH RD.
CUMMING, GA 30041

08117 002016L
GARY LEE PRUITT
5693 FLOWERY WAY
FLOWERY BRANCH, GA 30542

08117 002016E
ELIZABETH I JOHNSON
5707 FLOWERY BRANCH WAY
FLOWERY BRANCH, GA 30542

08117 002042
LILLIE RHONDA MCKENZIE
MCKENZIE JOHN R
5733 FLOWERY WAY
FLOWERY BRANCH, GA 30542

08116 000009
DERRELL CHASTAIN
5737 FLOWERY WAY
FLOWERY BRANCH, GA 30542

08116 000013
ROBERT WAYNE CARROLL III
P O BOX 15424
CHESAPEAKE, VA 23328

08116 000037
CATHY E LONGINO
JOINER NANCY E
6533 BEARING DRIVE
FLOWERY BRANCH, GA 30542

08116 000038
MARTHA N SPARKS
6526 BEARING DRIVE
FLOWERY BRANCH, GA 30542

08116 000043
MICHAEL ERNEST PEKRUL
PEKRUL, SHEILA
6467 FLOWERY WAY
FLOWERY BRANCH, GA 30542

08116 000044
MARIA L WOLSCHLEGER
6473 FLOWERY WAY
FLOWERY BRANCH, GA 30542

08116 000046
ANNA L ROSADO
ROSADO JR EDWIN D
6485 FLOWERY WAY
FLOWERY BRANCH, GA 30542

YOUR ENGINEERING PARTNER WITH THE **EXPERIENCE** YOU EXPECT AND THE **SERVICE** YOU DESERVE

dpengr.com • 5074 Bristol Industrial Way Suite A Buford, Georgia 30518 • Telephone: 770.271.2868 • Fax: 770.271.0779

08116 000047
KEITH HENRY WEIMER
KARANTZA, KIMBERLY ANN
6501 FLOWERY WAY
FLOWERY BRANCH, GA 30542

08116 000048
CHRISTOPHER PAUL ZETROUER
ZETROUER, TONYA
6512 FLOWERY WAY
FLOWERY BRANCH, GA 30542

08116 000023
THE CHARLES D. & SHIRLEY L. TITSHAW FAMI
1840 MADDOX ROAD
HOSCHTON, GA 30548

08117 002001A
JACOBO VITAL
VITAL MARIA M
5656 MULBERRY STREET
FLOWERY BRANCH, GA 30542

08117 002002
RICKEY L PAYNE
5648 MULBERRY STREET
FLOWERY BRANCH, GA 30542

08117 002005
CARLTON G BINGHAM
P O BOX 61
FLOWERY BRANCH, GA 30542

08117 002003
EDMOND JUNIOR BINGHAM
BINGHAM SANDRA K
5632 MULBERRY ST
FLOWERY BRANCH, GA 30542

08117 002019
TEX R PENLAND
5602 MULBERRY ST
FLOWERY BRANCH, GA 30542

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dpengr.com • 5074 Bristol Industrial Way Suite A Buford, Georgia 30518 • Telephone: 770.271.2868 • Fax: 770.271.0779

08117 002016C
JOHNNY A MCCLURE
P O BOX 44
FLOWERY BRANCH, GA 30542

08117 002016A
SUE C. CLARK PROPERTIES, LLC
6164 LAKE LANIER HEIGHTS
BUFORD, GA 30518

08117 002006
CARL N. CLARK ESTATE PROPERTIES, LLC
6164 LAKE LANIER HEIGHTS
BUFORD, GA 30518

08117 002007
BAILEY FAMILY ENTERPRISES, LLC
P.O. BOX 868
FLOWERY BRANCH, GA 30542

08117 002012
BAILEY FAMILY ENTERPRISES, LLC
P.O. BOX 868
FLOWERY BRANCH, GA 30542

08117 002010
DARRELL K TERRY
P O BOX 420
FLOWERY BRANCH, GA 30542

08117 002015
JW BAILEY FAMILY PARTNERSHIP LLC
P.O. BOX 267
FLOWERY BRANCH, GA 30542

08117 002059
JW BAILEY FAMILY PARTNERSHIP LLC
P.O. BOX 267
FLOWERY BRANCH, GA 30542

08117 002048
CARL N CLARK
6164 LAKE LANIER HEIGHTS ROAD
BUFORD, GA 30518

08116 000045
JOHN W MARSHALL
MARSHALL BILLIE J
6479 FLOWERY WAY
FLOWERY BRANCH, GA 30542

08116 000022 and
08116 000023
THE CHARLES D. & SHIRLEY L. TITSHAW FAMI
1840 MADDUX ROAD
HOSCHTON, GA 30548

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Development Planning & Engineering, Inc.

Property Inspection Form
City of Flowery Branch
Mulberry Street

20-085

I, _____
owner of parcels 08117 002008A, 08117002016D, 08117 002016B, 08117 002061, 08117
002001, 08134 000006, hereby grant the City of Flowery Branch Staff and/or City Council to inspect
the above subject property as necessary for the rezoning application process.

Printed name:

Signature, date



1X6 Fascia
 1X4 Frieze
 1X4 Trim
 1X6 Header
 1X8 Band

Stark Properties
Mulberry Park/Flowery Branch Townhomes
“A” Elevation

01.21.21



1x6 Fascia
 1x4 Frieze
 1x4 Trim
 1x6 Header
 1x8 Band

Stark Properties
Mulberry Park/Flowery Branch Townhomes
“B” Elevation

01.21.21





1X6 Fascia
1X4 Frieze
1X4 Trim
1X6 Header
1X8 Band

Stark Properties **Mulberry Park/Flowery Branch Townhomes** **“C” Elevation**

01.21.21



1x6 Fascia
 1x4 Frieze
 1x4 Trim
 1x6 Header
 1x8 Band

Stark Properties
Mulberry Park/Flowery Branch Townhomes
“A” Elevation

01.22.21





1x6 Fascia
 1x4 Frieze
 1x4 Trim
 1x6 Header
 1x8 Band

Stark Properties
Mulberry Park/Flowery Branch Townhomes
“B” Elevation

01.22.21



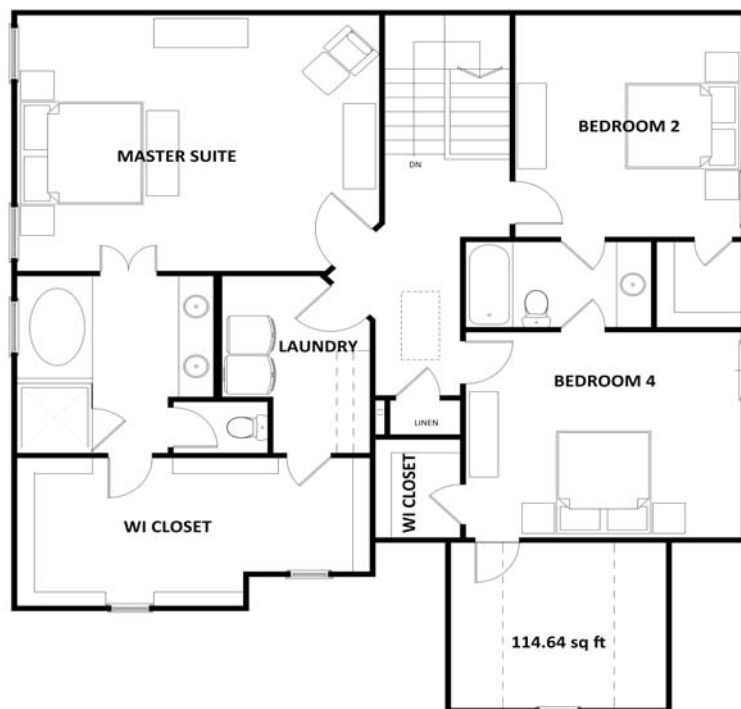
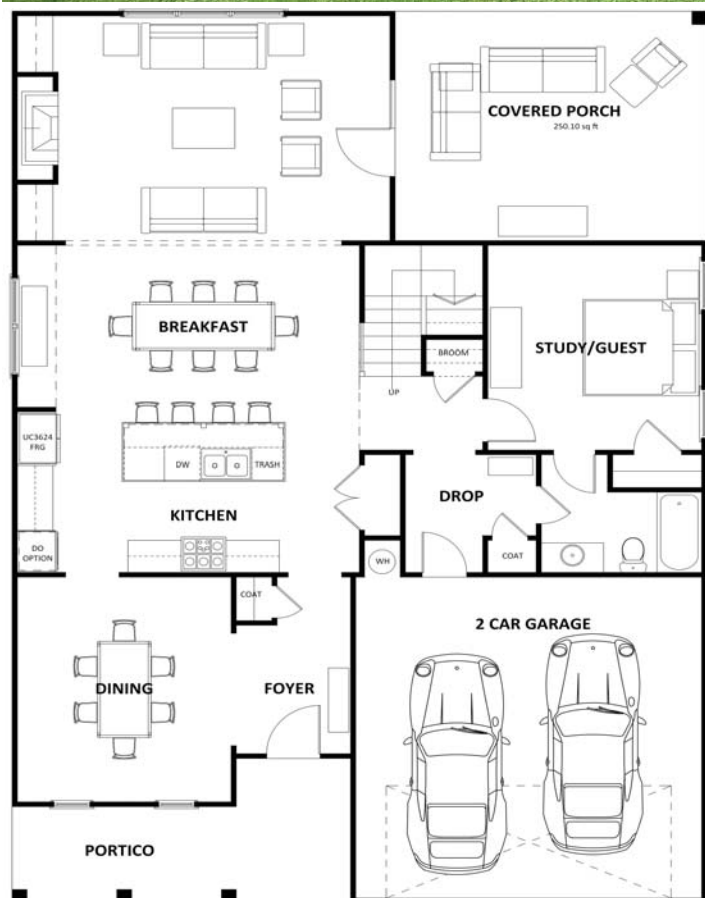
The drawings presented are illustrative of character and design intent only, and are subject to change based upon final design considerations (i.e. applicable code, structural, and MEP design requirements, unit plan / floor plan changes, etc.).
 ©2021 gmdesigngroup of ga, inc.



1x6 Fascia
 1x4 Frieze
 1x4 Trim
 1x6 Header
 1x8 Band

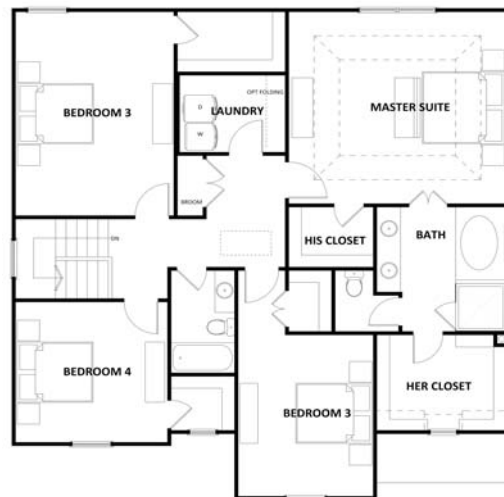
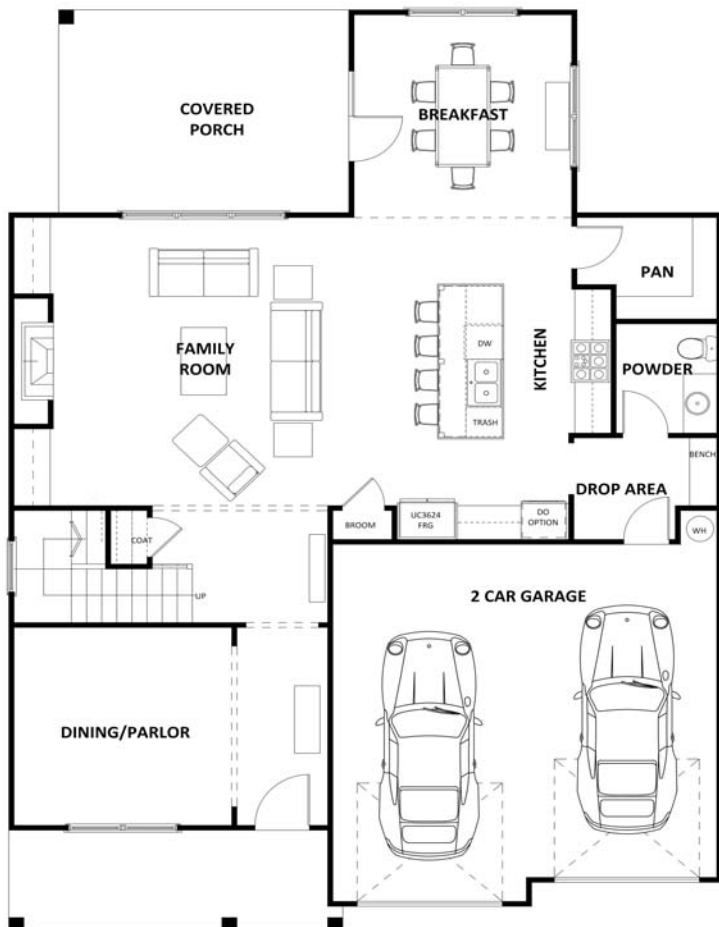
Stark Properties **Mulberry Park/Flowery Branch Townhomes** **"C" Elevation**

01.22.21



For more information on the Maddox please visit www.BowenHomes.com or call 770-271-4414





"A"



"B"

For more information on the Miller please visit www.BowenHomes.com or call 770-271-4414



"A"

COVERED
PORCH

"B"

COVERED
PORCH

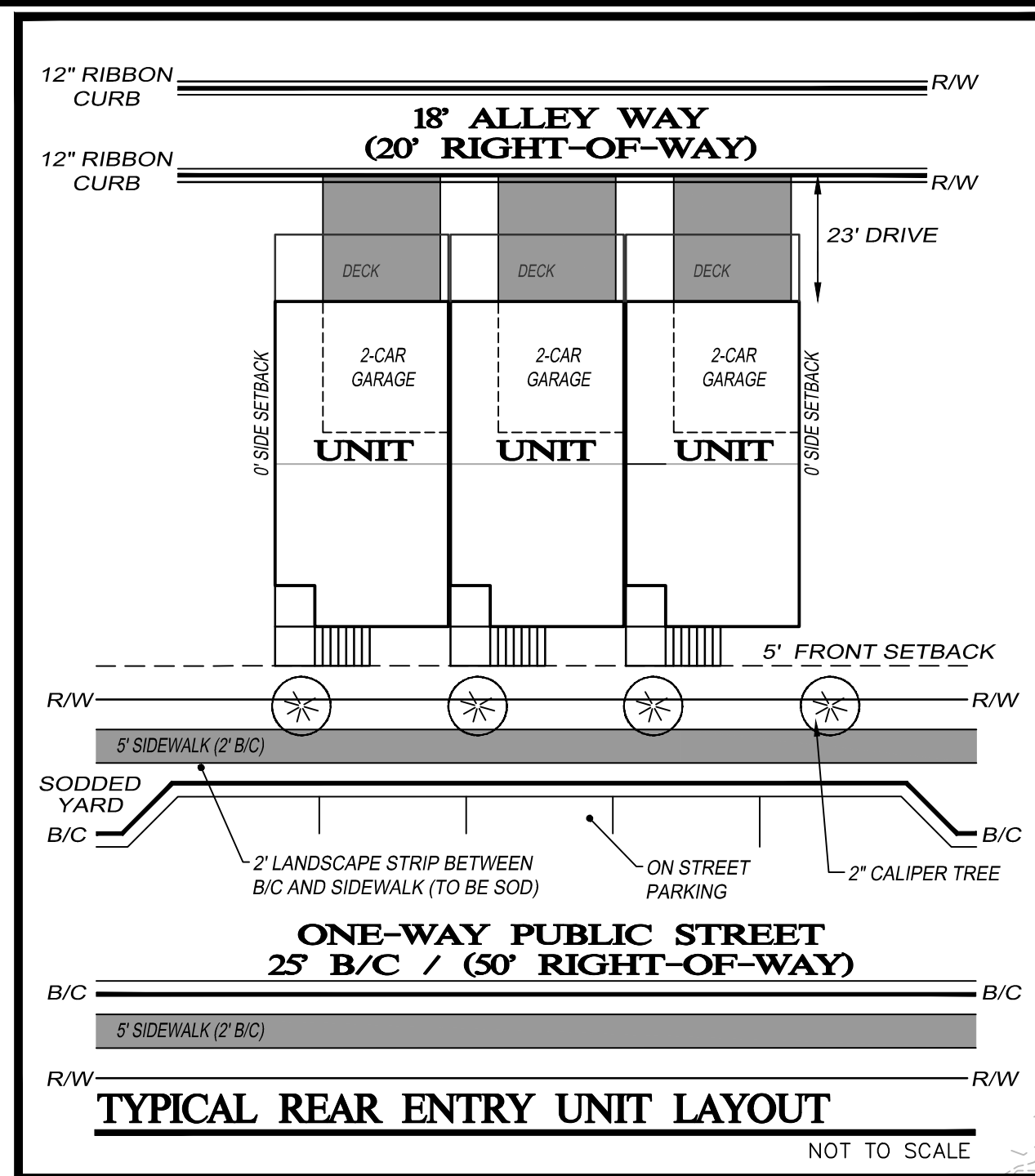
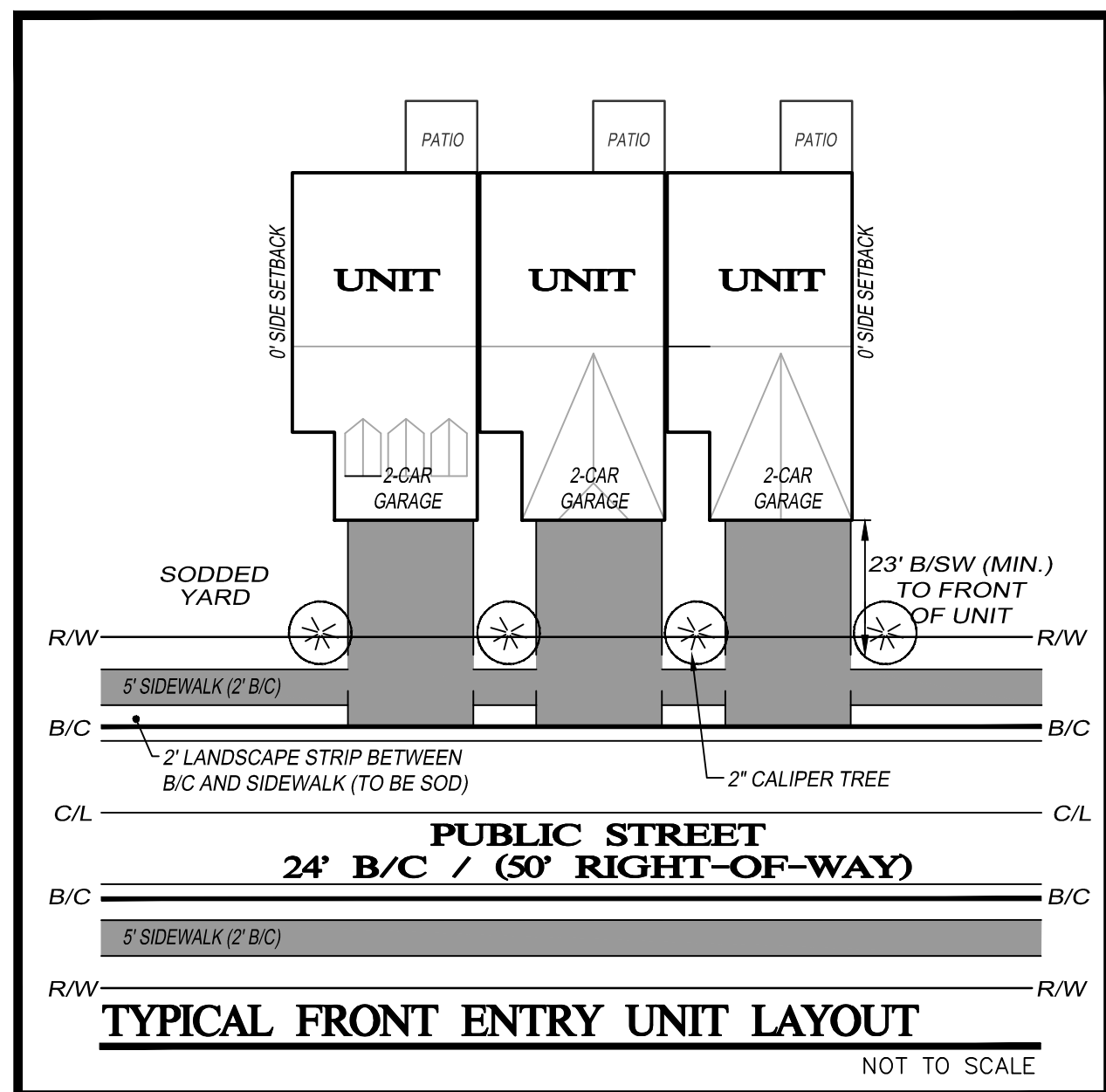


For more information on the Oakley please visit www.BowenHomes.com or call 770-271-4414



DEVELOPMENT SUMMARY

- EXISTING BOUNDARY ACREAGE: ±117.962 ACRES
- TAX PARCEL: 08117 002008A, 08117 002016D, 08117 002016B, 08117 002061, 08117 002001 and 08134 000006
- EXISTING ZONING: M1
- PROPOSED ZONING: R3
- PHASE 1 DEVELOPMENT SUMMARY:
BOUNDARY ACREAGE: ±48.156 ACRES
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 55
TOTAL No. PROPOSED TOWNHOME UNITS: 140
GROSS DENSITY: 4.05 LOTS/ACRE
NET DENSITY: 4.33 LOTS/ACRE (±6.17 AC. FLOODPLAIN)
OPEN SPACE/Common Area PROVIDED = ±19 AC. (39%)
TOTAL LENGTH OF STREETS: ±5,850 L.F.
- PHASE 2 DEVELOPMENT SUMMARY:
BOUNDARY ACREAGE: ±69.806 ACRES
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 144 (LOT #'S 100-243)
GROSS/NET DENSITY: 2.06 LOTS/ACRE
OPEN SPACE/Common Area PROVIDED = ±32 AC. (46%)
TOTAL LENGTH OF STREETS: ±7,125 L.F.
- MINIMUM SINGLE-FAMILY DETACHED LOT SIZE: (SEE TYPICAL LOT DETAIL)
- PROPOSED SETBACKS SINGLE-FAMILY DETACHED:
FRONT - 20'
REAR - 25'
SIDE - 5'
- BOUNDARY INFORMATION BASED ON SURVEY PROVIDED BY CLIENT.
- A PORTION OF THE SUBJECT PROPERTY IS LOCATED WITHIN A FLOOD HAZARD AREA AS PER CITY OF FLOWERY BRANCH F.I.R.M. COMMUNITY PANEL NO. 13139C0291G, DATED APRIL 4, 2018.
- TOPOGRAPHIC AND UTILITY INFORMATION BASED ON HALL COUNTY GIS. DATUM IS MEAN SEA LEVEL.
- WATER AND SANITARY SEWER SERVICE TO BE PROVIDED BY THE CITY OF FLOWERY BRANCH.
- ALL PROPOSED UTILITIES SHALL BE UNDERGROUND.
- SITE PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO CHANGE BASED ON ACTUAL FIELD CONDITIONS.



PHASE 1 DEVELOPMENT

PROPOSED REAR ENTRY UNIT
22' x 55' FOOTPRINT

PROPOSED PHASE II SEWER ACCESS

PROPOSED FRONT ENTRY UNIT
24' x 50' FOOTPRINT

PHASE 2 DEVELOPMENT

COMPASS POINT PHASE 2-C
COMMON AREA

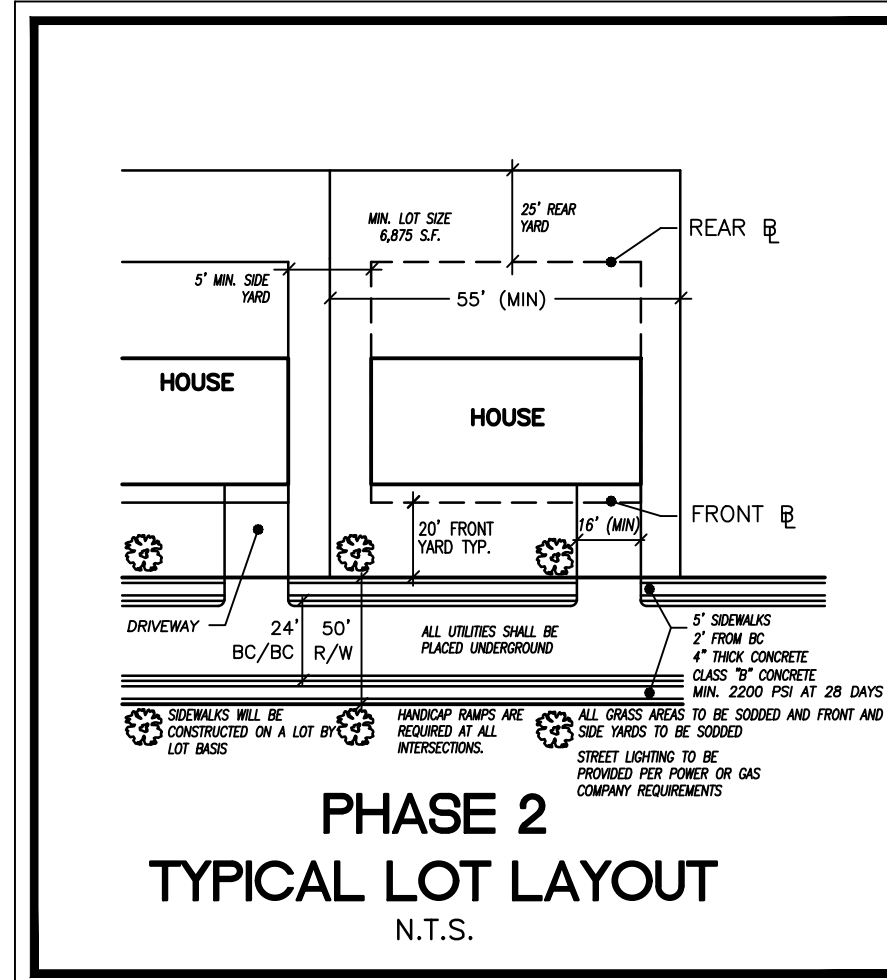
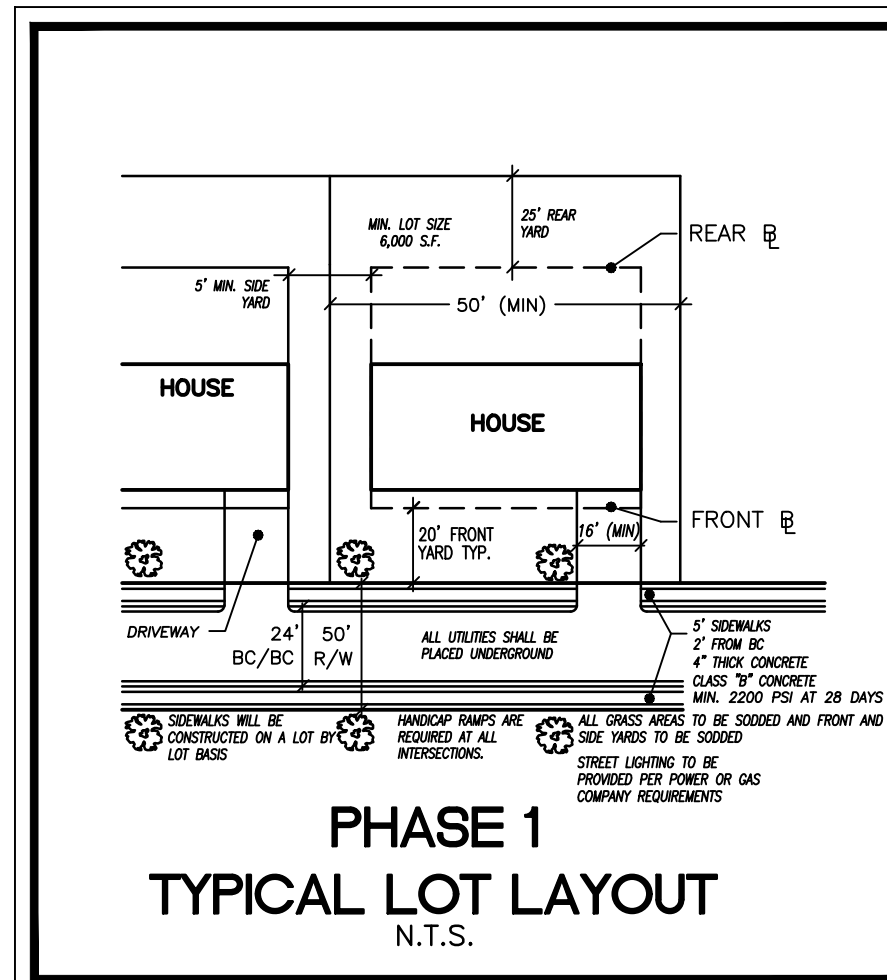
COMPASS POINT PHASE 3

R-3 BUFFER REDUCTIONS:

- REMOVE 40' NATURAL BUFFER ADJACENT TO PARCEL'S 08117 002016E, 08117 002050, 08117 002051, 08117 002052, 08117 002053.

R-3 VARIANCE REQUESTED:

- BUILDING SETBACKS PER TYPICAL SINGLE-FAMILY DETACHED LOT LAYOUTS.
- NO MINIMUM SETBACKS REQUIRED FOR TOWNHOMES. TOWNHOMES PER TYPICAL LAYOUT DETAIL PROVIDED.



5074 BRISTOL INDUSTRIAL WAY
SUITE A
BUFORD, GEORGIA 30518
(770) 271-2868
www.dpengr.com

PREPARED FOR:

STARK LAND DEVELOPMENT
3719 WINDER HWY.
FLOWERY BRANCH
GEORGIA 30542

PROJECT NAME:

MULBERRY STREET

TASK:

CONCEPTUAL LAND PLAN

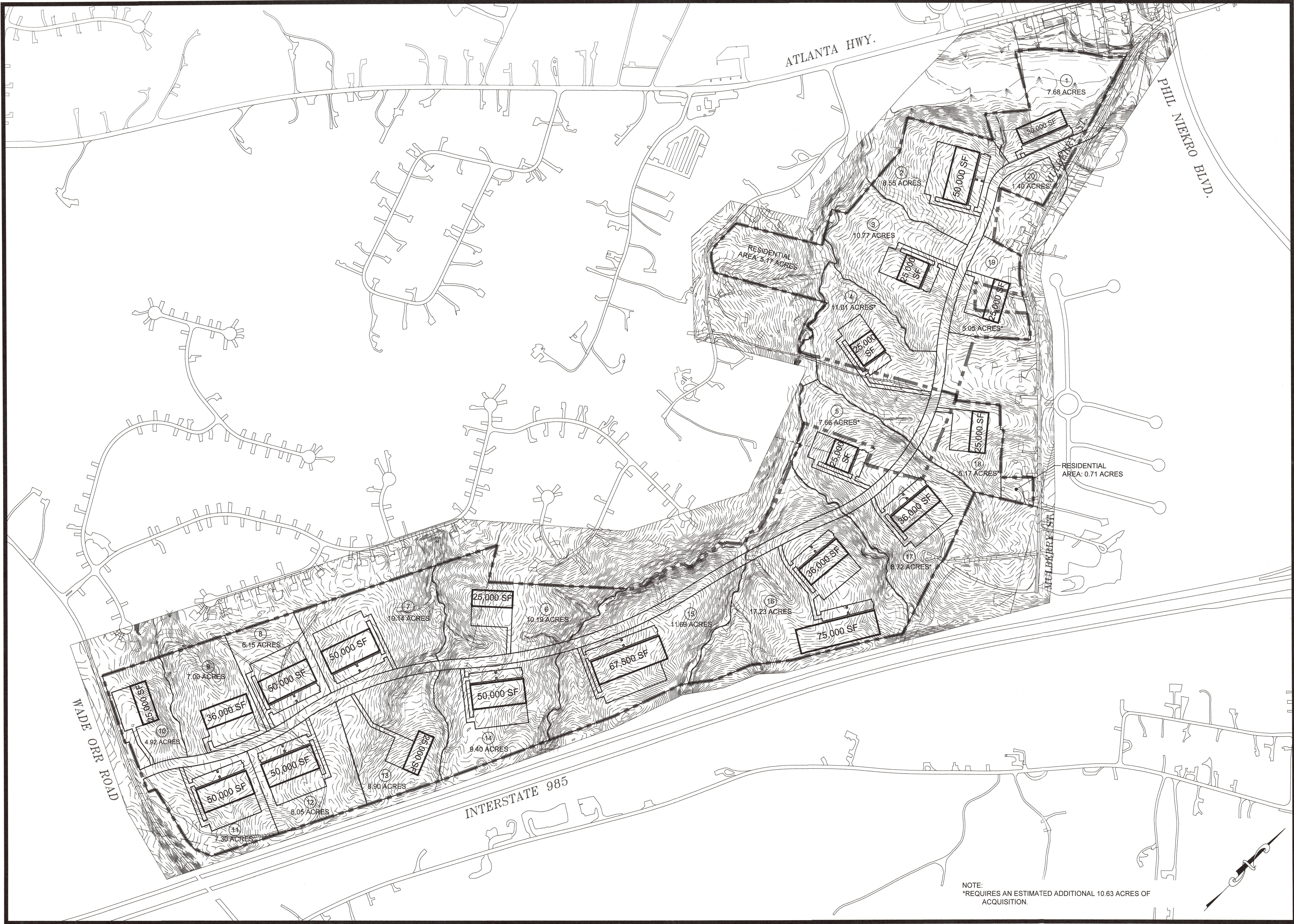
PROJECT INFORMATION:

MULBERRY STREET
Project Name
20-085
Project Number
MULBERRY STREET
Project Address
116 AND 117
Land Lot No.(s)

District
CITY OF FLOWERY BRANCH
HALL COUNTY, GA
County, State

DATE					
REVISION					
No.	1	2	3	4	5

DESIGN	AS SHOWN SCALE
KWB DRAWN	1 of 1
CHECKED	SHEET
12/02/20 DATE	20-085 PROJECT No.



NOTE:
*REQUIRES AN ESTIMATED ADDITIONAL 10.63 ACRES OF ACQUISITION.

**Rochester
& Associates, Inc.**
425 Oak Street N.W. • Gainesville, Georgia 30501
(770)718.0600 (770)718.9090 Fax • www.rochester-assoc.com

CONCEPT PLAN
FOR

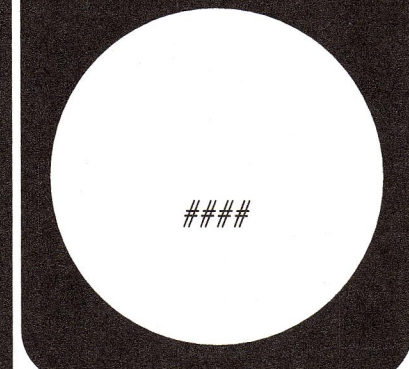
ADVENTURES IN MISSIONS

LAND LOTS 116, 117, & 134
DISTRICT 1, CITY OF GAINESVILLE
8th DISTRICT, CITY OF GAINESVILLE
HALL COUNTY, GEORGIA

REVISIONS	
NO.	DESCRIPTION

ANY CHANGES OR ALTERATIONS MADE TO THESE CONSTRUCTION DRAWINGS WITHOUT THE WRITTEN APPROVAL OF THE ARCHITECT HEREON AND ANY LIABILITY ASSOCIATED WITH SUCH CHANGES OR ALTERATIONS ARE KEPT ON FILE FOR VERIFICATION OF ANY CHANGES.

GRAPHIC SCALE
125' 0' 250' 500'



SHEET
1
OF
1

DATE: 1.17.2019
JOB NO.
DWG NO.
DRAWN BY: MDS

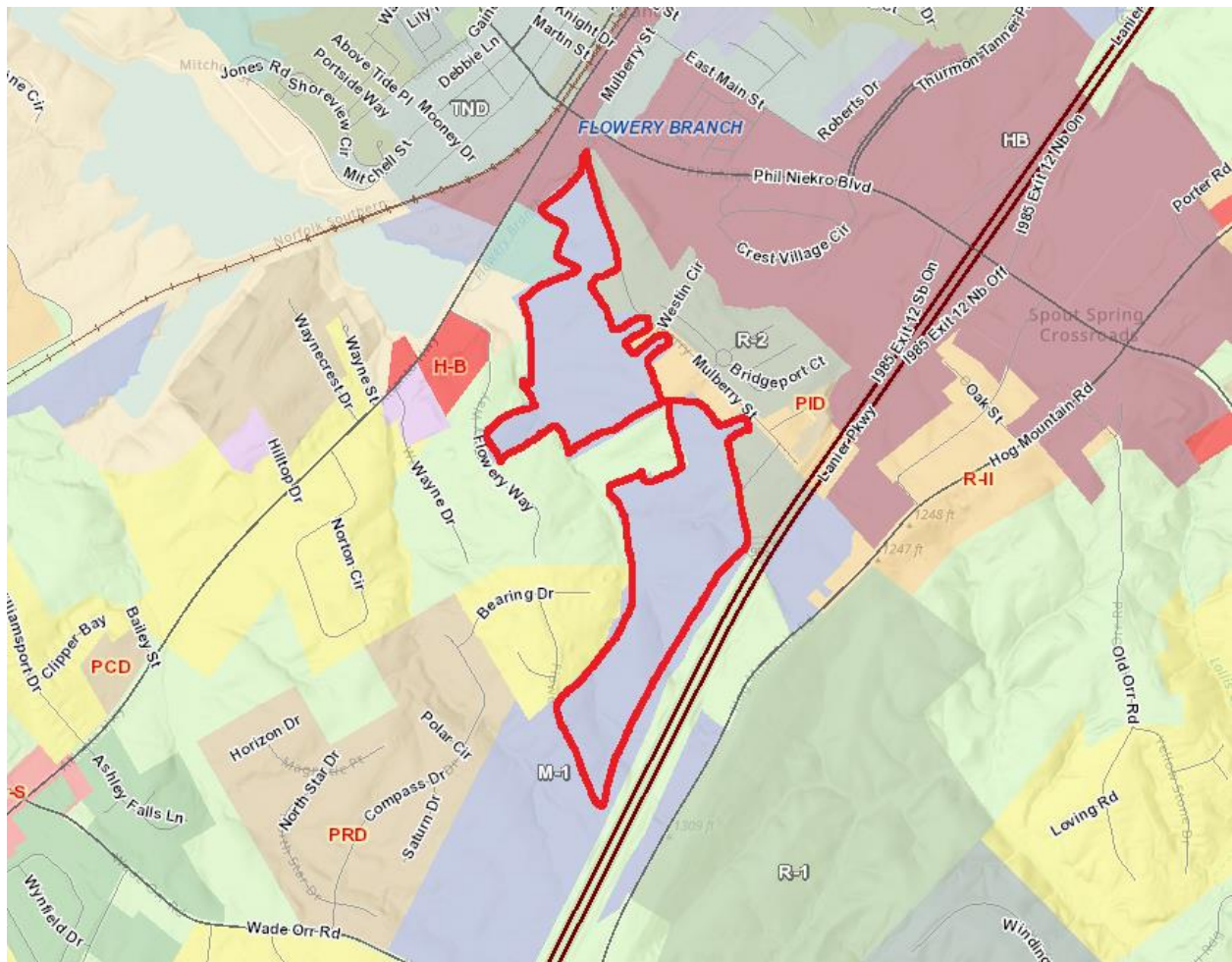


Staff Report
Stark Land Development Rezoning Request(s)
Ordinances 625-630

Request

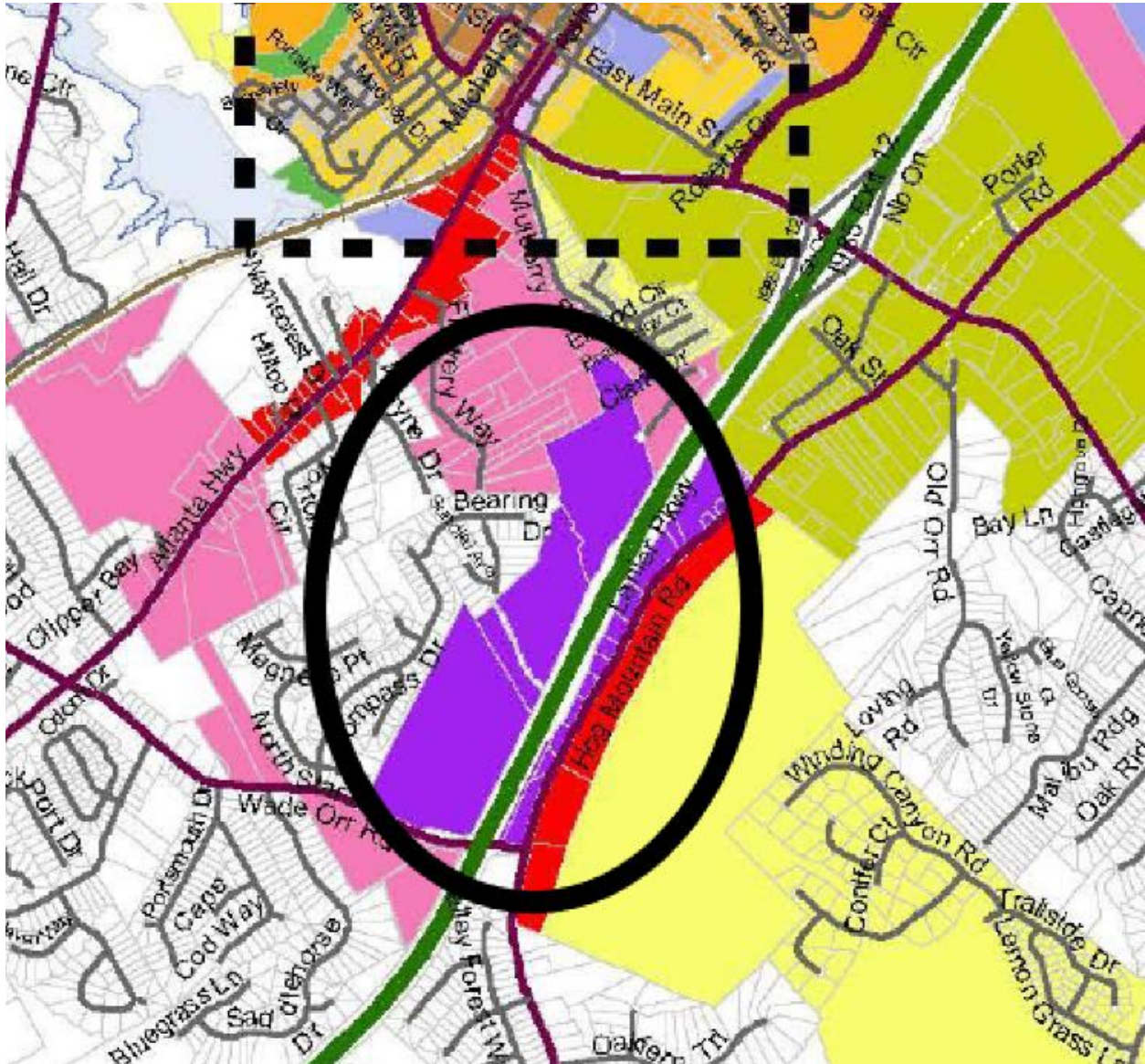
A request from Stark Land Development for the rezoning of six (6) parcels of land totaling 118 +/- acres of land from M-1 (Light Industrial) to R3 (Residential Multi-Family). The parcels for consideration are identified as follows: 08117 002008A, 08117 002014D, 08117 002014B, 08117 002061, 08117 002001, & 08134 000006.

Approximate location of all six parcels:

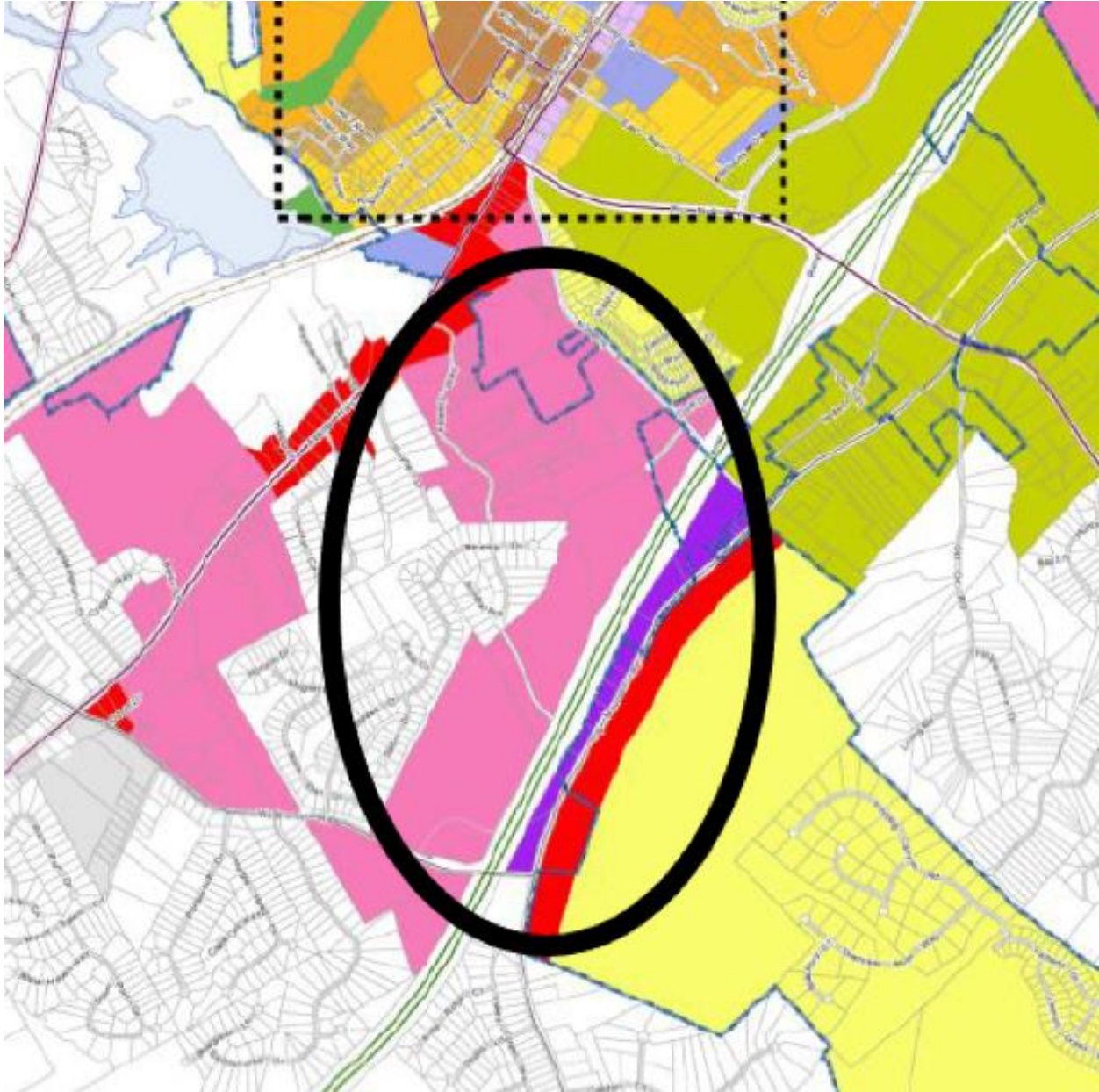




Comprehensive Plan



Currently, the parcels in question are designated as part of the “Industrial Employment” character area by the comprehensive plan. However, prior to these parcels being annexed and rezoned from R-2, A, and AR III to their current M-1 designation in 2014, the comprehensive plan labeled this area as “Mixed-Use”.



The “mixed-use” designation is more in-line with the City’s vision of an active, vibrant downtown supported by nearby residential. As the City has done on past projects, this proposed residential use, with its close proximity to downtown, can be viewed holistically as a large mixed-use project. The downtown as the commercial/retail component served by the developments on East Main, the TRG apartments, and Summit Lake creating a multi-faceted, cohesive, walkable, large scale mixed-use area.



If the project is approved, staff recommends updating the (or reverting) the character area to mixed-use.

Analysis

Flowerly Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

Applications to amend the official zoning map and applications for conditional uses shall provide a written analysis comparing the proposed action with the criteria in this Section. A zoning map amendment or conditional use application may be justified only if it bears a reasonable relationship to the public health, safety, morality, or general welfare, and after consideration of the analysis requirements which may in individual cases be considered criteria relevant to Zoning Administrator in making recommendations and by the Governing Body in the decision-making process.

Staff Response:

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. *Yes, a residential use is appropriate for this site and the surrounding area. It will help serve the downtown commercial/retail area.*
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. *The development will not adversely affect the area and will in fact enhance it.*
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. *Yes, current zoning of M-1 (Light Industrial) was previously (in 2014) deemed appropriate. However, the land has sat vacant since the rezoning occurred and may be challenged for M-1 use due to streams on the property and lack of large vehicular traffic.*
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. *It is staff's opinion that the use will not create any unnecessary burdens.*
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. *Currently, the Comprehensive Plan denotes this area as part of the "Industrial Employment" character area. However, prior to the 2014 annexation/rezoning, the area was designated as "Mixed-Use" and staff feels this is the proper designation and, if this project is approved, the "Mixed-Use" designation should be reinstated.*
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal.



The number of streams and lack of large vehicular entrance capabilities may be harmful to the current M-1 zoning district designation.

- (g) Existing use(s) and zoning of the subject property and nearby properties. *Currently vacant, the proposed use will fit in with, and enhance, the Mulberry/Phil Niekro corridor leading into downtown Flowery Branch.*
- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. *Staff does not have a specific number regarding property value, but the current zoning classification of Light Industrial has not warranted any proposed development on the site(s) since its annexation/rezoning in 2014.*
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. *Staff does not feel that the proposed will be a deterrent but rather an enhancement to the surrounding area and a positive impact for downtown.*
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. *N/A*
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. *The proposed use will enhance the character of the existing district and surrounding area in staff's opinion.*
- (l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. *The development, if approved, will need to go through all the required development reviews to ensure all applicable codes and requirements are met.*
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. *The proposed development will enhance the surrounding area and meet the intent of the Zoning Ordinance.*

History

In 2014, the parcels in question were annexed and/or rezoned from multiple zoning (A, A III, R2) to M-1. There was no specific site plan associated with this project. However, a large industrial park was envisioned and recently Rochester Engineering provided a potential site plan for the area. This plan would require the City or developer to provide new public infrastructure. Additionally, this plan includes



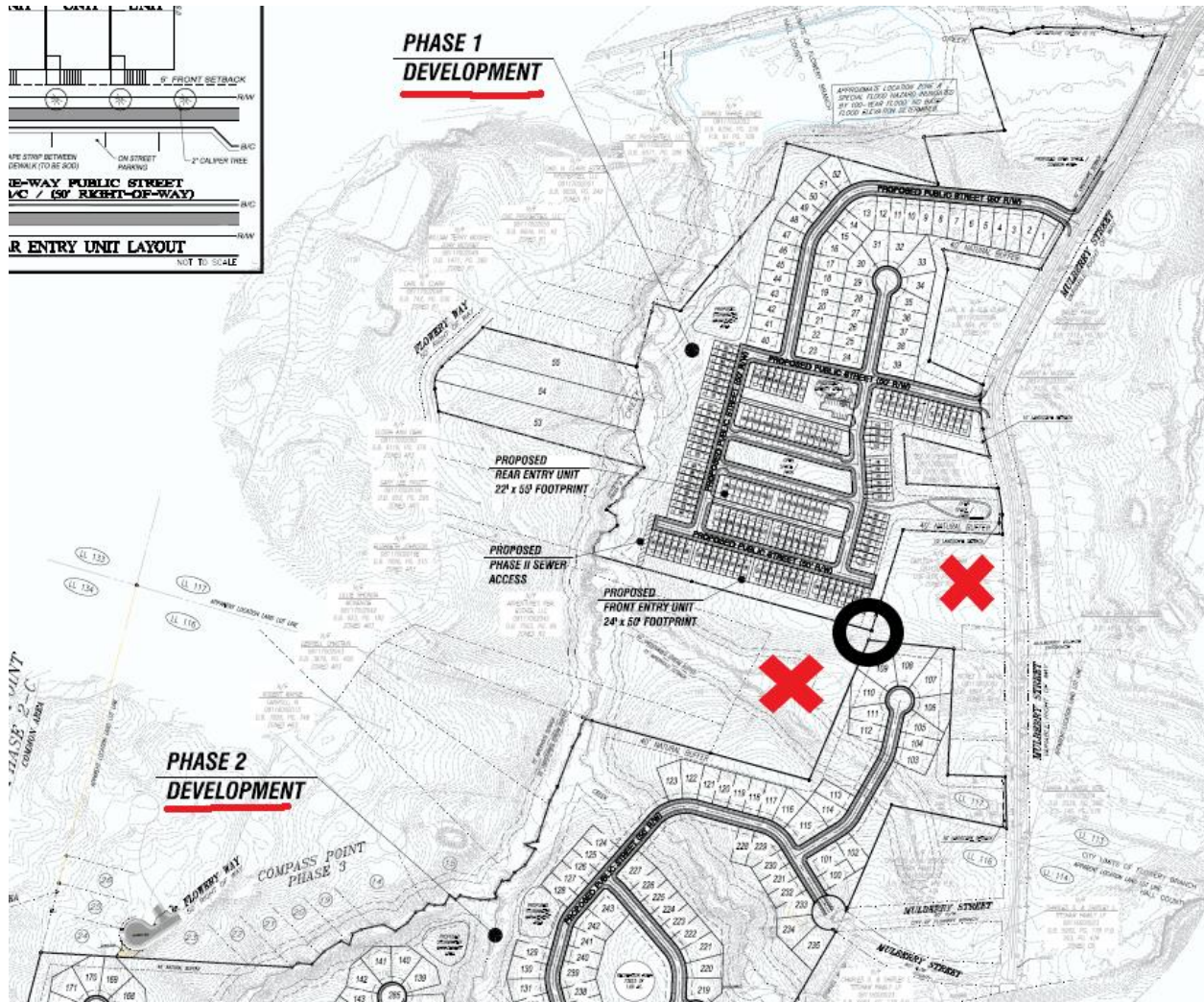
6167 Wade Orr Road. This tract was part of the original annexation/rezoning and consists of around 60 acres and is zoned M-1. Currently, this parcel is not part of the Stark project under consideration.



To the best of staff's knowledge, no plans were ever submitted to develop any portion of the parcels that were annexed/rezoned in 2014.

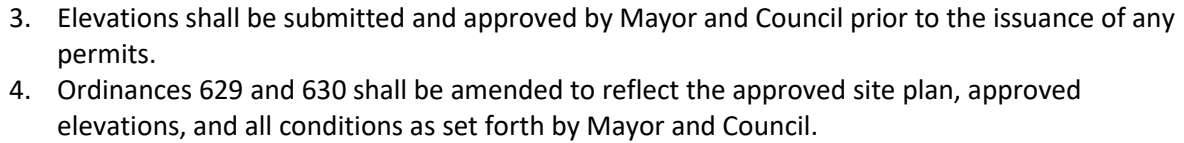
Recommendation

In reviewing the initial submittal Staff had concerns regarding the lack of connectivity between the two phases. Applicant would need to acquire additional land (possibly one or both parcels marked with a red X) in order to connect the phases.



The applicant needs to have the entirety of the six parcels properly zoned for a higher density single family detached/townhome subdivision (R3) as part of the purchase agreement. The applicant is hesitant to acquire more land without having the proper zoning designation in place. In order to achieve this goal, and still meet the City's desire for a cohesive two-phase development, staff recommends rezoning all six parcels to the requested R3 zoning. but restricting phase two (parcels 08117 002001 & 08134 000006) as follows:

1. No permits shall be issued unless connectivity with phase one is achieved in a manner satisfactory to Flowery Branch Mayor and Council.
2. A revised site plan shall be submitted to Mayor and Council for approval prior to the issuance of any permits.

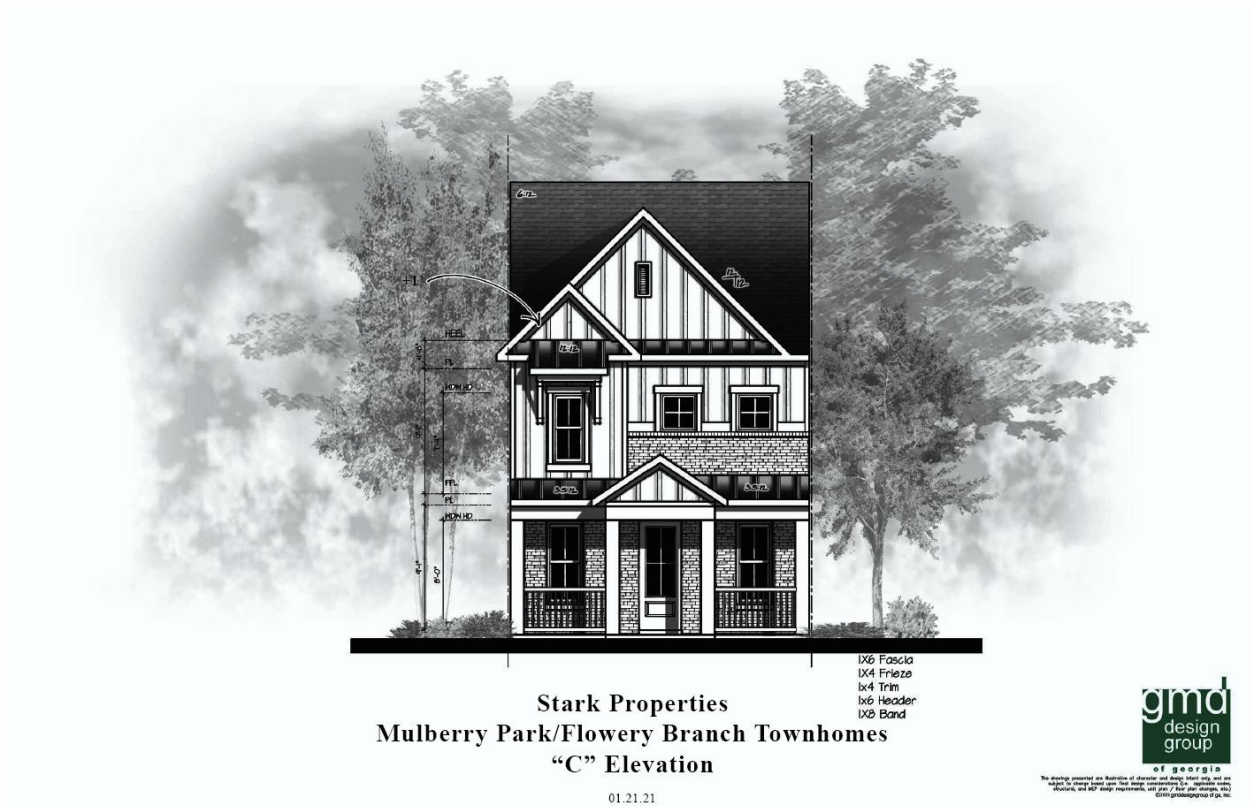


1. Water and sewer shall be provided by the City of Flowery Branch.
2. Site plan shall generally adhere to the plan submitted on XXXXXXXXX and as shown below (to be added prior to final read).
3. Elevations shall generally adhere to those submitted by the applicant and as shown below:

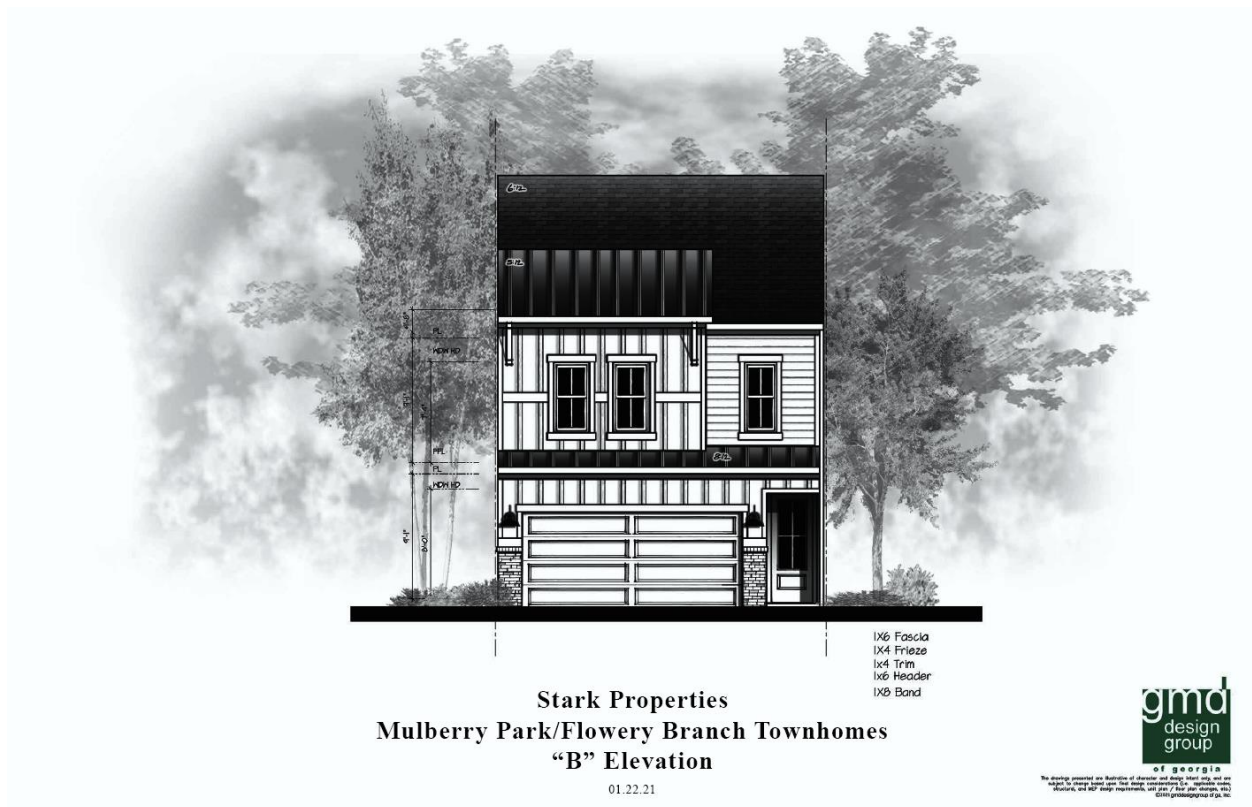


The drawings presented are illustration of character and style only, and are subject to change based upon final design considerations (i.e., applicable codes, structure, and MEP design requirements, soil plan / final plan changes, etc.)













Bowen & Bowen
HOMEBUILDERS
www.bowehomes.com

the MADDOX





Bowen & Bowen
HOMEBUILDERS
www.bowehomes.com

the MILLER "B"





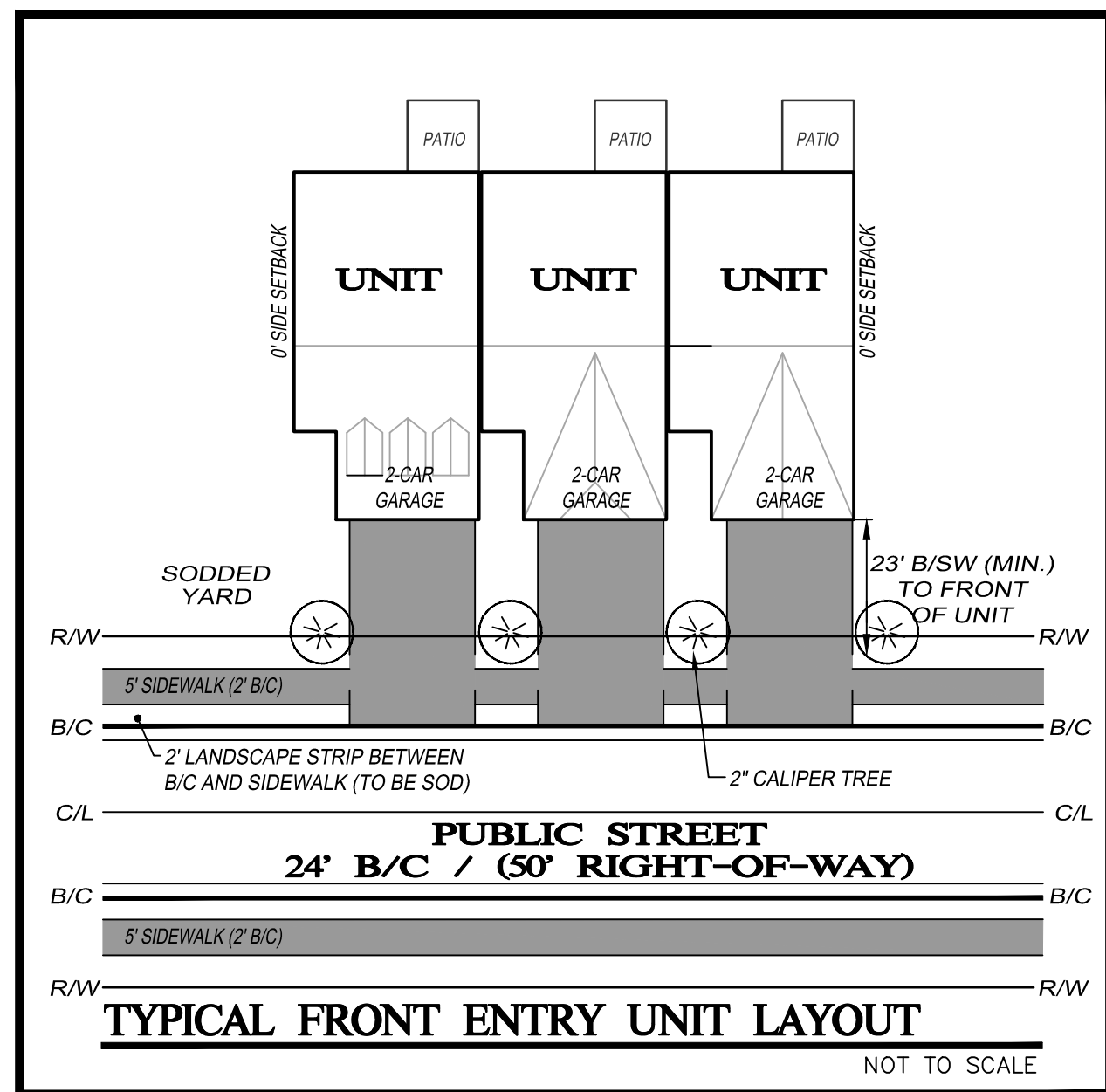
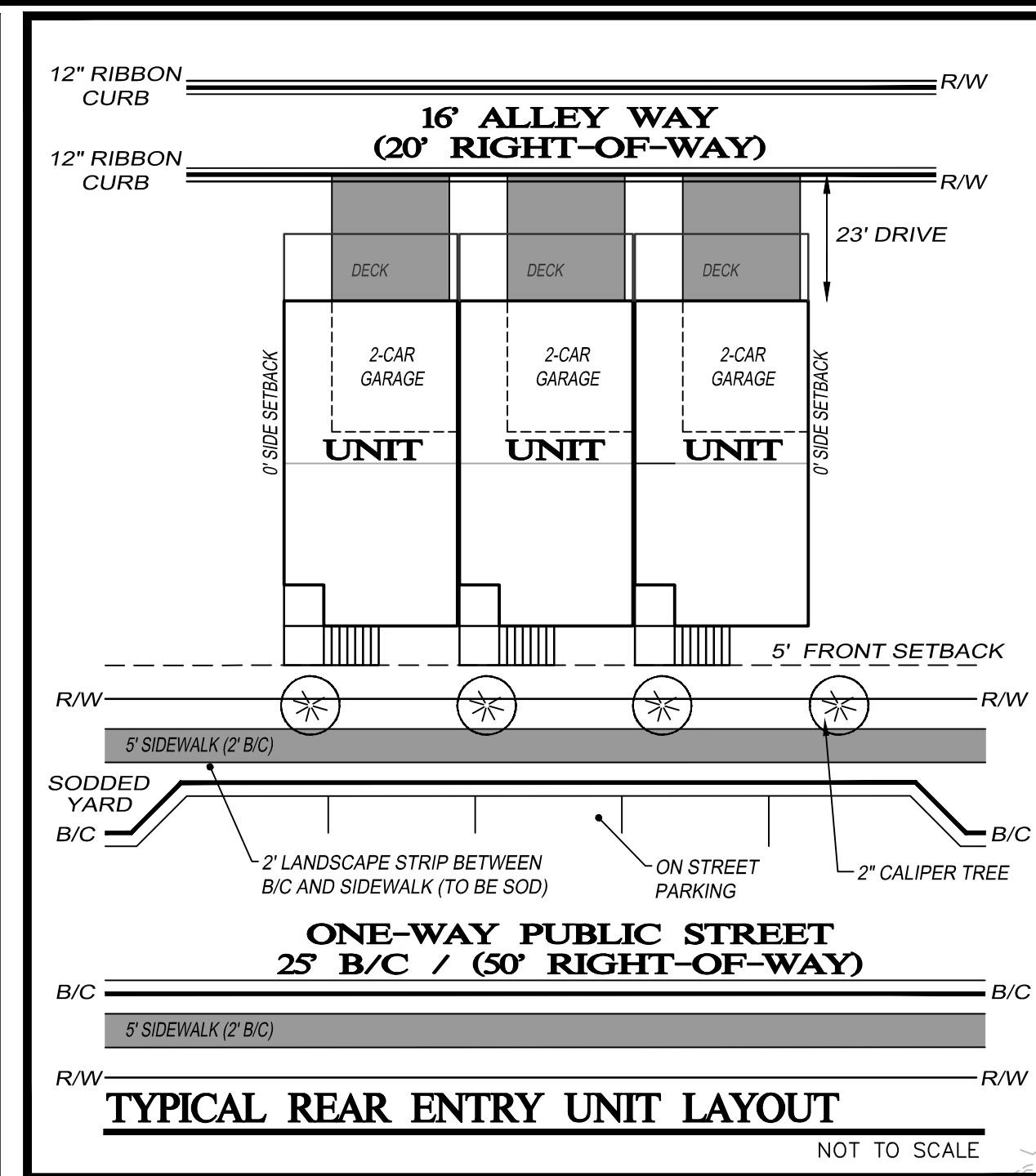
Bowen & Bowen
HOMEBUILDERS
www.bowehomes.com

the OAKLEY

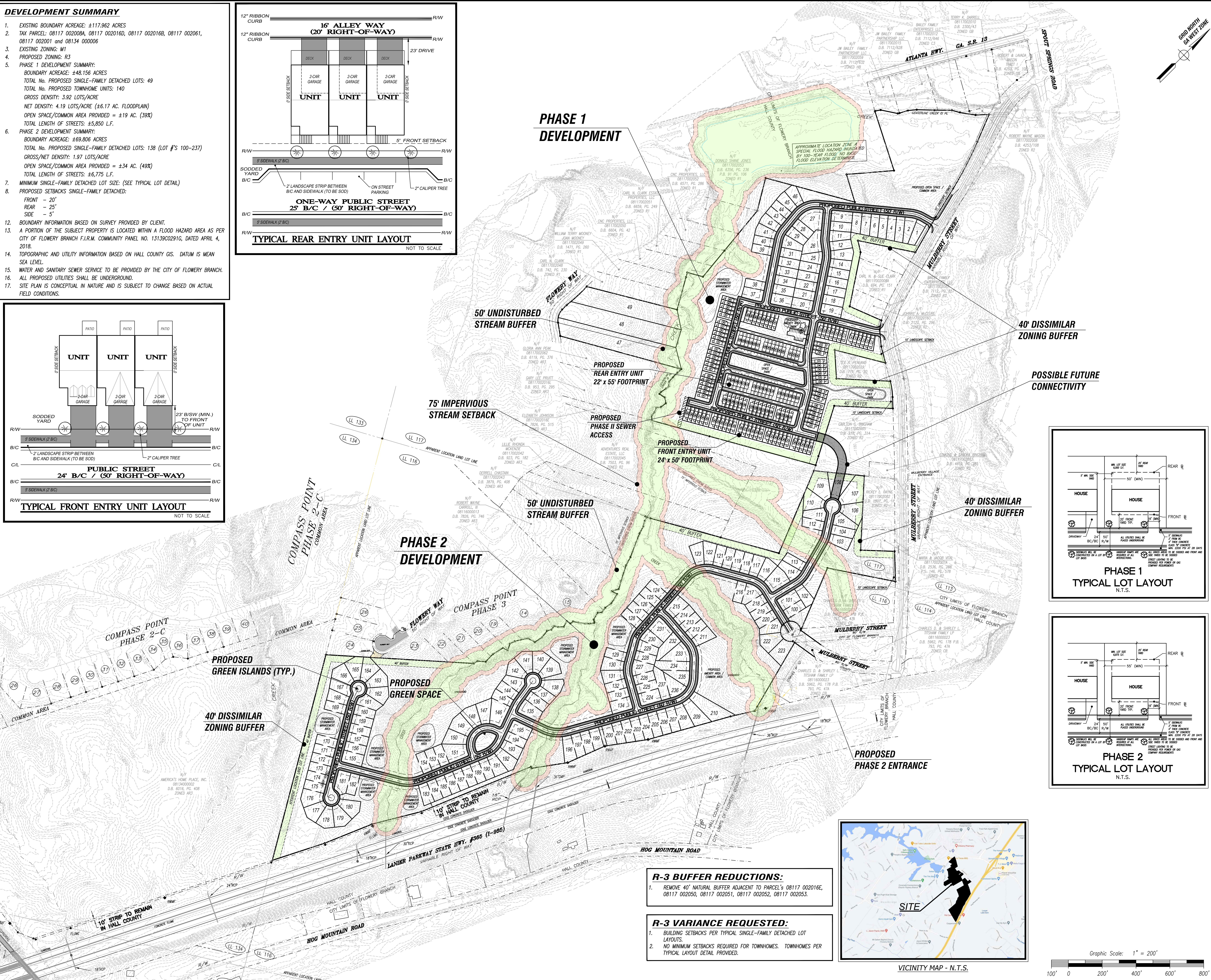


DEVELOPMENT SUMMARY

- EXISTING BOUNDARY ACREAGE: ±117,962 ACRES
- TAX PARCEL: 08117 002008A, 08117 002016D, 08117 002016B, 08117 0020061, 08117 0020021 and 08134 000006
- EXISTING ZONING: M1
- PROPOSED ZONING: R3
- PHASE 1 DEVELOPMENT SUMMARY:
 - BOUNDARY ACREAGE: ±48.156 ACRES
 - TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 49
 - TOTAL No. PROPOSED TOWNHOME UNITS: 140
 - GROSS DENSITY: 3.92 LOTS/ACRE
 - NET DENSITY: 4.19 LOTS/ACRE (±6.17 AC. FLOODPLAIN)
 - OPEN SPACE/Common Area PROVIDED = ±19 AC. (39%)
 - TOTAL LENGTH OF STREETS: ±5,850 L.F.
- PHASE 2 DEVELOPMENT SUMMARY:
 - BOUNDARY ACREAGE: ±69.806 ACRES
 - TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 138 (LOT #S 100-237)
 - GROSS/NET DENSITY: 1.97 LOTS/ACRE
 - OPEN SPACE/Common Area PROVIDED = ±34 AC. (49%)
 - TOTAL LENGTH OF STREETS: ±6,775 L.F.
- MINIMUM SINGLE-FAMILY DETACHED LOT SIZE: (SEE TYPICAL LOT DETAIL)
- PROPOSED SETBACKS SINGLE-FAMILY DETACHED:
 - FRONT - 20'
 - REAR - 25'
 - SIDE - 5'
- BOUNDARY INFORMATION BASED ON SURVEY PROVIDED BY CLIENT.
- A PORTION OF THE SUBJECT PROPERTY IS LOCATED WITHIN A FLOOD HAZARD AREA AS PER CITY OF FLOWERY BRANCH F.I.R.M. COMMUNITY PANEL NO. 13139C0291G, DATED APRIL 4, 2018.
- TOPOGRAPHIC AND UTILITY INFORMATION BASED ON HALL COUNTY GIS. DATUM IS MEAN SEA LEVEL.
- WATER AND SANITARY SEWER SERVICE TO BE PROVIDED BY THE CITY OF FLOWERY BRANCH.
- ALL PROPOSED UTILITIES SHALL BE UNDERGROUND.
- SITE PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO CHANGE BASED ON ACTUAL FIELD CONDITIONS.



PHASE 1 DEVELOPMENT



5074 BRISTOL INDUSTRIAL WAY
SUITE A
BUFORD, GEORGIA 30518
(770) 271-2868
www.dpengr.com

PREPARED FOR:

**STARK LAND
DEVELOPMENT
3719 WINDER HWY.
FLOWERY BRANCH
GEORGIA 30542**

PROJECT NAME:

MULBERRY STREET

TASK:

CONCEPTUAL LAND PLAN

PROJECT INFORMATION:

MULBERRY STREET

20.085

Project Number

MULBERRY STREET

Project Address

116 AND 117

Land Lot No.(s)

District
CITY OF FLOWERY BRANCH
HALL COUNTY, GA
County, State

No.	REVISION	DATE
1.	Address Conceptual Land Plan Comments	02/09/2021
2.		
3.		
4.		
5.		

AS SHOWN
SCALE

1 of 1

CHECKED	SHEET
12/02/20 DATE	20-085 PROJECT No.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Second Reading of Ordinances 631, 632, 633, and 634 - variance requests for 6026 Lights Ferry Road, 6040, 6041, and 6043 Morrow Drive submitted by Mr. Chris Hill of Hillgrove Homes

COUNCIL MEETING DATE: March 18, 2021

HISTORY:

Subject Properties: 6026 Lights Ferry Road, 6040 Morrow Drive, 6041 Morrow Drive, and 6043 Morrow Drive
Applicant reviewed options on how to best develop these parcels (and possibly more in the area) while meeting the intent of the Flowery Branch Zoning Ordinance. There is an original plat that appears to still be valid that designates the lots as legal non-conforming. This means they are legal but do not meet the current zoning designation (R-2 in this case) thus rendering them unbuildable under current zoning. In other words, the lots are legally platted but they cannot be altered - making new home construction impossible.

Rezoning is problematic as the options are limited. The Central Business District is intended for the downtown area. The subject properties are close to downtown, but staff feels they are too far away to be considered for CBD. Traditional Neighborhood District is too restrictive for the properties as it requires parking in the rear or side yards. The other option is to create larger lots to meet the standard R-2 zoning requirements.

Ultimately, the applicant decided to pursue building on the legal lots as recorded. In order to meet the R-2 designation, and the original plat, applicant must request three variances. The variances are from the requirements set forth in Article 6, Table 6.2, of the City's zoning ordinance.

FACTS AND ISSUES:

Subject Properties: 6026 Lights Ferry Road, 6040 Morrow Drive, 6041 Morrow Drive, and 6043 Morrow Drive
Variances from the Flowery Branch Zoning Ordinance Article 6. Table 6.2

Variance requests are for each parcel. The requests are as follows:

1. Reduction in minimum required lot size from 15,000 square feet to 7,000 square feet.
2. Reduction in minimum required lot width from 75 feet to 50 feet.
3. Reduction in required side setback from 10 feet to 5 feet.

OPTIONS:

The following schedule has been approved by Mayor Miller:

February 18 - work session

March 4 - first vote

March 18 - final vote

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve as submitted and conditioned by staff. Staff encourages Mayor and Council to provide additional conditions as deemed appropriate prior to the final read and vote scheduled for March 18th, 2021.

SAMPLE MOTION:

I make a motion to approve ordinance 631.

I make a motion to approve ordinance 632.

I make a motion to approve ordinance 633.

I make a motion to approve ordinance 634.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Variance Application.pdf](#)
- [Variance Staff Report .pdf](#)
- [ERBcombinedfinalemix.pdf](#)



VARIANCE APPLICATION

Address of Request:

6043, 6041, 6040 Morrow Drive + 6026 Lights Ferry Road

Type of Variance Requested

Complete requirements for variances can be found in the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 37;

Please verify all the requirements of the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 37, section 37.5 are being met.
Explain below:

Morrow Subdivision Plat Book 10 Page 154

- ① Reduction in Minimum Required Lot size from 15,000 S.F. to 7,000 S.F.
- ② Reduction in Minimum Required Lot width from 75' + 50'
- ③ Reduction in Required side setback from 10' to 5'

Applicant: Hillgrove Homes LLC

Address: 5512 Main Street, Flowery Branch GA 30542

E-mail address: Chris@hillgrovehomes.com

Phone number: 678-410-2705

Signature: Dawn Westmoreland

Notary Seal:



Dawn Westmoreland
NOTARY PUBLIC
Gwinnett County, Georgia
My Commission Expires
December 19, 2024



Property owner information (if different than the applicant)

Property owner (please print): _____

Signature of property owner: _____

Notary Seal:

Please provide the following at time of submittal:

- Payment of \$325.00
- Legal description – one hard copy and on a flash drive
- Current survey of property – one hard copy and on a flash drive
- Site plan – one hard copy and on a flash drive
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)



Conflict of Interest Disclosure

Identify all members of the City Council of the City of Flowery Branch and Employees of the City of Flowery Branch Community Development Department who

Have a property interest in the real property affected by this request

 N/A

Have a financial interest (direct ownership interest) of the total assets or capital stock of a business entity where such ownership interest is more than 10% in any business entity which has a property interest in the real property affected by this request

 N/A

Have a member of the family (spouse, mother, father, brother, sister, son or daughter) having a property financial interest as herein defined, in the real property affected by this request

 N/A

Disclosure of Campaign Contributions

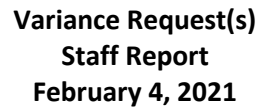
List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total \$250.00 or more or to whom gifts were made having a total value of \$250.00 or more.

Elected Officials Name

Amount of Description of Gift

 N/A





Subject Properties: 6026 Lights Ferry Road, 6040 Morrow Drive, 6041 Morrow Drive, and 6043 Morrow Drive



The four subject properties are all zoned R-2 (Residential Detached Single Family):

Sec. 6.3. - R-2, Residential, Detached Single Family, Moderate-Density District.

(a)*Purpose and Description.* This zoning district is intended to implement the "Single-family residential" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "suburban residential" character area established in the comprehensive plan.

(b)*Character.* The designs of subdivisions in this district include cul-de-sacs and curvilinear streets. Houses are set back a significant distance from the street. Streets are built to relatively wide standard when compared with traditional neighborhoods. Access to this district is predominantly by automobile but pedestrian mobility is accommodated.

(c)*Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts." Land use in this district consists predominantly of detached, single-family dwellings on their own lots at a moderate density (no more than approximately three dwelling units per acre). Site-built dwellings only are permitted (no manufactured homes). Other uses that are compatible with a low-density, residential environment such as recreational, educational, and religious facilities, are permitted or conditional uses.

(d)*Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts." Dimensional requirements such as minimum building setbacks and maximum building coverage are intended to provide for yards surrounding each dwelling.

Applicant reviewed options on how to best develop these parcels (and possibly more in the area) while meeting the intent of the Flowery Branch Zoning Ordinance. There is an original plat that appears to still be valid (shown below) that designates the lots as legal non-conforming. This means they are legal but do not meet the current zoning designation (R-2 in this case) thus rendering them unbuildable under current zoning. In other words, the lots are legally platted but they cannot be altered - making new home construction impossible.

Rezoning is problematic as the options are limited. The Central Business District is intended for the downtown area. The subject properties are close to downtown, but staff feels they are too far away to be considered for CBD. Traditional Neighborhood District is too restrictive for the properties as it requires parking in the rear or side yards. The other option is to create larger lots to meet the standard R-2 zoning requirements.



Ultimately, the applicant decided to pursue building on the legal lots as recorded. In order to meet the R-2 designation, and the original plat, applicant must request three variances. The variances are from the requirements set forth in Article 6, Table 6.2, of the City's zoning ordinance.

Table 6.2

Requirement (measurement unit)	A	R-1	R-2
Maximum height (feet)	75	35	35
Maximum height (number of stories)	3	3	3
Maximum density (units per acre)	0.333	2.18	3
Minimum lot size for detached single-family dwelling (square feet) (1)	130,680	20,000	15,000
Minimum lot size for two-family dwelling (square feet) (1)	N/A	N/A	N/A
Minimum lot size for other uses (square feet) (1)	130,680	43,560	15,000
Minimum lot width (feet)	200	90	75
Minimum heated floor area per dwelling unit (square feet)	1,500	2,200	1,800
Minimum heated floor area per dwelling unit, ground floor of a dwelling (square feet)	750	1,100	900
Minimum front yard setback from lot line, all principal buildings (feet)	80	35	25
Minimum side setback, interior lot line, all principal buildings (feet)	25	20	10
Minimum side setback, corner lot, all principal buildings (feet)	60	35	25
Minimum rear setback, all principal buildings (feet)	35	25	20
Minimum setback, all principal or accessory buildings and structures abutting an R-1, R-2, or R-3 district (feet)	Side and rear setbacks shall apply	50	50
Minimum width of natural buffer abutting R-1, R-2, or R-3 district (feet)	None	None	None
Minimum landscape strip required along rights-of-way for any nonresidential use if permitted (width in feet)	15	15	10
Minimum landscape strip required along rights-of-way for any apartment or condominium (multi-family residential) use (width in feet)	N/A	N/A	N/A
Minimum landscape strip required along side property lines for any nonresidential use if permitted (width in feet)	5	5	5
Maximum coverage of principal and accessory buildings (percent of lot)	25	25	35
Minimum landscaped open space, all principal uses except detached, single-family residential lots (percent)	20	20	15

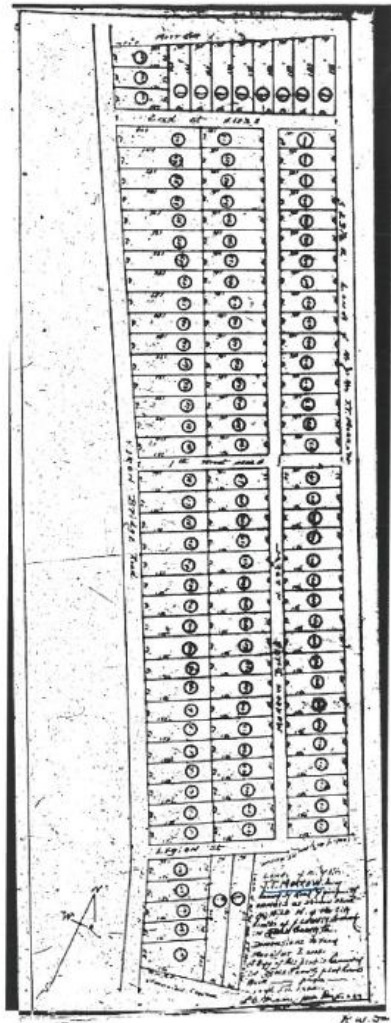
Variance requests are for each parcel. The requests are as follows:

1. Reduction in minimum required lot size from 15,000 square feet to 7,000 square feet.
2. Reduction in minimum required lot width from 75 feet to 50 feet.
3. Reduction in required side setback from 10 feet to 5 feet.



This is in line with the original recorded plat:

Morrow Subdivision
Plat Book 10 page 154



put on Schedule



Sec. 37.5. Criteria for Granting Variances.

Any applicant requesting consideration of a variance to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district; **Legal non-conforming lots that cannot be built upon as currently required by Flowery Branch Zoning Ordinance.**
- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located; **The lots cannot be built upon and meet the requirements of R-2 zoning.**
- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;
- (d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
- (e) The special circumstances are not the result of the actions of the applicant;
- (f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and
- (g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

Staff recommends approval with the following conditions:

1. Applicant's development shall comply with all stormwater management requirements of Article 12 of the Subdivision and Land Development Code per Section 1203.
2. Applicant shall record a final plat in accordance with Article 8 of the Subdivision and Land Development Code.
3. The final plat shall dedicate a 25 feet wide strip of public right of way along Morrow Drive (measured from the existing centerline of said road) for future installation of sidewalks, curb, gutter, utilities and other public improvements.



4. A landscape plan for each individual lot and the development as a whole shall be submitted to staff at the time of any land disturbance application.
5. Applicant shall construct new homes in accordance with the elevations submitted and attached hereto.



Exhibit "A"



Heritage
GROUP HOMES

MAPLE RIDGE

4 Bedrooms/2.5 Baths
2007 sq. ft.



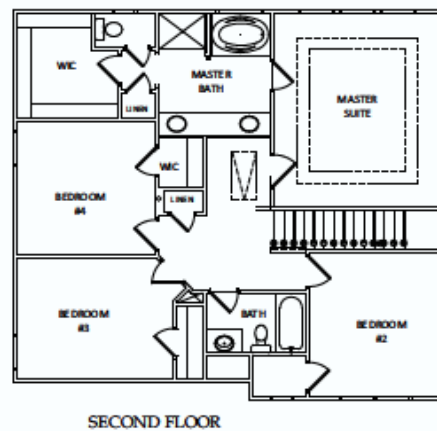
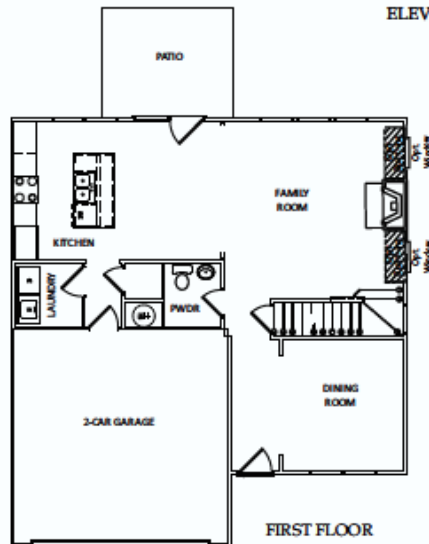
ELEVATION A



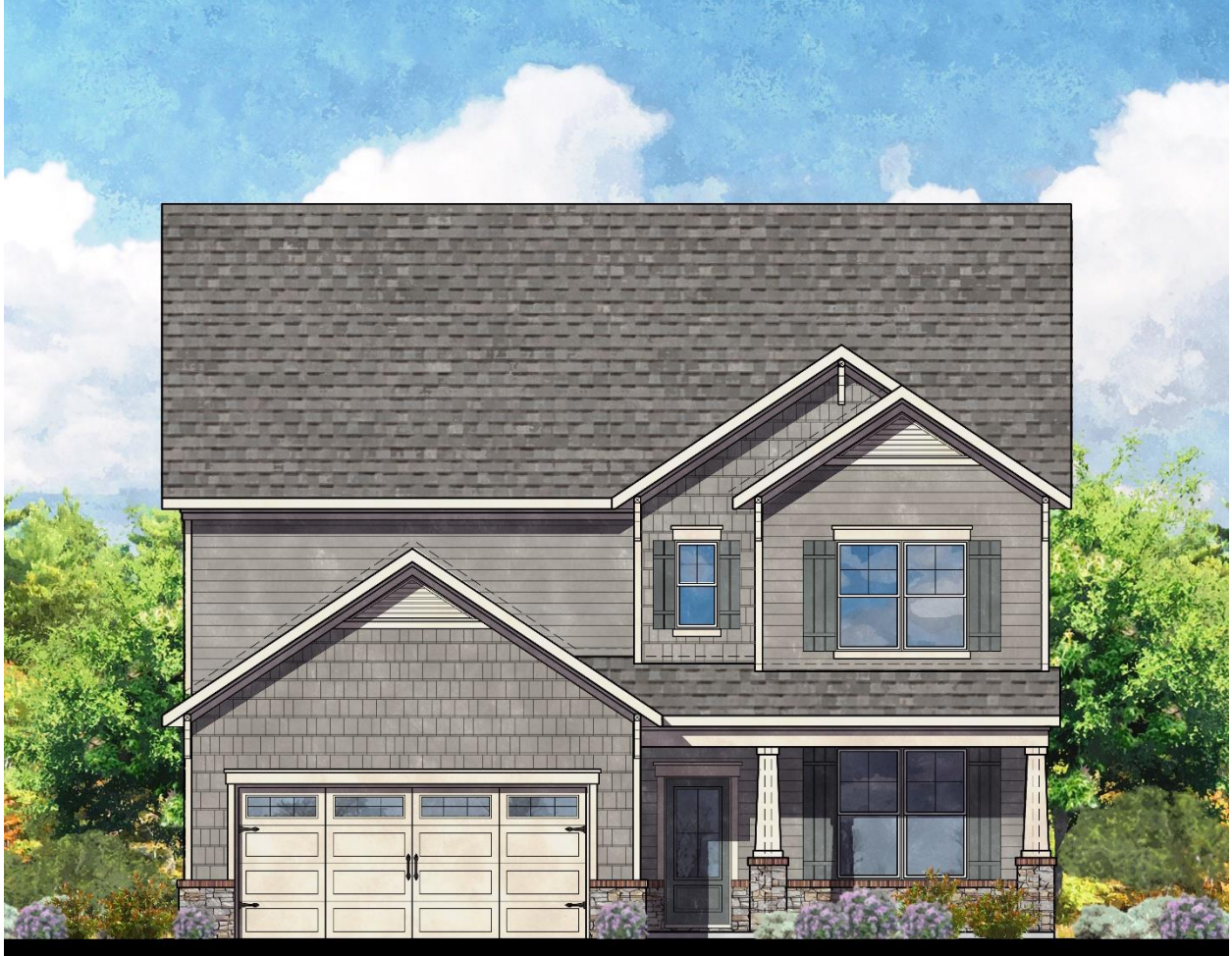
ELEVATION B



ELEVATION C



*All information is believed to be accurate but is not guaranteed and subject to change without notice.







Cottages @
Lights Ferry



Front Elevation A



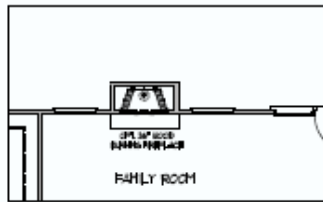
Front Elevation B



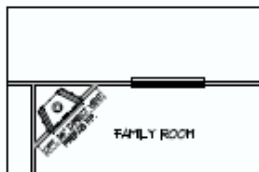
Front Elevation C



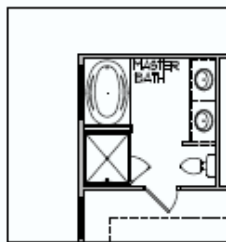
THE SAXTON @ Candler Park



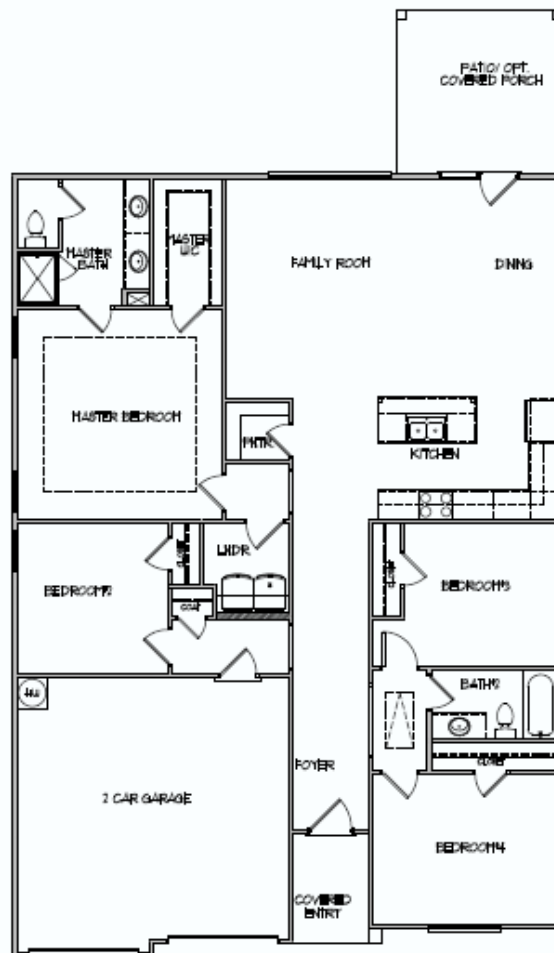
Opt. Wood Burning
Fireplace



Opt. Corner Fireplace



Master Bath Opt.



Main Level





ORDINANCE 631

AN ORDINANCE GRANTING VARIANCES FROM THE R-2 (RESIDENTIAL, DETACHED SINGLE FAMILY, LOW DENSITY DISTRICT) REQUIREMENTS OF ARTICLE 6, TABLE 6.2, OF THE FLOWERY BRANCH ZONING ORDINANCE TO 6026 LIGHTS FERRY ROAD, OWNED BY HILLGROVE HOMES, LLC, SHOWN ON EXHIBIT "A", DESCRIBED ON EXHIBIT "B", AND SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT "C", BY REDUCING THE MINIMUM REQUIRED LOT SIZE FROM 15,000 SQUARE FEET TO 7,000 SQUARE FEET, REDUCING THE MINIMUM REQUIRED LOT WIDTH FROM 75 FEET TO 50 FEET, AND BY REDUCING THE REQUIRED SIDE SETBACK FROM 10 FEET TO 5 FEET; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Hillgrove Homes, LLC has submitted a written and signed application to the City of Flowery Branch, Georgia requesting specific variances for property located at 6026 Lights Ferry Road; and

WHEREAS, a survey and complete description of the property subject to the requested variances is included in the application; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia held a public hearing on Hillgrove Homes, LLC's application at its meeting of February 5, 2021, which was duly noticed as prescribed by law and published in the Gainesville Times, as shall be set forth in the minutes of said meeting; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia has considered the subject variance application of Hillgrove Homes, LLC in conjunction with the standards set forth in Article 37, Section 27.5 of the Zoning Ordinance.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. FINDINGS:

The City Council finds that the proposed variances from the City of Flowery Branch Zoning Ordinance Article 6, Table 6.2 is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of Article 37, Section 37.5 of the City of Flowery Branch Zoning Ordinance as identified below.

Sec. 37.5. Criteria for Granting Variances.

Any applicant requesting consideration of a variances to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;

Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 03/04/21
Adopted 03/18/21

- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;
- (c) Granting the variances requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;
- (d) The requested variances will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
- (e) The special circumstances are not the result of the actions of the applicant;
- (f) The variances requested are the minimum variances that will make possible the proposed use of the land, building, or structure in the use district proposed; and
- (g) The variances shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

SECTION 2. LEGAL DESCRIPTION, VARIANCES GRANTED AND CONDITIONS IMPOSED:

The properties as shown in attached Exhibit "A" and as legally described in Exhibit "B" shall be granted the following variances from the requirements set forth in the Flowery Branch Zoning Ordinance Article 6, Table 6.2:

1. Reduction in minimum required lot size from 15,000 square feet to 7,000 square feet.
2. Reduction in minimum required lot width from 75 feet to 50 feet.
3. Reduction in required side setback from 10 feet to 5 feet.

Conditions set forth in Exhibit "C" are imposed on said properties. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 03/04/21
Adopted 03/18/21

SECTION 4. EFFECTIVE DATE.

The effective date of this Ordinance shall be upon adoption by the City Council of the City of Flowery Branch, Georgia.

SECTION 5. REPEALER.

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Adopted this 18th day of March 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

Exhibit “A”



Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 03/04/21
Adopted 03/18/21

Exhibit "B"

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lots 111 and 112, 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows:

Commencing at a point common for Land Lots 111, 112, 118 and 119; THENCE South 74 degrees 24 minutes 19 seconds East for 83.77 feet to a 1" open top pipe on the northern right-of-way of Lights Ferry Road (60' R/W), said point being THE TRUE POINT OF BEGINNING;

THENCE along the right-of-way of Lights Ferry Road North 28 degrees 19 minutes 20 seconds West a distance of 200.76 feet to an iron pin set;

THENCE leaving said right-of-way along the line common for now or formerly known Aristide J Sward and Phillip W. Williams North 63 degrees 30 minutes 09 seconds East a distance of 139.19 feet to an iron pin set;

THENCE along said line, North 27 degrees 04 minutes 25 seconds West a distance of 50.00 feet to an open top pipe found;

THENCE along said line North 63 degrees 30 minutes 09 seconds East a distance of 150.01 feet to an open top pipe found;

THENCE along Marrow drive (30; R/w) South 27 degrees 04 minutes 25 seconds East a distance of 247.18 feet to a 1" open top pipe;

THENCE leaving said right-of-way along the line common for now or formerly known Aristide J Sward and William C Tullis, South 62 degrees 48 minutes 02 seconds West a distance of 284.80 feet to an open top pipe, said point being THE TRUE POINT OF BEGINNING.

The above described tract contains an area of 1.483 acres.

Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 03/04/21
Adopted 03/18/21

Exhibit "C"

1. Applicant's development shall comply with all stormwater management requirements of Article 12 of the Subdivision and Land Development Code per Section 1203.
2. Applicant shall record a final plat in accordance with Article 8 of the Subdivision and Land Development Code.
3. The final plat shall dedicate a 25 feet wide strip of public right of way along Morrow Drive (measured from the existing centerline of said road) for future installation of sidewalks, curb, gutter, utilities and other public improvements.
4. A landscape plan for each individual lot and the development as a whole shall be submitted to staff at the time of any land disturbance application.
5. Applicant shall construct new homes in accordance with the elevations submitted and attached hereto.

Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 03/04/21
Adopted 03/18/21



 ResidentialRendering.com

Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 03/04/21
Adopted 03/18/21



 ResidentialRendering.com

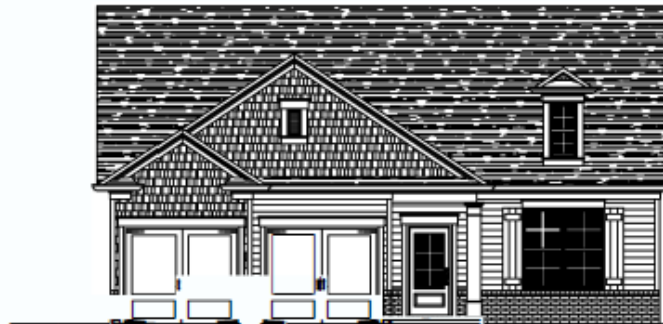
Cottages @
Lights Ferry



Front Elevation A



Front Elevation B



Front Elevation C

Public Hearing Published	01/13/21
Public Hearing	02/04/21

First Reading	03/04/21
Adopted	03/18/21

Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 03/04/21
Adopted 03/18/21

ORDINANCE 632

AN ORDINANCE GRANTING VARIANCES FROM THE R-2 (RESIDENTIAL, DETACHED SINGLE FAMILY, LOW DENSITY DISTRICT) REQUIREMENTS OF ARTICLE 6, TABLE 6.2, OF THE FLOWERY BRANCH ZONING ORDINANCE TO 6040 MORROW DRIVE, OWNED BY HILLGROVE HOMES, LLC, SHOWN ON EXHIBIT "A", DESCRIBED ON EXHIBIT "B", AND SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT "C", BY REDUCING THE MINIMUM REQUIRED LOT SIZE FROM 15,000 SQUARE FEET TO 7,000 SQUARE FEET, REDUCING THE MINIMUM REQUIRED LOT WIDTH FROM 75 FEET TO 50 FEET, AND BY REDUCING THE REQUIRED SIDE SETBACK FROM 10 FEET TO 5 FEET; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Hillgrove Homes, LLC has submitted a written and signed application to the City of Flowery Branch, Georgia requesting specific variances for property located at 5040 Morrow Drive; and

WHEREAS, a survey and complete description of the property subject to the requested variances is included in the application; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia held a public hearing on Hillgrove Homes, LLC's application at its meeting of February 5, 2021, which was duly noticed as prescribed by law and published in the Gainesville Times, as shall be set forth in the minutes of said meeting; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia has considered the subject variance application of Hillgrove Homes, LLC in conjunction with the standards set forth in Article 37, Section 27.5 of the Zoning Ordinance.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. FINDINGS:

The City Council finds that the proposed variances from the City of Flowery Branch Zoning Ordinance Article 6, Table 6.2 is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of Article 37, Section 37.5 of the City of Flowery Branch Zoning Ordinance as identified below.

Sec. 37.5. Criteria for Granting Variances.

Any applicant requesting consideration of a variances to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;

Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 03/04/21
Adopted 03/18/21

- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;
- (c) Granting the variances requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;
- (d) The requested variances will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
- (e) The special circumstances are not the result of the actions of the applicant;
- (f) The variances requested are the minimum variances that will make possible the proposed use of the land, building, or structure in the use district proposed; and
- (g) The variances shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

SECTION 2. LEGAL DESCRIPTION, VARIANCES GRANTED AND CONDITIONS IMPOSED:

The properties as shown in attached Exhibit "A" and as legally described in Exhibit "B" shall be granted the following variances from the requirements set forth in the Flowery Branch Zoning Ordinance Article 6, Table 6.2:

1. Reduction in minimum required lot size from 15,000 square feet to 7,000 square feet.
2. Reduction in minimum required lot width from 75 feet to 50 feet.
3. Reduction in required side setback from 10 feet to 5 feet.

Conditions set forth in Exhibit "C" are imposed on said properties. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 03/04/21
Adopted 03/18/21

SECTION 4. EFFECTIVE DATE.

The effective date of this Ordinance shall be upon adoption by the City Council of the City of Flowery Branch, Georgia.

SECTION 5. REPEALER.

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Adopted this 18th day of March 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

Exhibit “A”



Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 03/04/21
Adopted 03/18/21

Exhibit "B"

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lots 111 and 112, 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows:

Commencing at a point common for Land Lots 111, 112, 118 and 119; THENCE South 74 degrees 24 minutes 19 seconds East a distance of 83.77 feet to a 1" open top pipe on the northern right-of-way of Lights Ferry Road (60' R/W) a point; THENCE North 62 degrees 48 minutes 02 seconds East a distance of 284.80 feet to a 1" open top pipe on the southern right-of-way of Morrow drive (30' R/W); THENCE across the street North 62 degrees 42 minutes 53 seconds East a distance of 30.00 feet to a 1/2" rebar found on the northern right-of-way of said road, said point being THE TRUE POINT OF BEGINNING;

THENCE along Marrow Drive (30' R/W) North 27 degrees 04 minutes 25 seconds West a distance of 200.02 feet to an iron pin set;

THENCE leaving said right-of-way North 62 degrees 02 minutes 16 seconds East a distance of 152.37 feet to an iron pin set;

THENCE along the line common for Now or formerly known Summit Lake Homeowners Association and Donald W. England, South 26 degrees 25 minutes 45 seconds East a distance of 200.07 feet to a 1/2" rebar found;

THENCE along the line common for Now or formerly known Donald W. England and Clyde W. & Sheila M. Grine, South 62 degrees 02 minutes 16 seconds West a distance of 150.12 feet to 1/2" rebar found, said point being THE TRUE POINT OF BEGINNING.

The above described tract contains an area of 0.694 acres.

Exhibit "C"

1. Applicant's development shall comply with all stormwater management requirements of Article 12 of the Subdivision and Land Development Code per Section 1203.
2. Applicant shall record a final plat in accordance with Article 8 of the Subdivision and Land Development Code.
3. The final plat shall dedicate a 25 feet wide strip of public right of way along Morrow Drive (measured from the existing centerline of said road) for future installation of sidewalks, curb, gutter, utilities and other public improvements.
4. A landscape plan for each individual lot and the development as a whole shall be submitted to staff at the time of any land disturbance application.



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Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 03/04/21
Adopted 03/18/21



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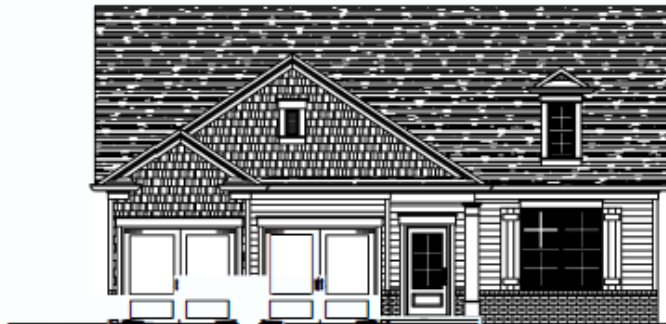
Cottages @
Lights Ferry



Front Elevation A



Front Elevation B



Front Elevation C

Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 03/04/21
Adopted 03/18/21

ORDINANCE 633

AN ORDINANCE GRANTING VARIANCES FROM THE R-2 (RESIDENTIAL, DETACHED SINGLE FAMILY, LOW DENSITY DISTRICT) REQUIREMENTS OF ARTICLE 6, TABLE 6.2, OF THE FLOWERY BRANCH ZONING ORDINANCE TO 6041 MORROW DRIVE, OWNED BY HILLGROVE HOMES, LLC, SHOWN ON EXHIBIT "A", DESCRIBED ON EXHIBIT "B", AND SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT "C", BY REDUCING THE MINIMUM REQUIRED LOT SIZE FROM 15,000 SQUARE FEET TO 7,000 SQUARE FEET, REDUCING THE MINIMUM REQUIRED LOT WIDTH FROM 75 FEET TO 50 FEET, AND BY REDUCING THE REQUIRED SIDE SETBACK FROM 10 FEET TO 5 FEET; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Hillgrove Homes, LLC has submitted a written and signed application to the City of Flowery Branch, Georgia requesting specific variances for property located at 6041 Morrow Drive; and

WHEREAS, a survey and complete description of the property subject to the requested variances is included in the application; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia held a public hearing on Hillgrove Homes, LLC's application at its meeting of February 5, 2021, which was duly noticed as prescribed by law and published in the Gainesville Times, as shall be set forth in the minutes of said meeting; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia has considered the subject variance application of Hillgrove Homes, LLC in conjunction with the standards set forth in Article 37, Section 27.5 of the Zoning Ordinance.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. FINDINGS:

The City Council finds that the proposed variances from the City of Flowery Branch Zoning Ordinance Article 6, Table 6.2 is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of Article 37, Section 37.5 of the City of Flowery Branch Zoning Ordinance as identified below.

Sec. 37.5. Criteria for Granting Variances.

Any applicant requesting consideration of a variances to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;

Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 03/04/21
Adopted 03/18/21

- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;
- (c) Granting the variances requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;
- (d) The requested variances will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
- (e) The special circumstances are not the result of the actions of the applicant;
- (f) The variances requested are the minimum variances that will make possible the proposed use of the land, building, or structure in the use district proposed; and
- (g) The variances shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

SECTION 2. LEGAL DESCRIPTION, VARIANCES GRANTED AND CONDITIONS IMPOSED:

The properties as shown in attached Exhibit "A" and as legally described in Exhibit "B" shall be granted the following variances from the requirements set forth in the Flowery Branch Zoning Ordinance Article 6, Table 6.2:

1. Reduction in minimum required lot size from 15,000 square feet to 7,000 square feet.
2. Reduction in minimum required lot width from 75 feet to 50 feet.
3. Reduction in required side setback from 10 feet to 5 feet.

Conditions set forth in Exhibit "C" are imposed on said properties. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 03/04/21
Adopted 03/18/21

SECTION 4. EFFECTIVE DATE.

The effective date of this Ordinance shall be upon adoption by the City Council of the City of Flowery Branch, Georgia.

SECTION 5. REPEALER.

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Adopted this 18th day of March 2021.

James M. Miller, Mayor

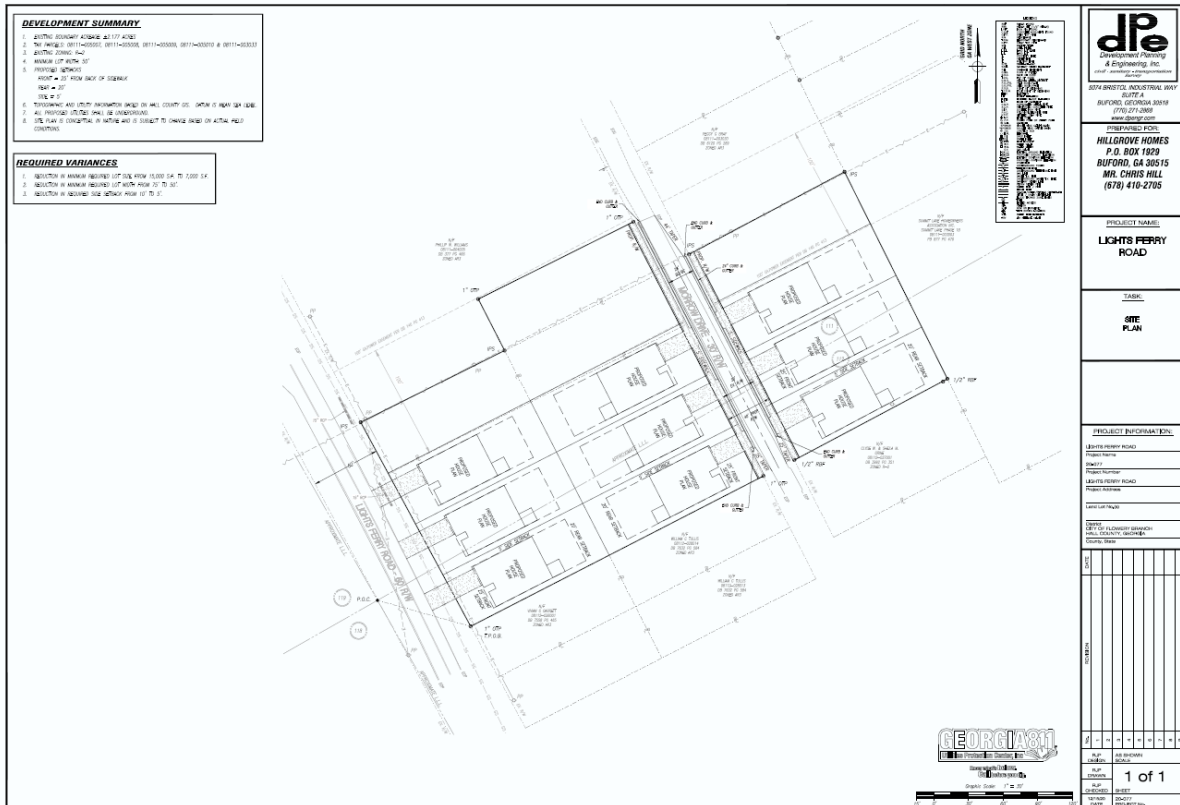
ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

Exhibit "A"



Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 03/04/21
Adopted 03/18/21

Exhibit "B"

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lots 111 and 112, 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows:

Commencing at a point common for Land Lots 111, 112, 118 and 119; THENCE South 74 degrees 24 minutes 19 seconds East for 83.77 feet to a 1" open top pipe on the northern right-of-way of Lights Ferry Road (60' R/W), said point being THE TRUE POINT OF BEGINNING;

THENCE along the right-of-way of Lights Ferry Road North 28 degrees 19 minutes 20 seconds West a distance of 200.76 feet to an iron pin set;

THENCE leaving said right-of-way along the line common for now or formerly known Aristide J Sward and Phillip W. Williams North 63 degrees 30 minutes 09 seconds East a distance of 139.19 feet to an iron pin set;

THENCE along said line, North 27 degrees 04 minutes 25 seconds West a distance of 50.00 feet to an open top pipe found;

THENCE along said line North 63 degrees 30 minutes 09 seconds East a distance of 150.01 feet to an open top pipe found;

THENCE along Marrow drive (30; R/w) South 27 degrees 04 minutes 25 seconds East a distance of 247.18 feet to a 1" open top pipe;

THENCE leaving said right-of-way along the line common for now or formerly known Aristide J Sward and William C Tullis, South 62 degrees 48 minutes 02 seconds West a distance of 284.80 feet to an open top pipe, said point being THE TRUE POINT OF BEGINNING.

The above described tract contains an area of 1.483 acres.

Exhibit "C"

1. Applicant's development shall comply with all stormwater management requirements of Article 12 of the Subdivision and Land Development Code per Section 1203.
2. Applicant shall record a final plat in accordance with Article 8 of the Subdivision and Land Development Code.
3. The final plat shall dedicate a 25 feet wide strip of public right of way along Morrow Drive (measured from the existing centerline of said road) for future installation of sidewalks, curb, gutter, utilities and other public improvements.
4. A landscape plan for each individual lot and the development as a whole shall be submitted to staff at the time of any land disturbance application.



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Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 03/04/21
Adopted 03/18/21



ResidentialRendering.com

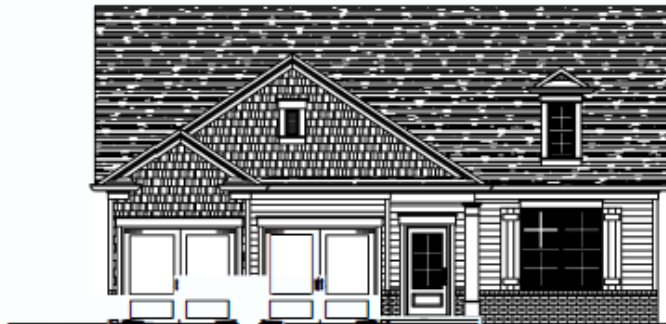
**Cottages @
Lights Ferry**



Front Elevation A



Front Elevation B



Front Elevation C

Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 03/04/21
Adopted 03/18/21

ORDINANCE 634

AN ORDINANCE GRANTING VARIANCES FROM THE R-2 (RESIDENTIAL, DETACHED SINGLE FAMILY, LOW DENSITY DISTRICT) REQUIREMENTS OF ARTICLE 6, TABLE 6.2, OF THE FLOWERY BRANCH ZONING ORDINANCE TO 6043 MORROW DRIVE, OWNED BY HILLGROVE HOMES, LLC, SHOWN ON EXHIBIT "A", DESCRIBED ON EXHIBIT "B", AND SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT "C", BY REDUCING THE MINIMUM REQUIRED LOT SIZE FROM 15,000 SQUARE FEET TO 7,000 SQUARE FEET, REDUCING THE MINIMUM REQUIRED LOT WIDTH FROM 75 FEET TO 50 FEET, AND BY REDUCING THE REQUIRED SIDE SETBACK FROM 10 FEET TO 5 FEET; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Hillgrove Homes, LLC has submitted a written and signed application to the City of Flowery Branch, Georgia requesting specific variances for property located at 6043 Morrow Drive; and

WHEREAS, a survey and complete description of the property subject to the requested variances is included in the application; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia held a public hearing on Hillgrove Homes, LLC's application at its meeting of February 5, 2021, which was duly noticed as prescribed by law and published in the Gainesville Times, as shall be set forth in the minutes of said meeting; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia has considered the subject variance application of Hillgrove Homes, LLC in conjunction with the standards set forth in Article 37, Section 27.5 of the Zoning Ordinance.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. FINDINGS:

The City Council finds that the proposed variances from the City of Flowery Branch Zoning Ordinance Article 6, Table 6.2 is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of Article 37, Section 37.5 of the City of Flowery Branch Zoning Ordinance as identified below.

Sec. 37.5. Criteria for Granting Variances.

Any applicant requesting consideration of a variances to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;

- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;
- (c) Granting the variances requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;
- (d) The requested variances will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
- (e) The special circumstances are not the result of the actions of the applicant;
- (f) The variances requested are the minimum variances that will make possible the proposed use of the land, building, or structure in the use district proposed; and
- (g) The variances shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

SECTION 2. LEGAL DESCRIPTION, VARIANCES GRANTED AND CONDITIONS IMPOSED:

The properties as shown in attached Exhibit "A" and as legally described in Exhibit "B" shall be granted the following variances from the requirements set forth in the Flowery Branch Zoning Ordinance Article 6, Table 6.2:

1. Reduction in minimum required lot size from 15,000 square feet to 7,000 square feet.
2. Reduction in minimum required lot width from 75 feet to 50 feet.
3. Reduction in required side setback from 10 feet to 5 feet.

Conditions set forth in Exhibit "C" are imposed on said properties. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 03/04/21
Adopted 03/18/21

SECTION 4. EFFECTIVE DATE.

The effective date of this Ordinance shall be upon adoption by the City Council of the City of Flowery Branch, Georgia.

SECTION 5. REPEALER.

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Adopted this 18th day of March 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

Exhibit “A”



Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 03/04/21
Adopted 03/18/21

Exhibit "B"

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lots 111 and 112, 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows:

Commencing at a point common for Land Lots 111, 112, 118 and 119; THENCE South 74 degrees 24 minutes 19 seconds East for 83.77 feet to a 1" open top pipe on the northern right-of-way of Lights Ferry Road (60' R/W), said point being THE TRUE POINT OF BEGINNING;

THENCE along the right-of-way of Lights Ferry Road North 28 degrees 19 minutes 20 seconds West a distance of 200.76 feet to an iron pin set;

THENCE leaving said right-of-way along the line common for now or formerly known Aristide J Sward and Phillip W. Williams North 63 degrees 30 minutes 09 seconds East a distance of 139.19 feet to an iron pin set;

THENCE along said line, North 27 degrees 04 minutes 25 seconds West a distance of 50.00 feet to an open top pipe found;

THENCE along said line North 63 degrees 30 minutes 09 seconds East a distance of 150.01 feet to an open top pipe found;

THENCE along Marrow drive (30; R/w) South 27 degrees 04 minutes 25 seconds East a distance of 247.18 feet to a 1" open top pipe;

THENCE leaving said right-of-way along the line common for now or formerly known Aristide J Sward and William C Tullis, South 62 degrees 48 minutes 02 seconds West a distance of 284.80 feet to an open top pipe, said point being THE TRUE POINT OF BEGINNING.

The above described tract contains an area of 1.483 acres.

Exhibit "C"

1. Applicant's development shall comply with all stormwater management requirements of Article 12 of the Subdivision and Land Development Code per Section 1203.
2. Applicant shall record a final plat in accordance with Article 8 of the Subdivision and Land Development Code.
3. The final plat shall dedicate a 25 feet wide strip of public right of way along Morrow Drive (measured from the existing centerline of said road) for future installation of sidewalks, curb, gutter, utilities and other public improvements.
4. A landscape plan for each individual lot and the development as a whole shall be submitted to staff at the time of any land disturbance application.



 ResidentialRendering.com

Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 03/04/21
Adopted 03/18/21



 ResidentialRendering.com

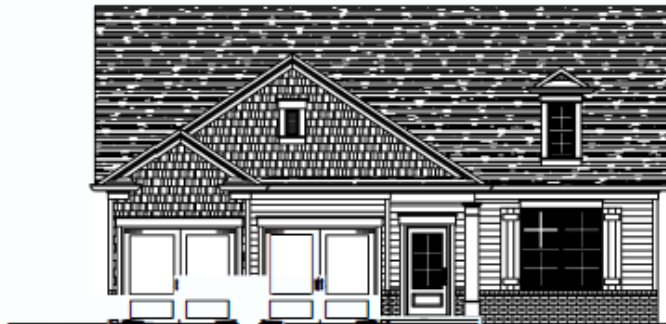
**Cottages @
Lights Ferry**



Front Elevation A



Front Elevation B



Front Elevation C

Public Hearing Published	01/13/21
Public Hearing	02/04/21

First Reading	03/04/21
Adopted	03/18/21



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Second Reading of Ordinance 623 a rezoning request submitted by Mr. Bret Clark.

COUNCIL MEETING DATE: March 18, 2021

HISTORY:

Mr. Bret Clark (who was approved and is currently working on the McEver self-storage project) has submitted an application to rezone 5519 McEver Road from A (Agriculture) to HB (Highway Business) and R-3 (Multi-family) with the intent to construct a townhome/commercial mixed-use project. The parcel is approximately 11.34 acres and is currently vacant.

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve as submitted and conditioned by staff.

SAMPLE MOTION:

I make a motion to approve the second read of ordinance 623.

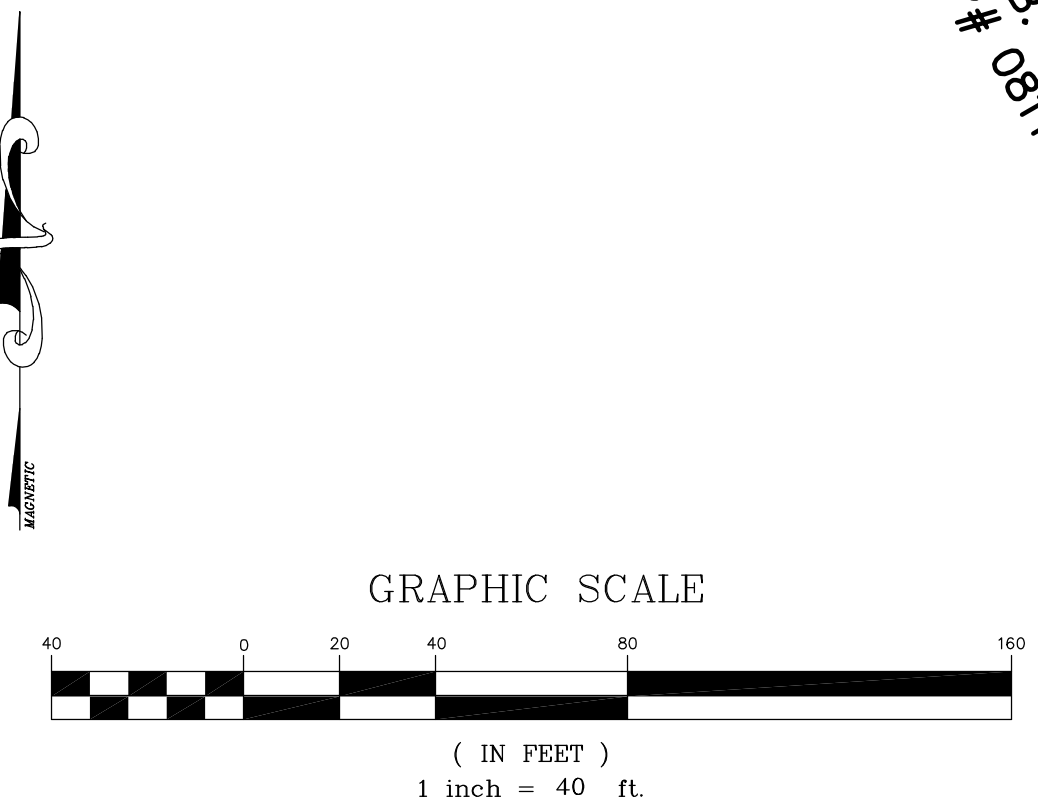
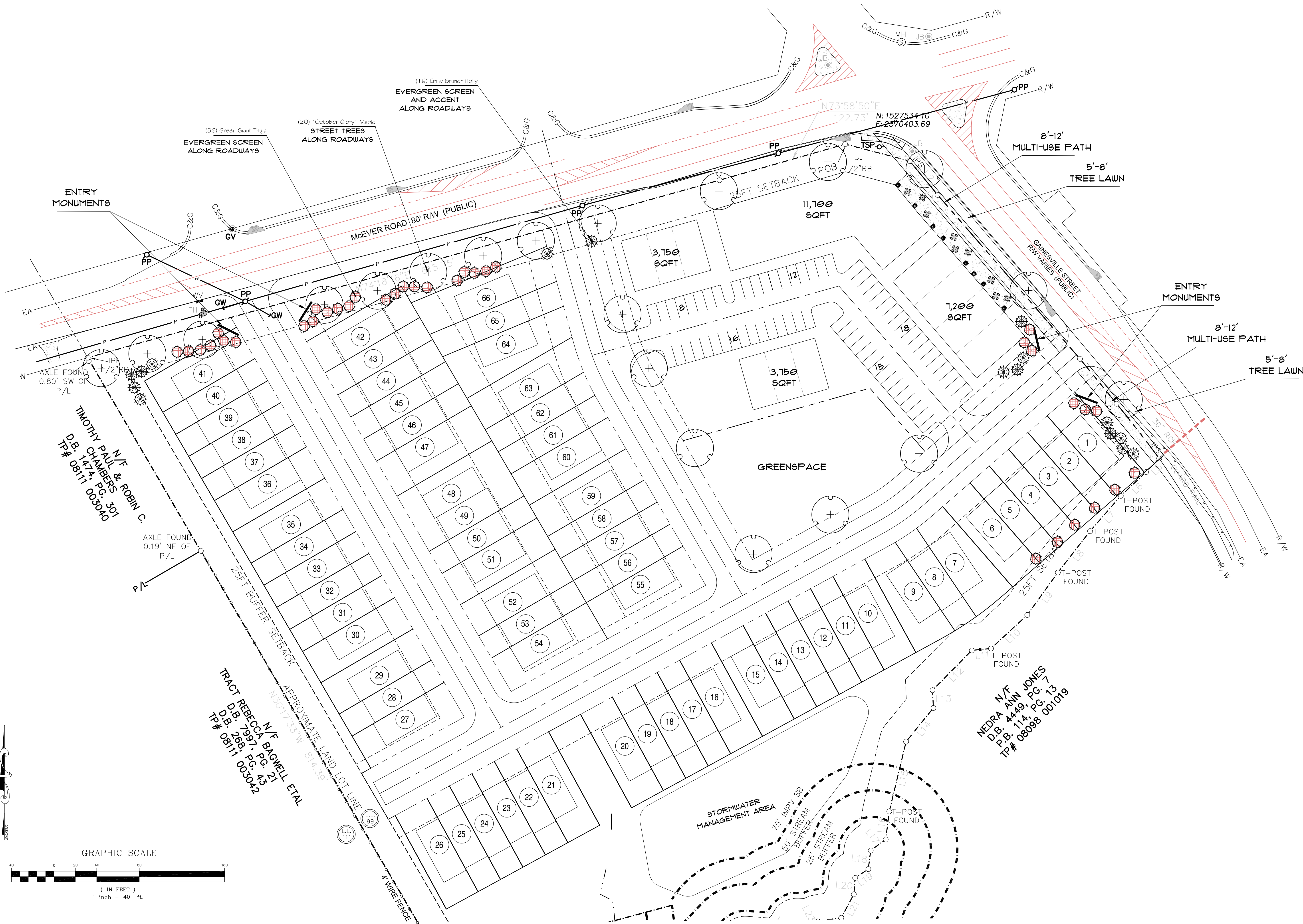
COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [FINAL SITE MARCH 18.pdf](#)
- [McEver Letter of Intent 2020-10-29.pdf](#)
- [Zoning Analysis 2020-10-30.pdf](#)
- [B Clark Ap.pdf](#)
- [Staff Report Bret Clark McEver Mixed-Use.pdf](#)
- [Ordinance 20-623 Bret Clark McEver-Gainesville.pdf](#)



SIGNED / SEALED

PREPARED FOR

McEVER ROAD TRACT
 CITY OF FLOWERY BRANCH
 HALL COUNTY, GEORGIA

196 BELLAIRE COURT WADSWORTH, GA 30090
 PH: 578.618.2037
 HOLT@RIDGELINEPLANNING.COM

FRONTAGE LANDSCAPE PLAN

SHEET TITLE

NO	REVISION	DATE	DESCRIPTION
1	1	3/12/2021	MOVE STREET TREES FROM POWERLINE CONFLICTS.

DESIGNED BY: HHP

SCALE: 1"=40'

DRAWN BY: HHP

L-1

CHECKED BY: HHP

DATE: 2/14/2021

SHEET: 1

JOB NO.:



City of Flowery Branch Planning and Community Development
5410 Pine Street
Flowery Branch, GA 30542

October 29, 2020

RE: Rezoning request of 5519 McEver Road (TP 08099 000007)

To Whom It May Concern:

Ridgeline Land Planning, Inc. is requesting to rezone 11.338 acres located at 5519 McEver Road from A (Agriculture) to HB and R-3 as shown on the included site plan. The proposed rezoning is to allow development of a mixed-use community consisting of 68 single-family attached townhomes and 35,100 square feet of Neighborhood Commercial space. Site densities are 7.69 units per acre for the residential portion and 0.32 FAR for the commercial area. Residential exterior materials will consist of brick, stone, and cementitious siding. The Commercial materials will match or compliment the residential materials to create a cohesive community design. Residential building height will be a maximum of 35 feet. Commercial building heights will not exceed 40 feet in height.

The subject property lies within the Neighborhood Commercial character area designated in the Comprehensive Plan. Major features of the Neighborhood Commercial character area are "Pedestrian accessibility is promoted via sidewalks connected to nearby neighborhoods". By providing single family attached townhomes to the rear of the subject a walkable mixed-use neighborhood will be created that is consistent with the intent of the comprehensive plan.

Constitutional Objections

Facially and as applied to the Property, the specific portions of the City of Flowery Branch Comprehensive Plan and zoning ordinance which restrict the Property to any zoning classification, conditions, uses, or to any development other than those proposed by the Applicant are unconstitutional because they would abolish or damage the Applicant's property rights without paying adequate, fair, and just compensation for such rights, in violation of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

Facially and as applied to the Property, the application of the City of Flowery Branch ordinances or Comprehensive Plan which restrict the Property to any zoning classification, conditions, uses, or to any development other than the proposed by the Applicant is unconstitutional, illegal, null, and void, constituting a taking and/or damaging of Applicant's Property by denying Applicant all

economically viable use of its land while not substantially advancing legitimate state interests in violation of the United States Constitution's Just Compensation Clause of the Fifth Amendment and the Equal Protection and Due Process Clauses of the Fourteenth Amendment and the Constitution of the State of Georgia of 1983.

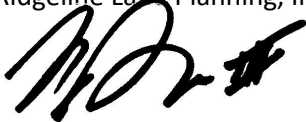
The denial of this application would be an arbitrary and capricious act by the City of Flowery Branch without any rational basis, thus constituting an abuse of discretion in violation of the Constitution of the State of Georgia of 1983 and Due Process Clauses of the Fourteenth Amendment to the United States Constitution.

A refusal by the City of Flowery Branch to approve this application for the Property would be unconstitutional and discriminate in an arbitrary, capricious, and unreasonable manner between the Applicant and owners of similarly situated property in violation of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

The applicant and stakeholders respectfully request approval of this application and welcome the opportunity to meet with The City of Flowery Branch Planning and Community Development staff, Planning Commission, and Mayor and Council to discuss any questions or concerns regarding the application.

Respectfully,

Ridgeline Land Planning, Inc.

A handwritten signature in black ink, appearing to read 'Holt Persinger', with a stylized flourish at the end.

Holt Persinger, RLA

Zoning Analysis – 5519 McEver road

(a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The proposed use is compatible with the surrounding development

(b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.

The proposed community will be compatible with the adjacent commercial and residential uses.

(c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.

The current agricultural use is not economically viable in relation to the surrounding development.

(d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

The proposed development would not create an excessive burden on existing infrastructure.

(e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map.

The proposal is in conformance with the comprehensive plan and proposed character area.

(f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal.

The development of the surrounding area supports the proposal as growth continues along the McEver Road corridor.

(g) Existing use(s) and zoning of the subject property and nearby properties.

Properties North of the subject across McEver Road are zoned NS and are currently under commercial uses. The property to the East across Gainesville street is developed as a residential community.

(h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification.

The existing agriculture zoning is not economically viable considering the existing surrounding development.

(i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.

Adjacent properties are mostly developed with compatible uses.

(j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.

The proposal will not create an isolated or unrelated district. The proposed commercial and residential uses blend with the existing commercial and residential at the intersection of McEver Road and Gainesville Street.

(k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.

The proposal is in keeping with the current uses and character of the area.

(l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.

All NPDES guidelines will be implemented during and after development to minimize environmental impacts.

(m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance.

The proposal conforms to the character area designated in the Comprehensive plan.



REZONING APPLICATION

Date: 10/28/2020

Address of Request: 5519 McEver Road
Flowery Branch, GA 30542

Tax Map # 08099 000007 **Current Zoning:** A

Is this site located within the boundaries of the historic district? No

Currently a conforming use? Yes

Any conditions of zoning, CUP's, etc.? No

Applicant Information

Name: Ridgeline Land Planning, Inc.

Address: 196 Belaire Court
Winder, GA 30680

E-mail address: holt@ridgelineplanning.com

Phone number: 678-618-2037

Signature: [Signature]

Notary:





Property owner information (if different than the applicant)

Property owner (please print): 5519 MCEVER Rd, L.L.C.

Signature of property owner: Picky Presley - MANAGER/OWNER.

Notary:



Property Information

Tax Map Number: 08099 00000 7

Current Zoning: A Total Acres: 11.338 ac

Is this property located within the city-limits of Flowery Branch? YES

Proposed City of Flowery Branch Zoning: PUD R-3 / HB

Current Use: AG / VACANT

Please review the Flowery Branch Code of Ordinances, Appendix C, "Zoning Ordinance", Article 34, for complete requirements.

Please provide the following at time of submittal in (one hard copy and digitally):

- Legal description
- Current survey of property



- Site plan shall meet the requirements of the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.5
- Development statistics per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.6
- Analysis requirements per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.7
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)
- Names and addresses of adjoining property owners
- Reasons for requesting rezoning
- Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect the subject property

Conflict of Interest Disclosure

Identify all members of the City Council of the City of Flowery Branch and Employees of the City of Flowery Branch Community Development Department who

Have a property interest in the real property affected by this request

NA

Have a financial interest (direct ownership interest) of the total assets or capital stock of a business entity where such ownership interest is more than 10% in any business entity which has a property interest in the real property affected by this request

NA

Have a member of the family (spouse, mother, father, brother, sister, son or daughter) having a property financial interest as herein defined, in the real property affected by this request

NA



Disclosure of Campaign Contributions

List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total \$250.00 or more or to whom gifts were made having a total value of \$250.00 or more.

Elected Officials Name	Amount of Description of Gift
None	

CITY STAFF ONLY

Application Received By:

Date: 10/28/20 Total Fee: 520



Applicant: Bret Clark

Property Owner: McEver Road, LLC.

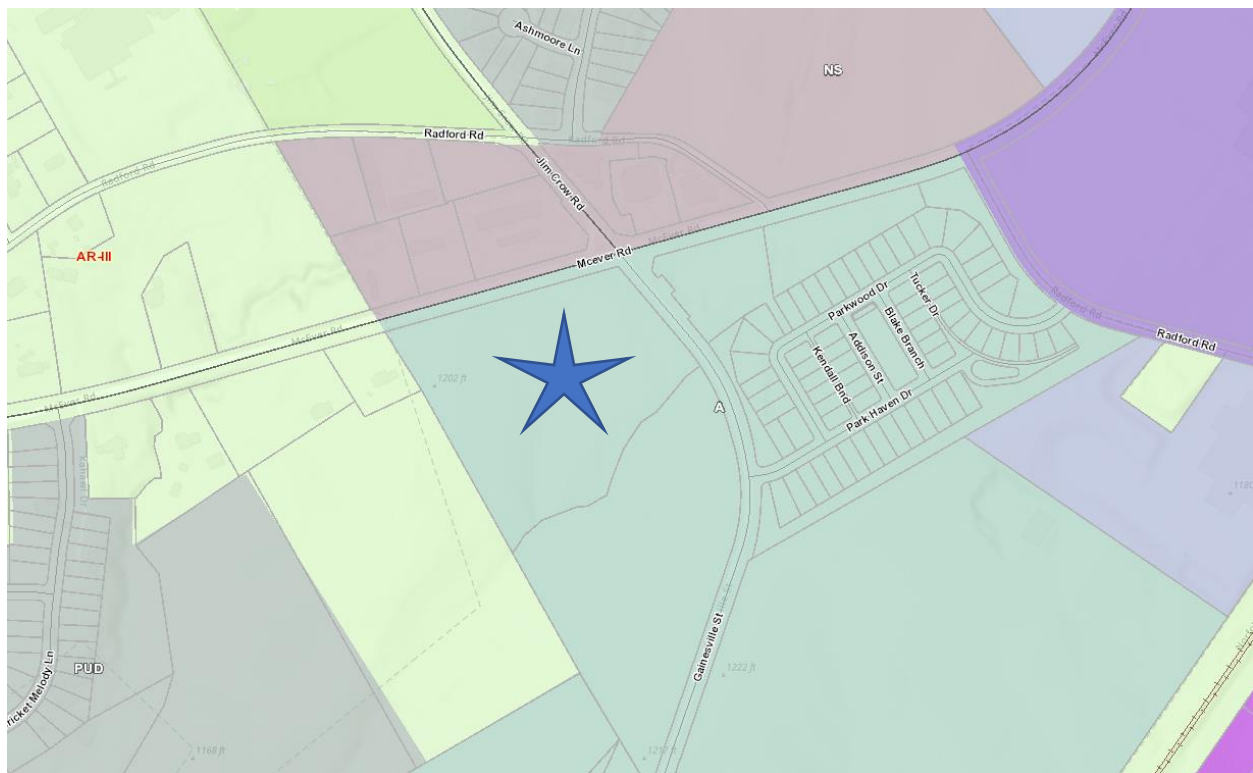
Subject Property: 5519 McEver Road; 08099 000007; 11.34+/- acres

Request: Rezone from A (Agriculture) to HB (Highway Business) and R-3 (Multi-family) proposal is to construct a mixed-use development of townhomes and commercial outparcels

Current Use: Vacant

Character Area: Neighborhood Commercial

5519 McEver Road; currently zoned A (Agriculture):





Neighborhood Commercial

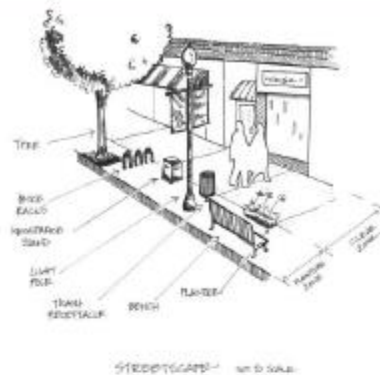
VISION: Attractive, non-auto related neighborhood businesses and services, with distinctive architectural features and a scale compatible with pedestrians and connected to adjacent residential neighborhoods.

USES AND INTENSITIES: Neighborhood-serving commercial intensities are within a range of approximately 10,000 to 15,000 square feet of building space per acre. Business establishments do not generally exceed 25,000 square feet in any one tenant space, to keep the bulk and intensity in scale with the needs of adjacent neighborhoods.

MAJOR FEATURES: Pedestrian accessibility is promoted via sidewalks connected to nearby neighborhoods, but uses are mostly reliant on the automobile for access. Nonetheless, buildings and developments are scaled to be compatible with and promote pedestrian activity. Open space is limited to suburban plazas or small open spaces. Three-story height limit. Entrances, frontages, and building façades are softened with landscaping and low-lying identification signs.

REGULATIONS: This character area will be implemented with a neighborhood commercial zoning district. Design guidelines will be provided, and neighborhood commercial projects will be required to complete design review. Minimum 15 percent of the lot is open space or landscaped.

QUALITY COMMUNITY OBJECTIVES IMPLEMENTED: Appropriate business, employment options, transportation alternatives, sense of place.



Jeffery Wertz & Associates, Inc.
Planning & Development Consultants

Illustrative Pedestrian Features



Outdoor Seating and Attractive Lighting

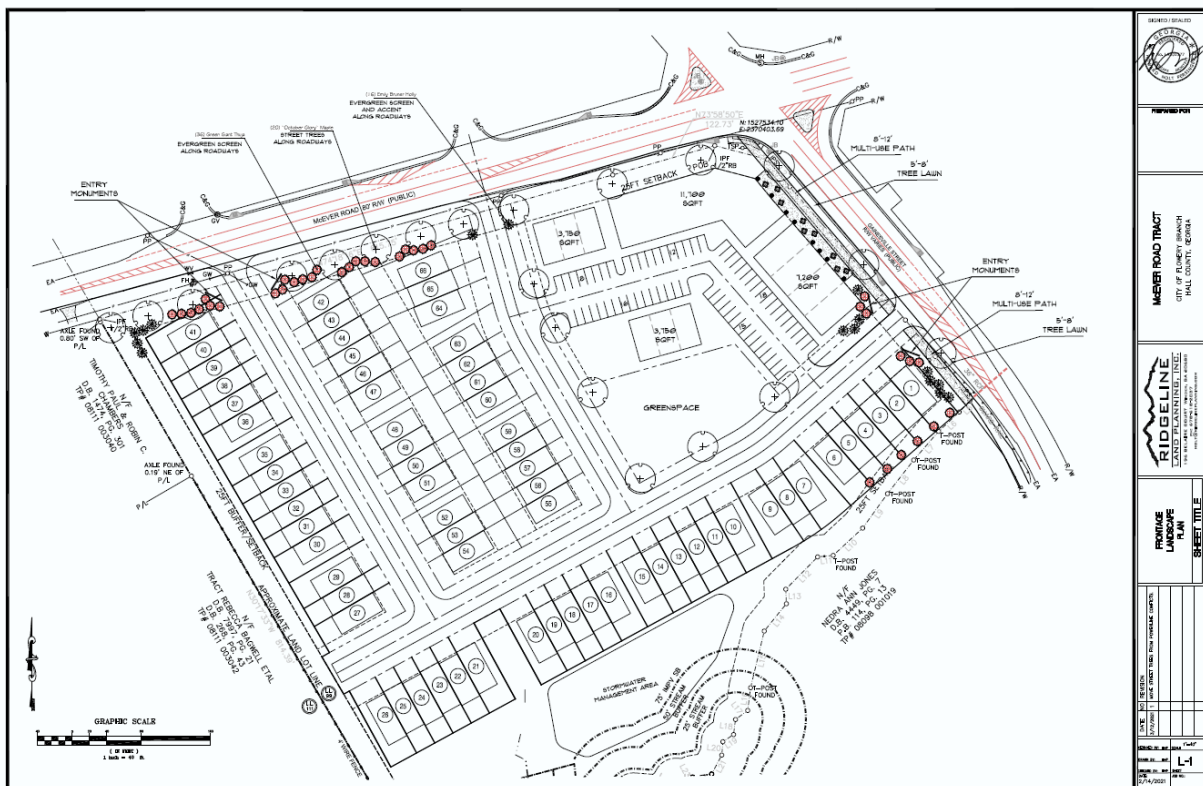


Quality, Compatible Architectural Design Including Signage



The Comprehensive Plan designates this parcel as a Neighborhood Commercial character area. The project includes a commercial component that meets the intent of this character area but adds a townhome component. Staff feels under the current economic climate and the state of retail/commercial building it is unrealistic to envision an 11-acre small scale commercial project on this site. This property is a gateway to our downtown and adding a mixed-use project to this corner will help the continued development of downtown while providing services to the McEver Road corridor.

Final:





Staff Recommendation

The concept of a mixed-use works for this parcel as it provides an attractive gateway project. Staff recommends approval with the following conditions:

1. A landscape/buffer plan shall be approved by staff prior to the issuance of a land disturbance permit.
2. Townhomes shall be limited to runs of no more than six.
3. Development shall generally adhere to the site plan as submitted as Exhibit “D” of this ordinance.
 - A. A buffer reduction from 25’ to 10’ along the common property line of parcel 08111 003040 is granted to allow entrance alignment with the commercial properties located on the opposite side of McEver Road.
 - B. Major changes shall constitute a City Council review.
 - 1). Change in number of units of 2 or more.
 - 2). Significant deviation from the approved landscape/buffer plan.
 - 3). Altering the commercial portion of the site plan to allow additional residential component.
 - 4.) Any changes staff deems major.
 - C. Minor Changes shall be approved by staff.
 - 1). Reduction of the number of units.
 - 2). Reduction in setbacks of 5’ or less.
 - 3.) Any changes that do not significantly impact the overall site.
4. A 10’-12’ pedestrian/bike path shall be provided along the entirety of the property line along Gainesville Street to be built to the City’s specifications.
5. Sewer and water shall be provided by the City of Flowery Branch
6. Driveways shall be 23’ as measured from the back of curb.
7. Townhomes and commercial parcels shall be constructed in a manner that significantly adheres to the elevations as submitted as Exhibit “E”.
 - A. Material shall be limited to brick, stacked stone, cementitious fiber board, and board and batten.
 - B. Elevations shall be submitted for each townhome at the time of permit.
 - C. Architectural shingles shall be used throughout the development.
8. Commercial - Highway Business Parcels
 - A. No gas stations will be allowed on the commercial properties.
 - B. All commercial uses other than retail, office, or food service shall require a conditional use permit.
 - C. Developed separately and subservient to the residentially zoned parcel.
 - D. Location of all signs.
 - E. No lighted or animated signs shall face the residential subdivision.



- F. Lighting plan must be submitted and approved by staff.
- G. Dumpster must be fully enclosed, and materials must be consistent with primary structure.
- H. Commercial parcels shall generally adhere to the site plan as shown on Exhibit “D”.
- I. If not developed concurrently with the residential portion of this development the commercial parcels shall adhere to the following conditions:
 - A. Entire area shall be sodded.
 - B. Temporary landscaping shall be added to enhance the area and promote a park like atmosphere.
 - C. Streets and parking spaces shall be constructed per the approved plan as shown on attached Exhibit “D”.

Exhibit “D”

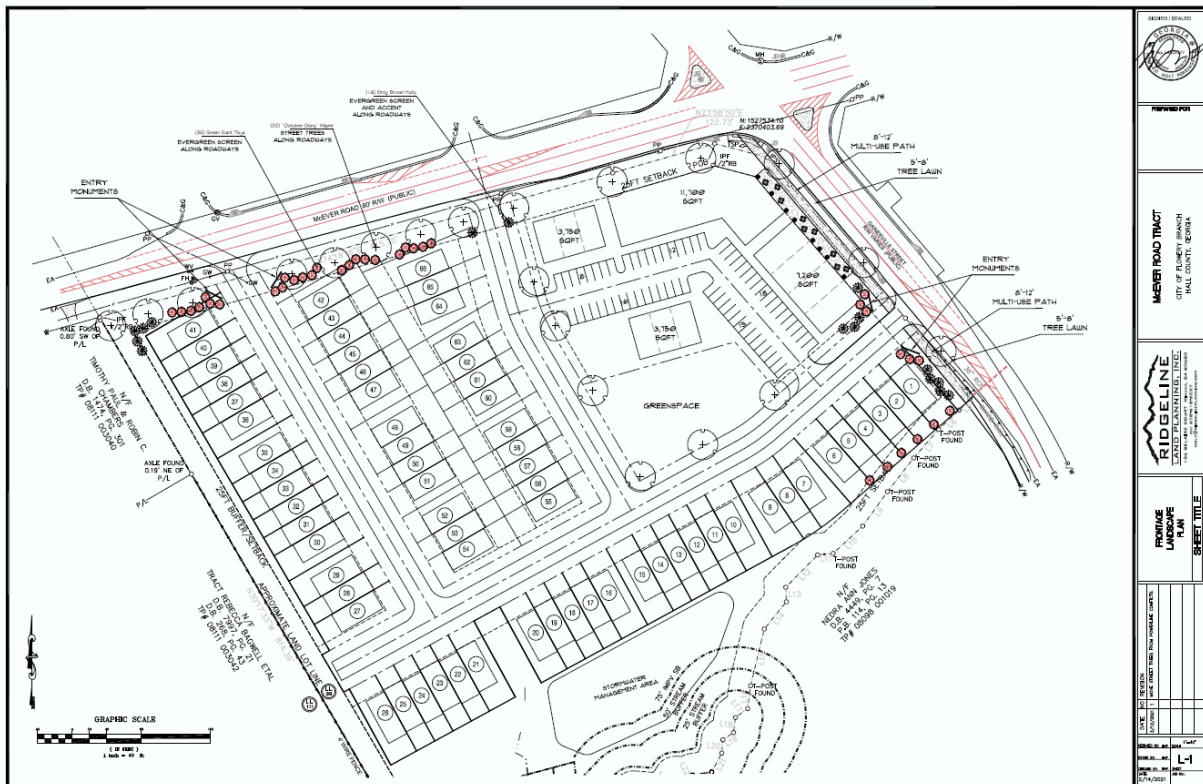




Exhibit "E"



Public Hearing Published 12/09/2020
Public Hearing 01/07/2021

First Reading 02/18/2021
Adopted 03/18/2021

ORDINANCE NO. 20-623

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING AN 11.34 +/- ACRE TRACT OF LAND OWNED BY 5519 MCEVER ROAD, LLC. COMMONLY KNOWN AS 5519 MCEVER ROAD, IDENTIFIED AS TAX PARCEL 08099 000007 AS SHOWN ON ATTACHED EXHIBIT “A”, AS DESCRIBED ON EXHIBIT “B”, FROM A (AGRICULTURAL) TO R-3 (MULTI-FAMILY RESIDENTIAL) AND HB (HIGHWAY BUSINESS) SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT “C”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, 5519 McEver Road, LLC. desires to develop an 11.34+/- acre tract of land identified as tax parcel 08099 000007; shown on Exhibit “A”; and legally described on Exhibit “B”; and

WHEREAS, specific conditions shall be placed on subject properties are shown on attached exhibit “C”; and

WHEREAS, the City Council of the City of Flowery Branch has considered the rezoning application of 5519 McEver, Road, LLC in conjunction with the standards set forth in Article 34 - Section 34.7 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

WHEREAS, 5519 McEver, Road, LLC. has submitted to the City Council of Flowery Branch, Georgia, a written and signed application requesting to be rezoned and whereas a survey and complete description of the land to be rezoned is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of January 7, 2021 duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning of the parcel from Flowery Branch A (Agricultural) to Flowery Branch R-3 (Residential Multi-Family) and HB (Highway Business) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

1. The proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.
3. The property shall be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is in conformity with the policy and intent of the comprehensive plan and the character area map and future land use plan map.
6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.
7. No determination has been made by staff with regard to the value differential between development under the current A (Agricultural) as opposed to the proposed R-3 (Residential Multi-Family) and HB (Highway Business).
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the changes to the R-3 and HB zoning districts.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.

The properties as shown in attached Exhibit “A” and as legally described in Exhibit “B” shall be rezoned R-3 (Residential Multi-Family) and HB (Highway Business). Conditions are set forth in Exhibit “C”. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. AMENDMENT OF THE ZONING MAP.

This Ordinance is enacted as an amendment to the Zoning Map of Flowery Branch, Georgia. Accordingly, the Zoning Administrator is hereby authorized to update the Official Map consistent with Article 3 of the Zoning Ordinance.

SECTION 4. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be upon adoption by the City Council of the City of Flowery Branch, Georgia.

SECTION 6. REPEALER.

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Adopted this 18th day of March 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

4



Exhibit "B"

SURVEYED DESCRIPTION

All that tract or parcel of land lying and being in the City of Flowery Branch, Land Lot 99, 8th District, Hall County, Georgia, and being more particularly described as follows:

Beginning at a 1/2" rebar found on the southwestern right-of-way intersection of McEver Road (80' R/W) and Gainesville Street (R/W Varies) with Georgia State Plane, West Zone coordinates North:1527534.10, East:2370403.69; thence along the said right-of-way of Gainesville Street South 75°17'33" East, a distance of 62.72 feet to an 1/2" rebar set; thence South 39°27'42" East, a distance of 41.08 feet to a point; thence South 40°56'44" East, a distance of 203.73 feet to a point; thence South 39°15'58" East, a distance of 54.51 feet to a point; thence along a curve to the Right for an arc distance of 64.95 feet, said curve having a chord bearing of South 37°51'59" East and a chord distance of 64.94 feet and a radius of 1550.53 feet to an 1/2" rebar set; thence leaving said right-of-way and along the centerline of a ditch South 43°49'28" West, a distance of 17.72 feet to a point; thence South 46°41'32" West, a distance of 32.62 feet to a t-post found; thence South 41°04'41" West, a distance of 43.88 feet to a t-post found; thence South 37°52'51" West, a distance of 49.26 feet to a t-post found; thence South 35°49'34" West, a distance of 49.12 feet to a point; thence South 47°06'40" West, a distance of 46.33 feet to a t-post found; thence South 84°39'24" West, a distance of 18.08 feet to a point; thence South 44°36'18" West, a distance of 52.43 feet to a point; thence South 02°24'05" East, a distance of 16.77 feet to a point; thence South 38°59'57" West, a distance of 40.62 feet to a point; thence South 13°33'51" West, a distance of 67.38 feet to a t-post found; thence South 07°15'17" West, a distance of 26.53 feet to a point; thence South 53°34'10" West, a distance of 17.50 feet to a point; thence South 07°24'35" West, a distance of 17.53 feet to a point; thence South 55°56'44" West, a distance of 14.86 feet to a point; thence South 04°38'49" West, a distance of 15.42 feet to a point; thence South 28°09'24" West, a distance of 24.95 feet to a point; thence South 80°58'21" West, a distance of 22.27 feet to a point; thence South 63°19'28" West, a distance of 8.37 feet to a point; thence North 87°16'59" West, a distance of 12.18 feet to a point; thence South 29°51'46" West, a distance of 10.25 feet to a point; thence South 52°55'49" West, a distance of 17.16 feet to a point; thence North 85°30'40" West, a distance of 29.73 feet to a point; thence South 43°43'01" West, a distance of 39.30 feet to a point; thence South 13°43'35" East, a distance of 19.96 feet to a point; thence North 79°59'23" West, a distance of 50.65 feet to a point; thence South 74°26'08" West, a distance of 49.00 feet to a point; thence South 52°06'38" West, a distance of 52.54 feet to a point; thence South 25°39'01" West, a distance of 39.32 feet to a point; thence South 52°49'34" West, a distance of 25.05 feet to a point; thence South 23°36'02" West, a distance of 20.71 feet to a 1/2" rebar found on the approximate Land Lot Line common to Land Lots 99 and 111; thence leaving centerline of ditch and along the approximate Land Lot Line North 30°17'33" West, a distance of 814.39 feet to a 1/2" rebar found on the southern right-of-way of McEver Road (80' R/W); thence along said right-of-way North 74°18'16" East, a distance of 615.75 feet to a point; thence North 73°58'50" East, a distance of 122.73 feet to the Point of Beginning.

Said tract contains 11.338 acres or 493,878 square feet. Point of Beginning.

THE LANDS SURVEYED, SHOWN AND DESCRIBED HEREON ARE THE SAME LANDS AS DESCRIBED IN THE TITLE COMMITMENT PROVIDED BY CHICAGO TITLE INSURANCE COMPANY, ISSUING FILE NUMBER: 1011-0150, DATED MARCH 03, 2020.

Exhibit “C”

Conditions of Zoning

1. A landscape/buffer plan shall be approved by staff prior to the issuance of a land disturbance permit.
2. Townhomes shall be limited to runs of no more than six.
3. Development shall generally adhere to the site plan as submitted as Exhibit “D” of this ordinance.
 - A. A buffer reduction from 25’ to 10’ along the common property line of parcel 08111 003040 is granted to allow entrance alignment with the commercial properties located on the opposite side of McEver Road.
 - B. Major changes shall constitute a City Council review.
 - 1). Change in number of units of 2 or more.
 - 2). Significant deviation from the approved landscape/buffer plan.
 - 3). Altering the commercial portion of the site plan to allow additional residential component.
 - 4.) Any changes staff deems major.
 - C. Minor Changes shall be approved by staff.
 - 1). Reduction of the number of units.
 - 2). Reduction in setbacks of 5’ or less.
 - 3.) Any changes that do not significantly impact the overall site.
4. A 10’-12’ pedestrian/bike path shall be provided along the entirety of the property line along Gainesville Street to be built to the City’s specifications.
5. Sewer and water shall be provided by the City of Flowery Branch
6. Driveways shall be 23’ as measured from the back of curb.
7. Townhomes and commercial parcels shall be constructed in a manner that significantly adheres to the elevations as submitted as Exhibit “E”.
 - A. Material shall be limited to brick, stacked stone, cementitious fiber board, and board and batten.
 - B. Elevations shall be submitted for each townhome at the time of permit.
 - C. Architectural shingles shall be used throughout the development.
8. Commercial - Highway Business Parcels
 - A. No gas stations will be allowed on the commercial properties.
 - B. All commercial uses other than retail, office, or food service shall require a conditional use permit.
 - C. Developed separately and subservient to the residentially zoned parcel.
 - D. Location of all signs.
 - E. No lighted or animated signs shall face the residential subdivision.
 - F. Lighting plan must be submitted and approved by staff.
 - G. Dumpster must be fully enclosed, and materials must be consistent with primary structure.
 - H. Commercial parcels shall generally adhere to the site plan as shown on Exhibit “D”.
 - I. If not developed concurrently with the residential portion of this development the commercial parcels shall adhere to the following conditions:
 - A. Entire area shall be sodded.

Exhibit “E”





FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Minor Updates and Clarification to Utility Rates Resolution 20-020, effective March 18, 2021

COUNCIL MEETING DATE: March 18, 2021

HISTORY:

Nelsnick Enterprises, Inc. has been working with the City over the past couple of years, analyzing our water sewer capital improvement plan (CIP) and water-sewer rates concerning the CIP plan. On November 2, 2017, Nelsnick presented the CIP plan and recommended water-sewer rate increases over the next five years based on our system's infrastructure improvements. The last rate change took effect with Resolution 19-014, approved October 18, 2019. Prior years increases were approved on December 7, 2018, and November 2, 2017. Before 2017, there were no increases in the rates since 2014. However, in the spring of 2018, it became apparent we needed to reevaluate the CIP plan due to various new developments coming to the area and more stress on the current system. This year, the rate changes also include a new format for charges, lowering the cost to the low usage customers and reallocating the costs to the appropriate service levels. The new plan information is attached. The latest approval was August 20, 2020.

FACTS AND ISSUES:

Fire Suppression System Development Charge: During a recent inquiry from a development regarding a fire line connection, staff found a lack of clarity in Resolution 20-2020 establishing water-sewer rates and connection fees regarding the calculation of and exemption from the Fire Suppression System Development Charge ("FSSDC"). As adopted on August 20, 2020, Section 6.6 Connections for Fire Suppression states:

"Any building requiring fire suppression/sprinklers shall pay for the capacity based on the pipe diameter size using the capacity ratios and multiplying by the $\frac{3}{4}$ " water system development charge. Developers that provide public access fire hydrants within their development and dedicate shall be exempt from the Fire Suppression System Development Charge."

Staff considered two options to clarify the calculation of the fee and the applicability of the exemption:

OPTION 1:

"Any building requiring fire suppression/sprinklers shall pay for the capacity based on the pipe diameter size using the capacity ratios as set forth in Section 6.2 and multiplying by the $\frac{3}{4}$ " water system development charge. Developers that provide public access fire hydrants within their development and dedicate shall be exempt from the Fire Suppression System Development Charge. There is no fee for a public access fire hydrant within a development that is dedicated to the City."

Under the City's current rate structure, this option would mean that a 3" fire main would currently be $\$1,104 * 16 = \$17,664$.

OPTION 2:

"Any building requiring fire suppression/sprinklers shall pay for the capacity based on the pipe diameter size using the capacity ratios as set forth in Section 6.2 and multiplying by the $\frac{3}{4}$ " water system development charge and subtracting seventy-five percent (75%). Developers that provide public access fire hydrants within their development and dedicate shall be exempt from the Fire Suppression System Development Charge. There is no fee for a public access fire hydrant within a development that is dedicated to the City."

Under the City's current rate structure, this option would mean that a 3" fire main would currently be $\$1,104 * 16 - 75\% = \$4,416$. This option is intended to encourage private fire suppression/sprinkler systems by providing for a reduced FSSDC. Staff recommends adopting Option 1 as an amendment to Resolution 20-2020.

Miscellaneous Fees – "Snowbird" Disconnection/Connection Fee: Staff has received a number of requests for temporary disconnections while homeowners are out of town for an extended period of time. Staff recommends adding a disconnection/connection option for these residents with a fee covering the costs of disconnecting and reconnecting service as follows:

"Section 12. Miscellaneous Fees. The following are additional fees for specific services provided by Flowery Branch.

- \$120 for Water and Sewer Deposit Fee – This is charged for new application for water and sewer service. The deposit will be used for the final bill and any potential balance refunded to a customer.
- \$65 for Sewer Only Deposit Fee – This is charged for new application for sewer only service. The deposit will be used for the final bill and any potential balance refunded to a customer.
- \$60 Admin Fee for New Service Applications – The administrative cost of establishing an account and turning on the water meter.
- \$60 Cut Off Fee – The administrative cost of closing an account and turning off the water meter. This applies to all accounts 30 days past due.
- \$30 Return Check Fee – A fee will be charged on checks or bank draft returned for any reason, and water service may be subject to disconnect.
- \$30 Turn On Fee – This fee is charged to turn the water service on for existing connections.
- Sewer Inspection Fee – At Actual Cost
- Water Inspection Fee – At Actual Cost
- \$180 Snowbird Fee – This fee is charged for customers vacating a property for an extended period of time (more than 2 months) that desire a final bill but intend to restart service in the future. Fee covers final meter read, locking meter, final bill submission and unlocking meter upon customers return/request.

OPTIONS:

- (1) Amend Resolution 20-2020 by adopting –
 - a. Staff recommendation of Option 1 for Section 6.6 to clarify FSSDC calculation and exemption and Section 12 adding a "snowbird fee" for temporary disconnection/connection;
 - b. Option 1 for Section 6.6 to clarify FSSDC calculation and exemption only;
 - c. Option 2 for Section 6.6 to clarify FSSDC calculation and exemption only;
 - d. Option 2 for Section 6.6 to clarify FSSDC calculation and exemption and a "snowbird fee" in Section 12 for temporary disconnection/connection; or
 - e. A "snowbird fee" in Section 12 for temporary disconnection/connection only.
- (2) Do not amend Resolution 20-2020.

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

N/A

RECOMMENDATION:

To amend Sections 6.6 and 12 of Resolution 20-2020 establishing water-sewer rates and connection fees to clarify (a) the calculation of the Fire Suppression System Development Charge (FSSDC) and when a development is exempt from said charge; and (b) add a category for temporary disconnections.

SAMPLE MOTION:

I make a motion to approve changes to Resolution 20-2020 as presented per staff recommendations with an effective date of March 18, 2021.

COLLABORATING DEPARTMENT:

Administration

DEPARTMENT: Finance

Prepared by: Vickie Short

ATTACHMENTS

- [Executive Summary - Res 20-020 Updated March 2021.pdf](#)
- [20-020 WS Rates Final Ordinance passed 8-20-2020.pdf](#)
- [Fireline SDC - Other Entities.pdf](#)

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: Updates to Resolution 20-020 for Water Sewer Rates, effective March 18, 2021

DATE: March 14, 2021

BUDGET INFORMATION:
ANNUAL-
CAPITAL-

☒ **RECOMMENDATION**
☐ **POLICY DISCUSSION**
☐ **STATUS REPORT**
☐ **OTHER**

COUNCIL ACTION REQUESTED ON: March 18, 2021

PURPOSE:

To amend Sections 6.6 and 12 of Resolution 20-2020 establishing water-sewer rates and connection fees to clarify (a) the calculation of the Fire Suppression System Development Charge (FSSDC) and when a development is exempt from said charge; and (b) add a category for temporary disconnections.

HISTORY:

Nelsnick Enterprises, Inc. has been working with the City over the past couple of years, analyzing our water sewer capital improvement plan (CIP) and water-sewer rates concerning the CIP plan. On November 2, 2017, Nelsnick presented the CIP plan and recommended water-sewer rate increases over the next five years based on our system's infrastructure improvements. The last rate change took effect with Resolution 19-014, approved October 18, 2019. Prior years increases were approved on December 7, 2018, and November 2, 2017. Before 2017, there were no increases in the rates since 2014. However, in the spring of 2018, it became apparent we needed to reevaluate the CIP plan due to various new developments coming to the area and more stress on the current system. This year, the rate changes also include a new format for charges, lowering the cost to the low usage customers and reallocating the costs to the appropriate service levels. The new plan information is attached. The latest approval was August 20, 2020.

FACTS AND ISSUES:

Fire Suppression System Development Charge: During a recent inquiry from a development regarding a fire line connection, staff found a lack of clarity in Resolution 20-2020 establishing water-sewer rates and connection fees regarding the calculation of and exemption from the Fire Suppression System Development Charge (“FSSDC”). As adopted on August 20, 2020, Section 6.6 Connections for Fire Suppression states:

“Any building requiring fire suppression/sprinklers shall pay for the capacity based on the pipe diameter size using the capacity ratios and multiplying by the ¾” water system development charge. Developers that provide public access fire hydrants within their development and dedicate shall be exempt from the Fire Suppression System Development Charge.”

Staff considered two options to clarify the calculation of the fee and the applicability of the exemption:

OPTION 1:

“Any building requiring fire suppression/sprinklers shall pay for the capacity based on the pipe diameter size using the capacity ratios as set forth in Section 6.2 and multiplying by the ¾” water system development charge. ~~Developers that provide public access fire hydrants within their development and dedicate shall be exempt from the Fire Suppression System Development Charge.~~ There is no fee for a public access fire hydrant within a development that is dedicated to the City.”

Under the City’s current rate structure, this option would mean that a 3” fire main would currently be $\$1,104 * 16 = \$17,664$.

OPTION 2:

“Any building requiring fire suppression/sprinklers shall pay for the capacity based on the pipe diameter size using the capacity ratios as set forth in Section 6.2 and multiplying by the ¾” water system development charge and subtracting seventy-five percent (75%). ~~Developers that provide public access fire hydrants within their development and dedicate shall be exempt from the Fire Suppression System Development Charge.~~ There is no fee for a public access fire hydrant within a development that is dedicated to the City.”

Under the City’s current rate structure, this option would mean that a 3” fire main would currently be $\$1,104 * 16 - 75\% = \$4,416$. This option is intended to encourage private fire suppression/sprinkler systems by providing for a reduced FSSDC. Staff recommends adopting Option 1 as an amendment to Resolution 20-2020.

Miscellaneous Fees – “Snowbird” Disconnection/Connection Fee: Staff has received a number of requests for temporary disconnections while homeowners are out of town for an extended period of time. Staff recommends adding a disconnection/connection option for these residents with a fee covering the costs of disconnecting and reconnecting service as follows:

“Section 12. Miscellaneous Fees. The following are additional fees for specific services provided by Flowery Branch.

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-
- \$120 for Water and Sewer Deposit Fee – This is charged for new application for water and sewer service. The deposit will be used for the final bill and any potential balance refunded to a customer.
 - \$65 for Sewer Only Deposit Fee – This is charged for new application for sewer only service. The deposit will be used for the final bill and any potential balance refunded to a customer.
 - \$60 Admin Fee for New Service Applications – The administrative cost of establishing an account and turning on the water meter.
 - \$60 Cut Off Fee – The administrative cost of closing an account and turning off the water meter. This applies to all accounts 30 days past due.
 - \$30 Return Check Fee – A fee will be charged on checks or bank draft returned for any reason, and water service may be subject to disconnect.
 - \$30 Turn On Fee – This fee is charged to turn the water service on for existing connections.
 - Sewer Inspection Fee – At Actual Cost
 - Water Inspection Fee – At Actual Cost
 - \$180 Snowbird Fee – This fee is charged for customers vacating a property for an extended period of time (more than 2 months) that desire a final bill but intend to restart service in the future. Fee covers final meter read, locking meter, final bill submission and unlocking meter upon customers return/request.
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OPTIONS:

(1) Amend Resolution 20-2020 by adopting –

- a. Staff recommendation of Option 1 for Section 6.6 to clarify FSSDC calculation and exemption and Section 12 adding a “snowbird fee” for temporary disconnection/connection;
 - b. Option 1 for Section 6.6 to clarify FSSDC calculation and exemption only;
 - c. Option 2 for Section 6.6 to clarify FSSDC calculation and exemption only;
 - d. Option 2 for Section 6.6 to clarify FSSDC calculation and exemption and a “snowbird fee” in Section 12 for temporary disconnection/connection;
or
 - e. A “snowbird fee” in Section 12 for temporary disconnection/connection
-
-

only.

(2) Do not amend Resolution 20-2020.

RECOMMENDED SAMPLE MOTION:

I make a motion to approve changes to Resolution 20-2020 as presented per staff recommendations with an effective date of March 18, 2021.

DEPARTMENT: Administration

Prepared by: Alisha Gamble

RESOLUTION NO. 20-020

A RESOLUTION ESTABLISHING THE USE RATES FOR WATER AND SEWER SERVICE'S, THE CONNECTION FEES FOR WATER SERVICE AND THE CONNECTION/CAPACITY FEES FOR SEWER SERVICE

WHEREAS, the City of Flowery Branch is authorized by Art. IX, §II, ¶ III of the Constitution of the State of Georgia, O.C.G.A. § 36-35-3 and Art. VI, § 6.6 of the Charter of the City of Flowery Branch to assess and collect fees, charges and tolls for sewer, sanitary, health services or any other services within and without the corporate limits of the city for the total cost to the city of providing such services; and

WHEREAS, Ordinance No. 100-F authorizes the City Council of the City of Flowery Branch to set the rates for water and sewer services, connection fees for water service and connection/capacity fees for sewer service by resolution.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Flowery Branch that the rates for water and sewer services, the connection/capacity fees for water service and the connection/capacity fees for sewer service shall be as follows:

Section 1 - Water and Sewer Services Rates

Section 1.1 Within the Corporate Limits – Customers whose service address is within the city limits of Flowery Branch will be charged the inside city rates, fees, and charges.

Section 1.2 Water System Monthly Charges – Customers shall pay a monthly base charge for maintenance and renewal of capacity of the water system. Additionally, an account servicing fee of **\$1.75** shall be charged for meter reading, billing, and customer service costs regardless of meter size. The following table provides the monthly charges based on meter size. *The account servicing fee is only charged once for customers with both water and wastewater services.*

Inside City Residential Water Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$7.00	\$1.75	\$8.75
1"	\$17.50	\$1.75	\$19.25
1 1/2"	\$35.00	\$1.75	\$36.75
2"	\$56.00	\$1.75	\$57.75
3"	\$112.00	\$1.75	\$113.75
4"	\$175.00	\$1.75	\$176.75
6"	\$350.00	\$1.75	\$351.75
8"	\$560.00	\$1.75	\$561.75

Inside City Non-Residential Water Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$14.00	\$1.75	\$15.75
1"	\$35.00	\$1.75	\$36.75
1 1/2"	\$70.00	\$1.75	\$71.75
2"	\$112.00	\$1.75	\$113.75
3"	\$224.00	\$1.75	\$225.75
4"	\$350.00	\$1.75	\$351.75
6"	\$700.00	\$1.75	\$701.75
8"	\$1,120.00	\$1.75	\$1,121.75

Section 1.3 Multi-unit development monthly charges - Water customers in multi-unit developments shall pay the above base charge and account servicing fee for each meter individually read and billed by Flowery Branch or if applicable the property management or owner of the multi-unit development shall pay the base charge and account servicing fee for each master meter read and billed by Flowery Branch. Property management or owner of multi-unit developments served by master meters are responsible for billing the individual units per State law requirements.

Section 1.4 Water System Commodity Charges – Customers shall pay for all water metered using an increasing block rate structure (conservation-based rate structure) based on the following customer classes:

Section 1.4.1 Single-Family Residential (SFR) Water Users – Customers that primary water use for a single-family detached home.

SFR Inside City Water Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 2,500	\$5.60
Tier 2	2,501 - 4,500	\$7.56
Tier 3	Above 4,500	\$11.20

Section 1.4.2 Multi-Family Residential (MFR) Water Users – Customers that primary water use is for a single unit of a multi-unit residential complex and is read directly by Flowery Branch staff.

MFR Inside City Water Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 2,500	\$5.60
Tier 2	2,501 - 4,500	\$7.56
Tier 3	Above 4,500	\$11.20

Section 1.4.3 Multi-Family Residential Water Users (master-metered) –

Customers that primary water use is for a multi-unit residential complex served by a master meter. Flowery Branch shall bill the master meter only with the invoice allocated to the individual units by the property management per State law requirements. The Tier volume range will be the SFR Tier ranges multiplied by the number of units served by the master meter.

MFR Inside City Water Volume Charges (Master-metered)

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 2,500 x number of units	\$5.60
Tier 2	2,501 - 4,500 x number of units	\$7.56
Tier 3	Above 4,500 x number of units	\$11.20

Section 1.4.4 Non-Residential (NR) Water Users – All other uses not provided above and typically includes industrial, commercial, office, hotels and motels and other uses not dedicated for long-term residential domicile.

NR Inside City Water Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 4,500	\$4.95
Tier 2	4,501 - 60,000	\$6.19
Tier 3	Above 60,000	\$7.43

Section 1.5 Wastewater System Monthly Charges – Customers shall pay a monthly base charge for maintenance and renewal of capacity of the wastewater system. Additionally, an account servicing fee of **\$1.75** shall be charged for meter reading, billing, and customer service costs regardless of meter size. The following table provides the monthly charges based on water meter size. *The account servicing fee is only charged once for customers with both water and wastewater services.*

Inside City Residential Wastewater Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$7.00	\$1.75	\$8.75
1"	\$17.50	\$1.75	\$19.25
1 1/2"	\$35.00	\$1.75	\$36.75
2"	\$56.00	\$1.75	\$57.75
3"	\$112.00	\$1.75	\$113.75
4"	\$175.00	\$1.75	\$176.75
6"	\$350.00	\$1.75	\$351.75
8"	\$560.00	\$1.75	\$561.75

Inside City Non-Residential Wastewater Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$14.00	\$1.75	\$15.75
1"	\$35.00	\$1.75	\$36.75
1 1/2"	\$70.00	\$1.75	\$71.75
2"	\$112.00	\$1.75	\$113.75
3"	\$224.00	\$1.75	\$225.75
4"	\$350.00	\$1.75	\$351.75
6"	\$700.00	\$1.75	\$701.75
8"	\$1,120.00	\$1.75	\$1,121.75

Section 1.6 Multi-unit development monthly charges - Wastewater customers in multi-unit developments shall pay the above base charge and account servicing fee for each water meter individually read and billed by Flowery Branch or if applicable the property management or owner of the multi-unit development shall pay the base charge and account servicing fee for each master meter read and billed by Flowery Branch. Property management or owner of multi-unit developments served by master meters are responsible for billing the individual units per State law requirements.

Section 1.7 Wastewater System Commodity Charges – Customers shall pay for all wastewater based on water metered using a uniform rate structure for all customer.

Inside City Single-Family Wastewater Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Uniform Rate	All Volume	\$8.93

Inside City Multi-Family Wastewater Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Uniform Rate	All Volume	\$7.25

Inside City Non-Residential Wastewater Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Uniform Rate	All Volume	\$6.10

Section 1.8 Outside the Corporate Limits – Customers whose service address is outside the city limits of Flowery Branch will be charged the outside city rates, fees, and charges. The outside city rates reflect the additional cost in serving outside customer including additional pumping cost, travel, and risks associated with serving outside jurisdictional customer.

Section 1.9 Water System Monthly Charges – Customers shall pay a monthly base charge for maintenance and renewal of capacity of the water system. Additionally, an account servicing fee of \$1.75 shall be charged for meter reading, billing, and customer service costs regardless of meter size. The following table provides the monthly charges based on meter size. *The account servicing fee is only charged once for customers with both water and wastewater services.*

Outside City Residential Water Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$8.75	\$1.75	\$10.50
1"	\$21.88	\$1.75	\$23.63
1 1/2"	\$43.75	\$1.75	\$45.50
2"	\$70.00	\$1.75	\$71.75
3"	\$140.00	\$1.75	\$141.75
4"	\$218.75	\$1.75	\$220.50
6"	\$437.50	\$1.75	\$439.25
8"	\$700.00	\$1.75	\$701.75

Outside City Non-Residential Water Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$17.50	\$1.75	\$19.25
1"	\$43.75	\$1.75	\$45.50
1 1/2"	\$87.50	\$1.75	\$89.25
2"	\$140.00	\$1.75	\$141.75
3"	\$280.00	\$1.75	\$281.75
4"	\$437.50	\$1.75	\$439.25
6"	\$875.00	\$1.75	\$876.75
8"	\$1,400.00	\$1.75	\$1,401.75

Section 1.10 Multi-unit development monthly charges - Water customers in multi-unit developments shall pay the above base charge and account servicing fee for each meter individually read and billed by Flowery Branch or if applicable the property management or owner of the multi-unit development shall pay the base charge and account servicing fee for each master meter read and billed by Flowery Branch. Property management or owner of multi-unit developments served by master meters are responsible for billing the individual units per

State law requirements.

Section 1.11 Water System Commodity Charges – Customers shall pay for all water metered using an increasing block rate structure (conservation-based rate structure) based on the following customer classes.

Section 1.11.1 Single- Family Residential (SFR) Water Users – Customers that primary water use for a single-family detached home.

SFR Outside City Water Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 2,500	\$7.00
Tier 2	2,501 - 4,500	\$8.75
Tier 3	Above 4,500	\$14.00

Section 1.11.2 Multi-Family Residential (MFR) Water Users – Customers that primary water use is for a single unit of a multi-unit residential complex and is read directly by Flowery Branch staff.

MFR Outside City Water Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 2,500	\$7.00
Tier 2	2,501 - 4,500	\$8.75
Tier 3	Above 4,500	\$14.00

Section 1.11.3 Multi-Family Residential Water Users – Customers that primary water use is for a multi-unit residential complex served by a master meter. Flowery Branch shall bill the master meter only with the invoice allocated to the individual units by the property management per State law requirements. The Tier volume range will be the SFR Tier ranges multiplied by the number of units served by the master meter.

MFR Outside City Water Volume Charges (Master-metered)

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 2,500 x number of units	\$7.00
Tier 2	2,501 - 4,500 x number of units	\$8.75
Tier 3	Above 4,500 x number of units	\$14.00

Section 1.11.4 Non-Residential (NR) Water Users – All other uses not provided above and typically includes industrial, commercial, office, hotels and motels and other uses not dedicated for long-term residential domicile.

NR Outside City Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 4,500	\$6.19
Tier 2	4,501 - 60,000	\$7.74
Tier 3	Above 60,000	\$9.29

Section 1.12 Wastewater System Monthly Charges – Customers shall pay a monthly base charge for maintenance and renewal of capacity of the wastewater system. Additionally, an account servicing fee of **\$1.75** shall be charged for meter reading, billing, and customer service costs regardless of meter size. The following table provides the monthly charges based on water meter size. *The account servicing fee is only charged once for customers with both water and wastewater services.*

Outside City Residential Wastewater Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$8.75	\$1.75	\$10.50
1"	\$21.88	\$1.75	\$23.63
1 1/2"	\$43.75	\$1.75	\$45.50
2"	\$70.00	\$1.75	\$71.75
3"	\$140.00	\$1.75	\$141.75
4"	\$218.75	\$1.75	\$220.50
6"	\$437.50	\$1.75	\$439.25
8"	\$700.00	\$1.75	\$701.75

Outside City Non-Residential Wastewater Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$17.50	\$1.75	\$19.25
1"	\$54.69	\$1.75	\$56.44
1 1/2"	\$109.38	\$1.75	\$111.13
2"	\$175.00	\$1.75	\$176.75
3"	\$350.00	\$1.75	\$351.75
4"	\$546.88	\$1.75	\$548.63
6"	\$1,093.75	\$1.75	\$1,095.50
8"	\$1,400.00	\$1.75	\$1,401.75

Section 1.13 Multi-unit development monthly charges - Wastewater customers in multi-unit developments shall pay the above base charge and account servicing fee for each water meter individually read and billed by Flowery Branch or if applicable the property management or owner of the multi-unit development shall pay the base charge and account servicing fee for each master meter read and billed by Flowery Branch. Property management or owner of multi-unit developments served by master meters are responsible for billing the individual units per State law requirements.

Section 1.14 Wastewater System Commodity Charges – Customers shall pay wastewater volume based on water metered using a uniform rate structure for all customers.

Outside City Single-Family Wastewater Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Uniform Rate	All Volume	\$11.16

Outside City Multi-Family Wastewater Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Uniform Rate	All Volume	\$9.06

**Outside City Non-Residential Wastewater Volume
Charges**

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Uniform Rate	All Volume	\$7.62

Section 1.15 Irrigation Meters Unit Charges – Inside City Customers shall pay the Inside City SFR Tier 3 volume rate for all water metered through an irrigation meter. Outside City Customers shall pay the Outside City SFR Tier 3 volume rate for all water metered through an irrigation meter.

Section 2 Gainesville Water System Customers Wastewater Charges

Customers utilizing the Flower Branch sewer system but receiving water service from the City of Gainesville shall be billed directly by the City of Gainesville using the following schedule. Please note, all units of sewage are billed based on the water meter reading and are in 100 cubic feet (CCF). There are approximately 748 gallons in 1 CCF.

Gainesville-Flowery Branch Sewer			
Inside City			
Description	Base	Unit (CCF)	Note
Residential	\$8.00	\$6.75	no volume in base
Multi-Family	\$8.00	\$6.75	no volume in base
Commercial	\$8.00	\$6.75	no volume in base
Industrial	\$8.00	\$6.75	no volume in base
Outside City			
Description	Base	Unit (CCF)	Note
Residential	\$9.00	\$8.30	no volume in base
Multi-Family	\$9.00	\$8.30	no volume in base
Commercial	\$9.00	\$8.30	no volume in base
Industrial	\$9.00	\$8.30	no volume in base

Section 3 Hardship Rates

SENIOR CITIZENS: Upon making written application on such forms as provided by the City Manager, customers billed directly by Flowery Branch may receive a discount of \$5.00 for water service and \$5.00 for wastewater service provided by Flowery Branch applied monthly to residential accounts in which the head of the household is 65 years of age or older. The applicant must also verify through their latest tax return that total household income is less than 125% of the City's Poverty Rate as determined by the US Census Bureau. The discount will be applied for up to two years for accounts that remain in good standing. Prior to expiration an account holder may apply for a two-year extension.

This discount may be provided to multi-family properties billed by Flowery Branch on a per unit basis provided each eligible owner/renter submits and maintains an application and that the discount is provided directly to eligible participants by the property management.

DISABLED: Upon making written application on such forms as provided by the City Manager, customers billed directly by Flowery Branch may receive a discount of \$5.00 for water service and \$5.00 for wastewater service provided by Flowery Branch applied monthly to residential accounts in which the head of the household has been declared disabled by the US Social Security Administration or the US Department of Veterans Affairs. The applicant must also verify through their latest tax return that total household income is less than 125% of the City's Poverty Rate as determined by the US Census Bureau. The discount will be applied for up to two years for accounts that remain in good standing. Prior to expiration an account holder may apply for a two-year extension.

This discount may be provided to multi-family properties billed by Flowery Branch on a per unit basis provided each eligible owner/renter submits and maintains an application and that the discount is provided directly to eligible participants by the property management.

Section 4 One-Time Water Leak Adjustment

Upon repairing a leak, a customer may receive an adjustment to the water bill or bills (two consecutive months) that covered the time of the leak. The customer remains responsible for their regular bills reduced by the leak amount. The leak amount will be calculated by subtracting the average month usage of the last 3 months (or less if 3-month data unavailable) from the impacted bills (2 months maximum). It is important that the customer understands that the onetime leak adjustment is available for an account holder only one time. The customer must provide either a copy of the plumber bill or copies of receipts for the repair to be given the one-time water leak adjustment.

Only Single-Family Residential customers are eligible for the One Time Leak Adjustment Policy. It does not apply to Commercial accounts.

It is important to note that the one-time water leak adjustment limit **does not** apply to sewer billings for a leak that **did not go into the sewer**. If the water leaked prior to entering the sewer line, you can give the customer an adjustment for the sewer portion of the bill. You may adjust the bill back to the customer's normal sewer billing. A sewer credit can be issued once a year for a maximum of three consecutive months (this is to encourage the customer to make the necessary repairs). The type of customer (residential or commercial) is not relevant to determine if the customer is eligible for the sewer adjustment. All classes of customers are eligible for the sewer credit.

Section 5 Tampering and Disconnection Fees

Service that has been scheduled for disconnection or has been disconnected for non-payment of a utility bill or evidence of meter tampering will be restored only after the past month and current month bill is paid in full and a \$30.00 (disconnection fee) service charge paid. A lock will be placed on the meter until the account is paid in full. Additionally, if the meter is damaged due to tampering, the cost of installing a new meter will be charged (See meter set fee later in ordinance).

Evidence of removing or damaging a lock that has been placed on a meter for non-payment of service will require the City of Flowery Branch to remove the meter from the service address. Service will be restored only after the past month and current month bill is paid in full, a \$50.00 tampering fee is paid in full, a \$20.00 lock replacement fee is paid in full and a \$30.00 (disconnection fee) service charge paid in full. Additionally, if the meter is damaged due to tampering, the cost of installing a new meter will be charged (See meter set fee later in ordinance).

Section 6 Water Connection Fees.

The Water Connection Fee includes four components as follow:

- 1) Tap Fee - the cost of tapping into the water main and providing a service main and meter box,
- 2) Meter Set Fee - the meter installation cost including backflow protection and data transmitter,
- 3) System Development Charge (SDC) – the fair share cost of infrastructure including system pipe size, elevated storage, water supply/treatment and pumping to provide peak day water capacity based on requested water capacity or by meter size, and
- 4) Administrative fee – to recover cost for customer service and tracking information related to the service connection.

Section 6.1 Tapping and Meter Set Fees - The water connection installation fee recovers the cost of labor, materials, and equipment for providing a connection from the water main to the property boundary including the cost of the meter box/vault. **This differs from the SDC in the next section which recovers the fair share cost of the distribution and treatment facilities based on requested capacity.** The meter set fee recovers the cost of labor, materials, and equipment for providing the meter, backflow, and data transmitter. Tapping Fees and Meter Set Fees apply to all connections performed by Flowery Branch staff including the installation of master meters, direct service to individual units, and irrigation meters. Developers that install the tap and meter box to Flowery Branch specifications shall only pay the meter set fee. Developers that purchase meters/backflow and transmitter from Flowery Branch and install meter shall only pay the cost of materials.

Water Connection Installation Fee

Descriptions	Tap Fee	Meter Set Fee	Total
3/4" Short	\$693	\$580	\$1,273
1" Short	\$593	\$750	\$1,343
2" and larger	At Cost	At Cost	At Cost

Section 6.2 System Development Charge and Admin Fee - The System Development Charge for water service recovers the fair share value of system capacity being requested. The total gallons needed shall be based on typical peak day capacity needed to serve the development. The following schedule can be used for the Water SDC and Administration Fee. Attached multi-unit developments typically use less water than detached units. A 70% factor is applied to the SDC to account for this reduced water use and vacancy rates. This is already included in the chart below under the capacity ratios column. The capacity ratio is a factor applied to a typical ¾" meter based on the American Water Works Association (AWWA) flow capacity. Based on the latest connection fee study, a single-family home using a ¾" meter will use **231.2** gallons for a typical peak day. Therefore, an equivalent dwelling unit (EDU) is considered to require 231.2 gallons of capacity from the water distribution and treatment plant.

An administrative fee to recover the cost of application/plan review, customer service, data collection/tracking and SDC calculation is added per dwelling unit or business unit. The admin fee is **\$23** for multi-family attached developments for each unit, **\$33** for ¾" detached developments and multi-unit commercial developments and **\$50** for developments (detached or attached) requiring a meter 1" or larger. The SDC and admin fee is charged for each unit in the

development.

Water Connection System Development Charge and Admin Fee

Meter Size (in inches)	Capacity Ratios	Water SDC	Admin	Total
3/4" Meters used in Multiunit Attached Developments	0.7	\$773	\$23	\$796
3/4" Detached Single Family and individual businesses	1	\$1,104	\$33	\$1,137
1"	2.5	\$2,760	\$50	\$2,810
1 1/2"	5	\$5,520	\$50	\$5,570
2"	8	\$8,832	\$50	\$8,882
3"	16	\$17,664	\$50	\$17,714
4"	25	\$27,600	\$50	\$27,650
6"	50	\$55,200	\$50	\$55,250
8"	80	\$88,320	\$50	\$88,370

Section 6.3 Irrigation Meters - A 3/4" irrigation meter will use approximately 600 gallons per application assuming 30 minutes and 20 gallons per minute (3/4" meter) or over twice the single-family home domestic meter, as such, an irrigation meter shall be charged an SDC two times the SDC rate of a non-irrigation meter of equivalent size. i.e. the SDC for a 1" irrigation meter would be **2 X \$2,760 = \$5520** plus any installation costs (labor, equipment and materials). No administrative fee would be applied to an irrigation meter for existing or new non-irrigation customer connections. To encourage water conservation, residential units are prohibited to have an irrigation meter with all water metered being charged the appropriate water Tiered rate plus if applicable sewer unit charges.

Water Irrigation Meter System Development Charge

Irrigation Meter Size (in inches)	Capacity Ratio	Water SDC	Total
3/4"	2	\$1,104 x 2	\$2,208
1"	5	\$2,760 x 2	\$5,520
1 1/2"	10	\$5,520 x 2	\$11,040
2"	16	\$8,832 x 2	\$17,664
3"	32	\$17,664 x 2	\$35,328
4"	50	\$27,600 x 2	\$55,200
6"	100	\$55,200 x 2	\$110,400
8"	160	\$88,320 x 2	\$176,640

Section 6.4 Multi-unit Development served by a master-meter - Multi-unit developments that install sub-metering¹ to individual units shall provide connection to the Flowery Branch water system and meter boxes per Flowery Branch specification for each master meter required to serve the development. Developer shall only pay the meter set fees for the master meters, and SDC and admin fees for each sub-metered unit. The meter set fee will be based on meter size of the master meters installed by Flowery Branch and include labor, materials and equipment associated with the meter, backflow protection and data transmitter as applicable (see Section 6.1). The SDC and Admin fee will be based on the sub-meter size based on the following table.

Water System Development Charge and Admin Fee (Master-metered)

Sub-meter Size	Meter Equivalency Ratios	SDC	Admin	Total
3/4" or smaller Attached Units	0.7	\$773	\$23	\$796 x # of units
3/4" Single Family/Business Detached	1	\$1,104	\$33	\$1,137 x # of units
1"	2.5	\$2,760	\$50	\$2,810 x # of units
1 1/2"	5	\$5,520	\$50	\$5,570 x # of units
2"	8	\$8,832	\$50	\$8,882 x # of units
3"	16	\$17,664	\$50	\$17,714 x # of units
4"	25	\$27,600	\$50	\$27,650 x # of units
6"	50	\$55,200	\$50	\$55,250 x # of units
8"	80	\$88,320	\$50	\$88,370 x # of units

Section 6.5 Mixed Use/Special Developments - Each use in a development that has a mixture of attached and detached units and/or residential and non-residential uses and/or use of master-metering shall identify the number of units by type and apply the appropriate schedules. In the event that the developer requires a different capacity other than provided in the SDC tables, the typical peak day gallons shall be provided by a Professional Engineer or Architect registered in Georgia. This capacity needs calculation and methodology shall be approved by Flowery Branch engineering staff or consultant for reasonableness. The cost for capacity (SDC) is **\$4.78** per peak day gallon plus the appropriate admin fees by meter size for each unit. **The service main and/or meter size capacity to the Flowery Branch water system shall not exceed the requested capacity.**

Section 6.6 Connections for Fire Suppression – Any building requiring fire suppression/sprinklers shall pay for the capacity based on the pipe diameter size using the capacity ratios and multiplying by the 3/4" water system development charge. Developers that provide public access fire hydrants within their development and dedicate to the City of Flowery Branch shall be exempt from the Fire Suppression System Development Charge.

¹ Georgia state law now requires all new multi-unit developments to individually meter each unit within the development. Water charges based on the master meter are to be fairly allocated to the individual units based on usage. Flowery Branch shall only be responsible for billing at the master meter level.

Section 6.7 Example Situation

Section 6.7.1 Single Family ¾" water meter installed by Flowery Branch staff

The owner/developer will pay \$1,273 for the Tap and Meter Set fees and \$1,137 for the SDC and admin fee or a total of \$2,410.

Section 6.7.2 Single Family detached Subdivision with ¾" water meter installed by Flowery Branch staff and developer providing water tap and meter box for 25 homes. Also, a 1" irrigation meter is requested to be installed by Flowery Branch for a common area to be the responsibility of a homeowners association.

The owner/developer will pay \$580 in Meter Set fees and \$1,137 in SDC and admin fees for each home or 25 x 1,717 a total of \$42,925. The irrigation meter would be \$5,520 plus any installation costs performed by Flowery Branch. Please note; irrigation meters are prohibited to single family dwellings to promote water conservation but are available for non-residential entities that would be responsible for billing.

Section 6.7.3 Multiunit development served by two 2" master meters for two 5-unit condo buildings with each unit sub-metered. Also, an addition 1" meter is installed by the developer for a clubhouse to be the responsibility of a homeowner's association.

The owner/developer will pay Meter Set fees for each master meter at cost. The owner/developer will also pay \$796 in SDC and admin fees for each unit or 10 x \$796 or a total of \$7,960. The 1" clubhouse meter installed by the developer purchased at-cost from Flowery Branch will add \$2,810 to the total fee.

Section 7 Sewer Connection/Capacity Fees

The Wastewater Connection Fee includes two components as follows:

- 1) System Development Charge (SDC) – the fair share cost of infrastructure including system pipe size, lift stations and treatment to provide peak day sewer capacity based on requested flow capacity or water meter size, and
- 2) Administrative fee – to recover cost for customer service and tracking information related to the service connection.

The cost of installation of the sewer connection is the responsibility of the developer/owner.

Section 7.1 System Development Charge and Admin Fee - The System Development Charge for wastewater service recovers the fair share value of system capacity being requested. The total gallons needed shall be based on typical peak day capacity needed to serve the development. The following schedule can be used for the Wastewater SDC and Administration Fee. Attached multiunit developments typically use less water than detached units. A 90% factor is applied to the SDC to account for this reduced water use and vacancy rates. This is already included in the chart below under the capacity ratios column. The capacity ratio is a factor applied to a typical ¾" meter based on the American Water Works Association (AWWA) flow capacity. Based on the latest connection fee study, a single-family home using a ¾" meter will return **180.3** gallons of wastewater to Flowery Branch for a typical peak day. Therefore, an equivalent dwelling unit (EDU) is considered to require 180.3 gallons of capacity from the wastewater collection and treatment plant.

An administrative fee to recover the cost of application/plan review, customer service, data collection/tracking and SDC calculation is added per dwelling unit or business unit. The admin fee is **\$36** for multi-family attached developments for each unit, **\$50** for ¾" detached developments and multi-unit non-residential developments and **\$50** for developments (detached or attached) requiring a meter 1" or larger. The SDC and admin fee is charged for each unit in the development

Wastewater Connection System Development Charge and Admin Fee

Water Meter Size* (in inches)	Meter Equivalency Ratios	Wastewater SDC	Admin	Total
¾" Meters used in Multiunit Attached Developments	0.7	\$1,932	\$36	\$1,968
¾" Detached Single Family and individual businesses	1	\$2,760	\$50	\$2,810
1"	2.5	\$6,900	\$50	\$6,950
1 1/2"	5	\$13,800	\$50	\$13,850
2"	8	\$22,080	\$50	\$22,130
3"	16	\$44,160	\$50	\$44,210
4"	25	\$69,000	\$50	\$69,050
6"	50	\$138,000	\$50	\$138,050
8"	80	\$220,800	\$50	\$220,850

*Irrigation meters should be excluded from capacity requests and system development charges.

Section 7.2 Mixed Use/Special Developments - Each use in a development that has a mixture of attached and detached units and/or residential and non-residential uses and/or use of master-metering shall identify the number of units by type and apply the appropriate SDC schedule. In the event that the developer requires a different capacity other than provided in the SDC schedules, the typical peak day gallons shall be provided by a Professional Engineer or Architect registered in Georgia. This capacity needs calculation and methodology shall be approved by Flowery Branch engineering staff and/or consultant for reasonableness. The cost for wastewater capacity (SDC) is **\$15.53** per peak day gallon plus the appropriate admin fees by meter size for each unit.

Section 8. Oakwood Sewer. Gainesville water customers with City of Oakwood sewer service with treatment provided by Flowery Branch shall be billed for wastewater at 100% of water metered. The billed volume is provided by the Gainesville Department of Water Resources at \$1.00 per month per account. The billed amount is collected by Flowery Branch and a share is provided to the City of Oakwood for sewer service. Customers seeking Oakwood sewer service will pay any connection related fees directly to the City of Oakwood. Customers should contact the City of Oakwood for latest rates, fees and charges related to this sewer service.

Section 9. Moratoriums. If new development is estimated to exceed the capacity of water supply or distribution system capacity or wastewater collection or treatment, the City of Flowery Branch may place a temporary moratorium on new development until such capacity is added. Such moratorium may be system-wide or to specific geographic locations of the service area depending on the situation. A separate ordinance will be voted on by City Council at the recommendation of the City Manager as to the time and scope of the moratorium.

Section 10. Landlord Agreement. Landlords may request continuous water service for newly unoccupied rental units by using the latest landlord agreement form provided by the Water/Wastewater Department. A turn-on fee of **\$30** will be charged each time when the account is re-established in the Landlord's name at the time that a tenant requests service disconnection OR tenant account is closed for non-payment and service is transferred to the landlord. The landlord will be responsible for all billed water volume and monthly fees of the unoccupied rental unit during this time. A **\$60** administration fee and refundable deposit of **\$120** per rental unit shall be required for the duration of the landlord agreement. The maximum deposit shall not exceed **\$1,080**.

Each time a new tenant applies for service for any of the service addresses listed on the landlord agreement form said account will be final billed. However, should the landlord for any reason, request that the water service be disconnected once the agreement is established and no tenant has applied for water/sewer service, the appropriate charges will be billed, and this agreement will be null and void.

Landlord's requesting to participate in this agreement must have a good payment history. The Landlord's deposit will remain on the account until the Landlord requests the account be taken off of Landlord status and the account is closed. If any accounts on this agreement fall into delinquent status, this agreement will be considered null and void.

Section 12. Miscellaneous Fees. The following are additional fees for specific services provided by Flowery Branch.

- **\$120 for Water and Sewer Deposit Fee** – This is charged for new application for water and sewer service. The deposit will be used for the final bill and any

potential balance refunded to a customer.

- \$65 for Sewer Only Deposit Fee – This is charged for new application for sewer only service. The deposit will be used for the final bill and any potential balance refunded to a customer.
- \$60 admin fee for new service applications – The administrative cost of establishing an account and turning on the water meter.
- \$60 cut off fee – The administrative cost of closing an account and turning off the water meter. This applies to all accounts 30 days past due.
- \$30.00 Return Check Fee – A fee will be charged on checks or bank drafts returned for any reason, and water service may be subject to disconnect.
- \$30 turn-on fee – This fee is charged to turn the water service on for existing connections.
- Sewer Inspection Fee – TBD
- Water Inspection Fee – TBD

Section 13. Debt Collections. Accounts that are not fully paid after 90 days shall be turned over to a collection agency for processing. An additional service fee of may be applied to cover the cost of collection agency.

Section 13. Repeal of Conflicting Resolutions. Any part of any prior resolutions in conflict with the terms of this Resolution, are hereby repealed to the extent of the conflict; but it is hereby provided, that any resolution, ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof and shall be legally construed to be in favor of upholding this Resolution on behalf of the City of Flowery Branch.

Section 14. Severability. If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Resolution shall be declared invalid or unconstitutional by any court or competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstance shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid, or the application of the Resolution to other circumstances no so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Flowery Branch to provide for separate and divisible parts, and it does hereby adopt all parts hereof as may not be held invalid for any reason.

Section 15. Brochure and Other Guides Conflicts. The City of Flowery Branch provides brochures and guides to assist customers on the rates, fees and charges of the Flowery Branch water and wastewater systems. If any information from these documents conflict with the latest Council approved ordinance, the ordinance shall prevail.

Section 15. Effective Date. This Resolution shall become effective the date of August 20, 2020 once it is adopted by the Council of the City of Flowery Branch.

SO, RESOLVED this 20th day of August 2020.


James Miller, Mayor

ATTEST:


Vickie Short, City Clerk

APPROVED AS TO FORM:


Ron Bennett, City Attorney



			SDC		SDC		Comments
	Capacity	Method	Inside	Outside	Fire	SDC	
			Water	Water	Ongoing Annual	Irrigation	
Tampa FI	21-50	1" meter	7000	8750	3950		
Birmingham AL Water Works	4	meter size	16450		none	407	1000 Water and Sewer SDC
Athens GA	3/4"	meter size	1600		none	60	Fire annual based on 4" meter
Sacramento CA	3/4"	meter size	1741		none		1741 Specifically do not charge fire
PBC	4"	meter size	100200		23160		
Clayton County Water Authority	3/4"	meter size	1600		2500	180	residential shown, commercial is 6000 regardless of size
Lexington County SC	3/4"	meter size	2250		1000		fire based on per inch of main
Marietta GA Power/Waster	2"	meter size	3000		2200		3000
Dekalb County GA	6"	meter size	18750		18750		larger meters fire is higher



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: City Manager Report

COUNCIL MEETING DATE: March 18, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

Yes

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

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FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: City Clerk Report

COUNCIL MEETING DATE: March 18, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

Yes

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

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FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: City Attorney Report

COUNCIL MEETING DATE: March 18, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

Yes

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

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FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Water/Wastewater Monthly Department Report

COUNCIL MEETING DATE: March 18, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

n/a

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Water/Wastewater

Prepared by: Vickie Short

ATTACHMENTS

- [WWW DEPARTMENT REPORT- March 2021.pdf](#)

WATER/WASTEWATER DEPARTMENT REPORT

Prepared By: Virgil Welch
Date: 3/8/2021



DEPARTMENT MISSION:

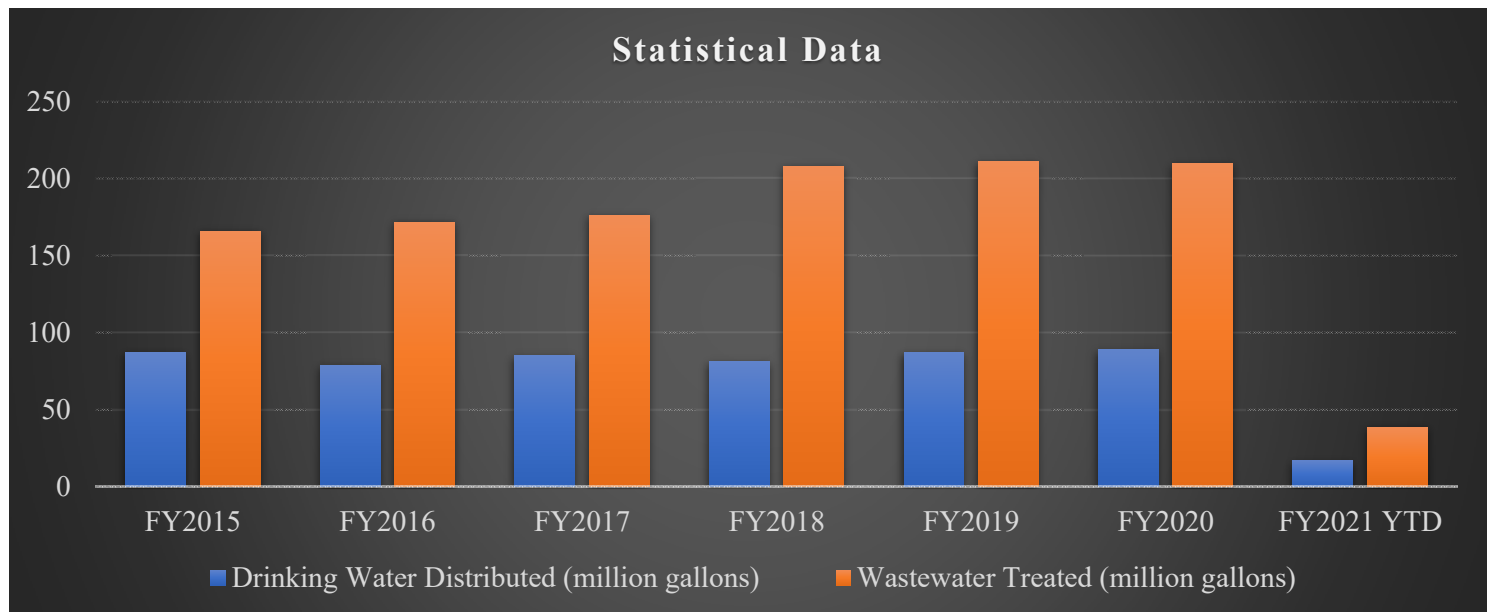
The safe and reliable production of drinking water, free of harmful bacteria and other pollutants, is one of our top priorities. Strict drinking water standards control all aspects of treatment for our public water supplies (treatment, storage, and distribution) to ensure the delivery of safe water to consumers. Wastewater treatment following strict requirements and monitoring to ensure the safety of our community is another top priority. Our goal is to meet or exceed all standards.

GOALS:

1. Preparing for the new wastewater plant expansion.
2. Hire a new employee.
3. Implementation of the maintenance software program
4. Install new security system at the plant.

STATS:

	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021 YTD
Drinking Water Distributed (million gallons)	87	79	85	81	87	89	17
Wastewater Treated (million gallons)	166	172	176	208	211	210	39



WATER/WASTEWATER DEPARTMENT REPORT



REPORT:

We are continuing our discussions with the engineers on the wastewater plant design and hopefully the plans will be finished by the end of month. We are in the process of reviewing employee applications and will set up interviews. The new security system with cameras and main building door alarms is complete and functioning, and the implementation of the maintenance software program is still in progress.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Public Works Monthly Department Report

COUNCIL MEETING DATE: March 18, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Public Works

Prepared by: Vickie Short

ATTACHMENTS

- [PUBLIC WORKS - Mar 2021.pdf](#)

PUBLIC WORKS DEPARTMENT REPORT

Prepared By: Bill Whidden
Date: 3/9/2021



DEPARTMENT MISSION:

The Public Works Department is responsible for the care, maintenance and operation of the city water distribution system, the collection of wastewater by distribution of drinking water, collection of sanitary sewer and collection of storm sewer, the street lighting system, all city streets and sidewalks, parks, and municipal buildings.

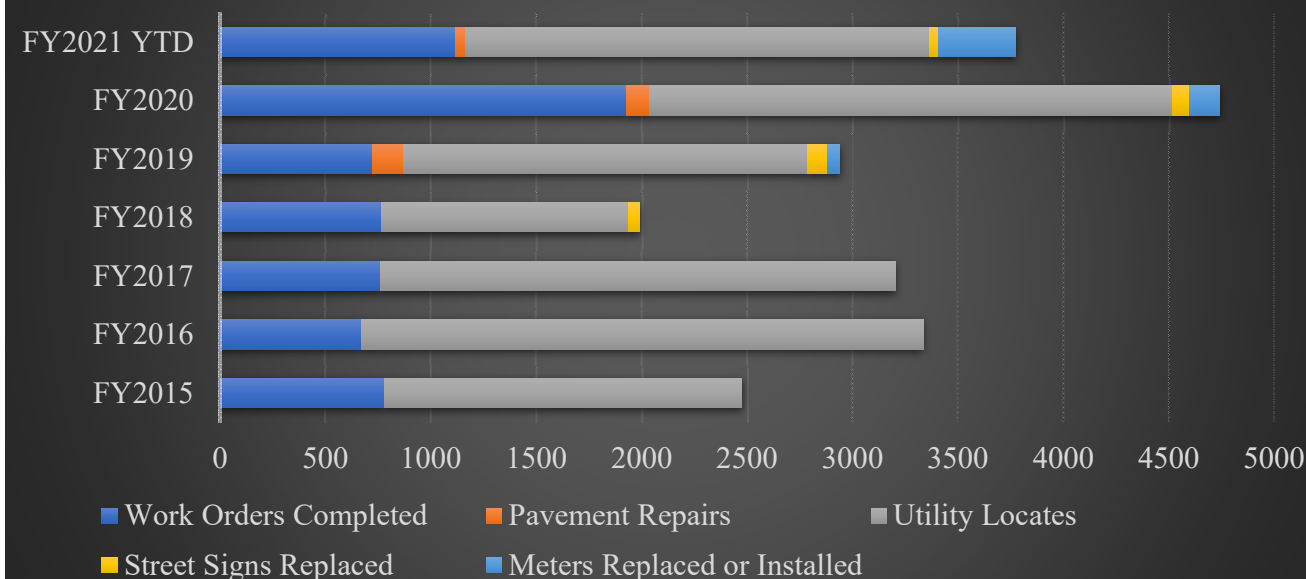
GOALS:

The Department of Public Works for the City of Flowery Branch strives to enhance the quality of life for its residents by ensuring clean safe drinking water, efficient sanitary sewer service, well-maintained city streets and all other city-related issues that our citizens rely on daily. We at Public Works are striving to become a more proactive unit with preventive maintenance on all the utilities, roadways, etc.. which in the long run will keep the city running in a more efficient and be less expensive for its citizens.

STATS:

	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021 YTD
Work Orders Completed	781	673	764	765	725	1928	1115
Pavement Repairs					145	110	47
Utility Locates	1694	2662	2442	1173	1916	2483	2202
Street Signs Replaced				50	95	80	43
Meters Replaced or Installed					59	139	366
New Water Lines Installed (linear ft)					9786	4457	6412

Statistical Data



PUBLIC WORKS DEPARTMENT REPORT



REPORT:

Public Works has finished its small meter updating of the electronic sensing units and is continuing on with our project of quantifying and replacing or downsizing multiple larger water meters with updated electronic sending units which will enhance the city’s ability for monitoring and billing services. We checked the valves and flow of over 20 fire hydrants and repaired multiple water leaks that occurred from ground freeze and thaw along with sidewalk removal and installation at the same location.

Public Works was also out driving the roads monitoring and salting the streets of Flowery Branch at specific spots that required special attention during the last two freeze and near freeze events in the late and early hours before sunrise. We have continued doing a lot of ditch and storm water structure maintenance through out the city due to the excessive amount of rain we have been blessed with this year.

Public works continues on doing what we can to keep the city streets clean and safe for the residents of the City of Flowery Branch as we are proud to call it our home away from home.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Police Monthly Department Report

COUNCIL MEETING DATE: March 18, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Police

Prepared by: Vickie Short

ATTACHMENTS

- [PD - March 2021.pdf](#)

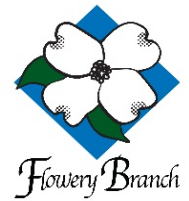
POLICE DEPARTMENT REPORT

Prepared by:

David Spillers

Date:

3/4/2021



DEPARTMENT MISSION:

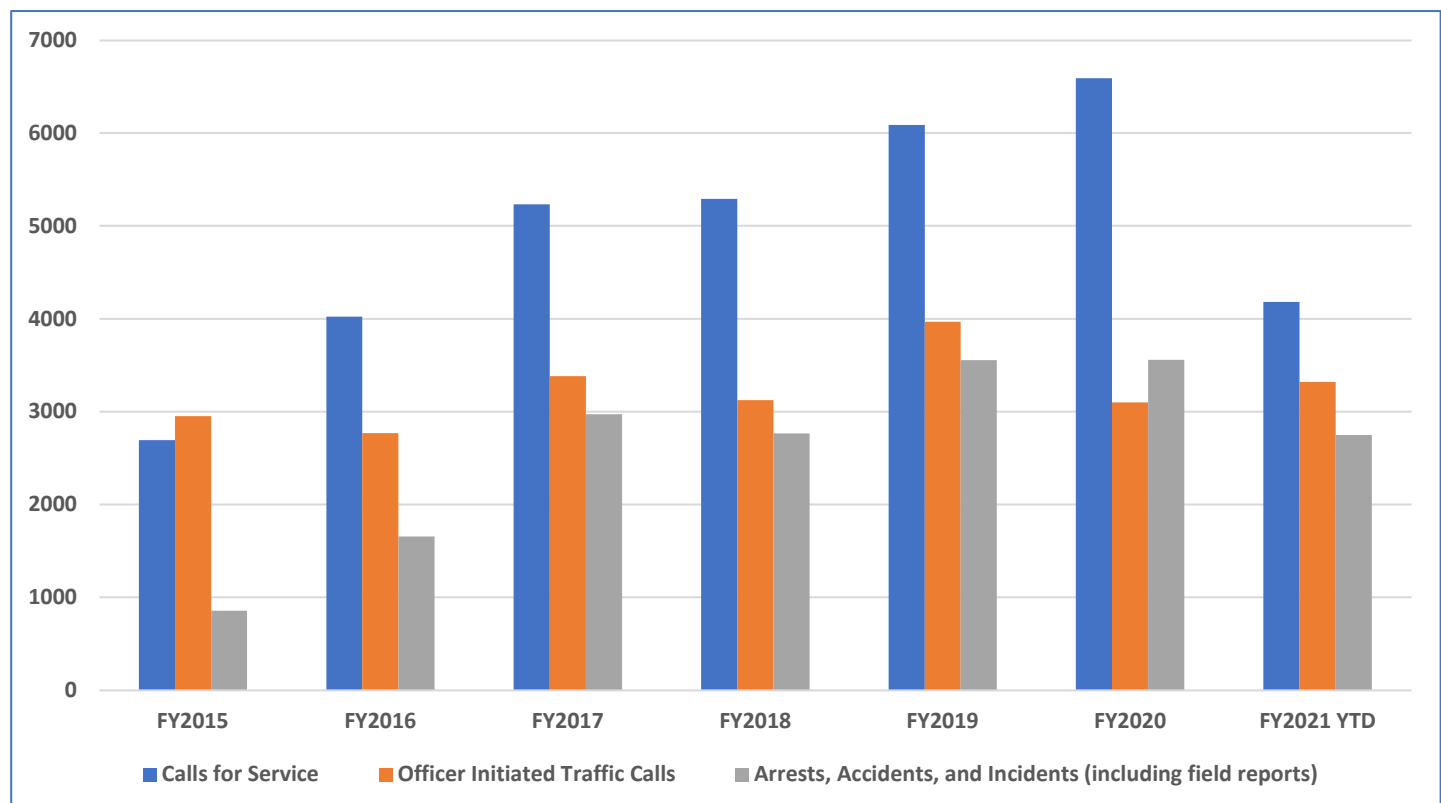
We vow to protect and serve the City of Flowery Branch through dedication, professionalism, and community-oriented policing by using active cooperation as well as effective, proven standards of excellence with a positive, progressive attitude.

GOALS:

1. Maintain and Improve service delivery in terms of public safety with a continuing focus on prevention.
2. Ensure city residents are treated fairly, ethically, and respectfully.
3. Continue to train on de-escalation techniques and continue training with regard to mental health issues.
4. Continue training Ms. Dominguez for enhancing victim/witness services.

STATS:

	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021 YTD
Calls for Service	2691	4022	5231	5292	6086	6591	4180
Officer Initiated Traffic Calls	2950	2769	3380	3123	3967	3098	3319
Arrests, Accidents, and Incidents (including field reports)	855	1653	2970	2766	3553	3556	2748
Vehicle Miles	149699	163147	187258	176473	186851	194189	132,446



POLICE DEPARTMENT REPORT



REPORT:

On 02/25/21 at 12:46 Patrol arrested Comesia Flanagan, 26 YOA, of Peachtree Corners for shoplifting at Kohls. There was a second female who was able to evade law enforcement as did their lookout vehicle. This trio had been shoplifting as an organization at 5 other locations in recent preceding days.

On 02/28/21 Patrol responded to Tree Park Apts at 19:30 interrupting Juan Gonzalez , a resident of Tree Park Apts, as he broke into 5 vehicles. Officers were able to arrest Gonzalez, 20 YOA, recover and return all property to the rightful owners.

On 03/06/21 at 00:10 hours Patrol responded to the report of a sexual assault at Branch House Tavern. Arising from this incident officers identified 1 of the 2 suspects who ultimately furnished identifying information about himself with a false date of birth. Officers were ultimately able to obtain his true identity leading to a valid arrest warrant out of Cobb County.

Later, 03/06/21 at 03:23 hours officers responded to Kohl's discovering a breaking at the front of the store. During the burglary it was discovered most all of the jewelry and women's clothing stolen. In review of the security tape 3 individuals were observed inside the store committing the theft. The driver remained in the Dodge Durango. Total loss, including damage \$30,000.00. Total time on the property 4 minutes.

On 03/07/21 officers responded to lot 44 of 5975 Lights Ferry Rd. regarding a complaint against Larry Eugene Smith, a person who has been criminally trespassed from the property on multiple occasions in the past. In the process of removing Smith from the property he obstructed officer Charlton by offering violence against Charlton and then by fleeing on foot. Due to his degree of drug intoxication Smith was transported to NEGMC for a 4 hour medical clearance prior to his transport to jail.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Planning and Development Monthly Department Report

COUNCIL MEETING DATE: March 18, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [PCD - March 2021.pdf](#)

PLANNING & COMMUNITY DEVELOPMENT DEPT REPORT

Prepared By: Rich Atkinson
Date: 3/13/2021



DEPARTMENT MISSION:

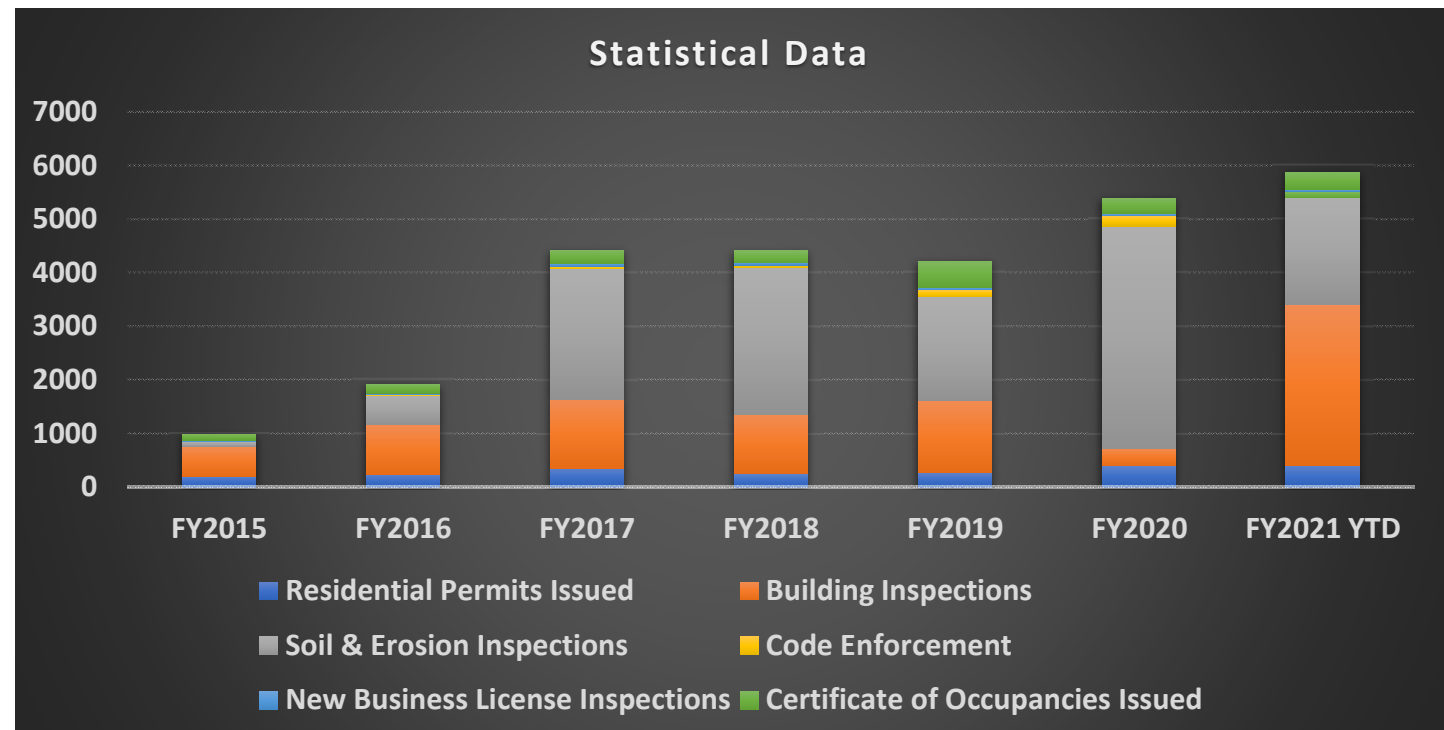
We are responsible for current and future planning, zoning, building permits, site development, plan review, building and site inspections, sign permitting and review, occupational tax licensing, soil and erosion inspections, as well as code enforcement. We strive to provide all of our services in a timely and professional manner.

GOALS:

Help Flowerly Branch reach its full potential as a city.

STATS:

	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021 YTD
Residential Permits Issued	201	228	347	245	259	391	401
Building Inspections	559	941	1293	1113	1345	329	2,996
Soil & Erosion Inspections	78	535	2434	2744	1939	4146	1,997
Code Enforcement	6	13	42	35	132	195	119
New Business License Inspections	23	28	61	51	49	46	41
Certificate of Occupancies Issued	118	168	240	216	484	278	319



PLANNING & COMMUNITY DEVELOPMENT DEPT REPORT



REPORT:

Upcoming zoning cases for April 1:

SOTL rezoning to change PUD conditions to allow townhomes to be constructed in the designated commercial area.

Annexation request for two properties on McEver Road – 6495 and 6509 with the intend to construct a townhome development.

Southern Grace Building – Amber Rushing - rushingtradingco.com looking into purchasing to add as a second location to her current Sugar Hill restaurant.

TRG downtown – Front façade and alleyway leading to Farmers Market are currently being bricked; Beginning bi-weekly meeting with our leasing company (Oakhurst) to discuss potential clients for the retail.

Comprehensive Plan – Council retreat discussion; April 1st virtual open house; April 15th City Council second required official public hearing.

Morgan Brick Rezoning – Knight Drive – surveying under way with application forthcoming.

Downtown Projects – Finalizing construction plans and beginning work ASAP.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Finance Monthly Department Report

COUNCIL MEETING DATE: March 18, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Finance

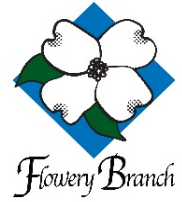
Prepared by: Vickie Short

ATTACHMENTS

- [FINANCE Mar 2021.pdf](#)

FINANCE DEPARTMENT REPORT

Prepared By: Alisha Gamble
Date: 3/8/2021



DEPARTMENT MISSION:

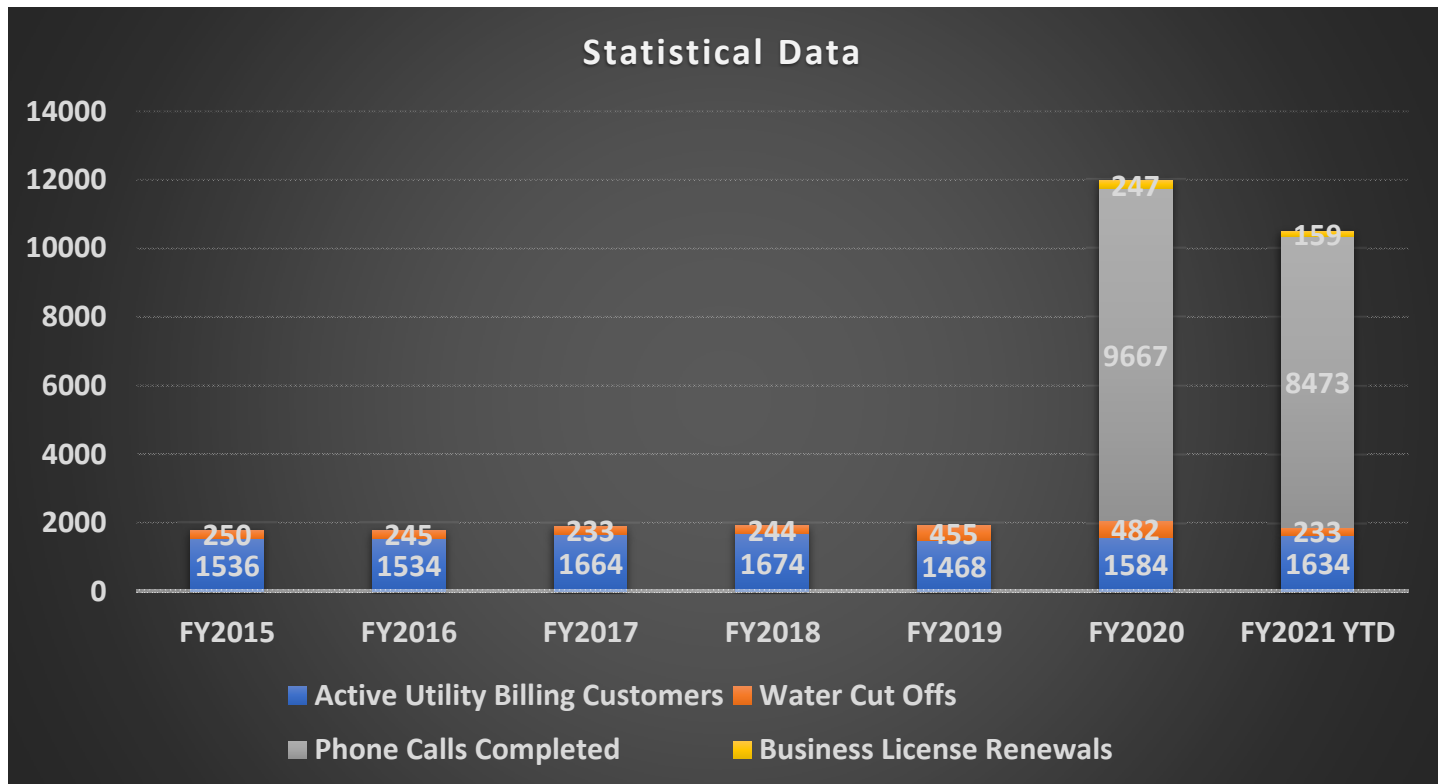
To provide timely, accurate and clear financial information to other City departments, the governing body, and the Flowery Branch community while maintaining compliance with applicable laws and procedures.

GOALS:

1. Enhance citizen transparency of financial data and timely reporting.
2. Provide excellent service to our citizens.
3. Keep citizens informed of announcements and billing/services updates in a timely manner.

STATS:

	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021 YTD
Active Utility Billing Customers	1536	1534	1664	1674	1468	1584	1634
Water Cut Offs	250	245	233	244	455	482	233
Phone Calls Completed						9667	8473
Business License Renewals						247	159



FINANCE DEPARTMENT REPORT



REPORT:

Current projects for the Finance Department are:

1. Budget planning for department operating budgets and capital budgets.
2. Streamlining the capital budget reporting process using an online platform to flow into the budget document.
3. Preparing for the Council Retreat.
4. ClearGov Citizen Transparency demonstration.
5. Quarterly financial update for quarter ending 12/31/2020.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: FY2021 - Quarter 2 Financial Update

COUNCIL MEETING DATE: March 18, 2021

HISTORY:

FY2021 - Quarter 2 Financial Update

FACTS AND ISSUES:

Detailed reports and statements will be emailed to Council for review before the meeting.

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

No action needed

SAMPLE MOTION:

No motion required

COLLABORATING DEPARTMENT:

DEPARTMENT: Finance

Prepared by: Vickie Short

ATTACHMENTS

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FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: ClearGov - Citizen Transparency Website Presentation

COUNCIL MEETING DATE: March 18, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

N/A

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Finance

Prepared by: Vickie Short

ATTACHMENTS

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FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: City Council Report

COUNCIL MEETING DATE: March 18, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

Yes

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

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FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Mayor Miller Per Diem

COUNCIL MEETING DATE: March 18, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

Yes

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

- [Mayor Miller Per Diem.pdf](#)



**CITY OF FLOWERY BRANCH
MAYOR & COUNCIL ATTENDANCE SHEET
PER DIEM PAY**

NAME Mike Miller MONTH/YEAR March 2021

	MEETING DATE	DESCRIPTION OF MEETING
1	3/9/2021	MPO Meeting
2	3/15/2021	Hall County Meeting
3		
4		
5		

My signature certifies that I am eligible to be paid for 2 meeting dates, maximum 5 per month, in accordance with per diem pay as described in Ordinance No. 477. Total \$100.00 (\$50.00 per mtg)

Signature



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Second Reading of Ordinances 631, 632, 633, and 634 - variance requests for 6026 Lights Ferry Road, 6040, 6041, and 6043 Morrow Drive submitted by Mr. Chris Hill of Hillgrove Homes

COUNCIL MEETING DATE: March 18, 2021

HISTORY:

Subject Properties: 6026 Lights Ferry Road, 6040 Morrow Drive, 6041 Morrow Drive, and 6043 Morrow Drive
Applicant reviewed options on how to best develop these parcels (and possibly more in the area) while meeting the intent of the Flowery Branch Zoning Ordinance. There is an original plat that appears to still be valid that designates the lots as legal non-conforming. This means they are legal but do not meet the current zoning designation (R-2 in this case) thus rendering them unbuildable under current zoning. In other words, the lots are legally platted but they cannot be altered - making new home construction impossible.

Rezoning is problematic as the options are limited. The Central Business District is intended for the downtown area. The subject properties are close to downtown, but staff feels they are too far away to be considered for CBD. Traditional Neighborhood District is too restrictive for the properties as it requires parking in the rear or side yards. The other option is to create larger lots to meet the standard R-2 zoning requirements.

Ultimately, the applicant decided to pursue building on the legal lots as recorded. In order to meet the R-2 designation, and the original plat, applicant must request three variances. The variances are from the requirements set forth in Article 6, Table 6.2, of the City's zoning ordinance.

FACTS AND ISSUES:

Subject Properties: 6026 Lights Ferry Road, 6040 Morrow Drive, 6041 Morrow Drive, and 6043 Morrow Drive
Variances from the Flowery Branch Zoning Ordinance Article 6. Table 6.2

Variance requests are for each parcel. The requests are as follows:

1. Reduction in minimum required lot size from 15,000 square feet to 7,000 square feet.
2. Reduction in minimum required lot width from 75 feet to 50 feet.
3. Reduction in required side setback from 10 feet to 5 feet.

OPTIONS:

The following schedule has been approved by Mayor Miller:

February 18 - work session

March 4 - first vote

March 18 - final vote

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve as submitted and conditioned by staff. Staff encourages Mayor and Council to provide additional conditions as deemed appropriate prior to the final read and vote scheduled for March 18th, 2021.

SAMPLE MOTION:

I make a motion to approve ordinance 631.

I make a motion to approve ordinance 632.

I make a motion to approve ordinance 633.

I make a motion to approve ordinance 634.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Variance Application.pdf](#)
- [Variance Staff Report .pdf](#)
- [ERBcombinedfinalemix.pdf](#)



VARIANCE APPLICATION

Address of Request:

6043, 6041, 6040 Morrow Drive + 6026 Lights Ferry Road

Type of Variance Requested

Complete requirements for variances can be found in the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 37;

Please verify all the requirements of the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 37, section 37.5 are being met.
Explain below:

Morrow Subdivision Plat Book 10 Page 154

- ① Reduction in Minimum Required Lot size from 15,000 S.F. to 7,000 S.F.
- ② Reduction in Minimum Required Lot width from 75' + 50'
- ③ Reduction in Required side setback from 10' to 5'

Applicant: Hillgrove Homes LLC

Address: 5512 Main Street, Flowery Branch GA 30542

E-mail address: Chris@hillgrovehomes.com

Phone number: 678-410-2705

Signature:

[Signature]

Notary Seal:



Dawn Westmoreland
NOTARY PUBLIC
Gwinnett County, Georgia
My Commission Expires
December 19, 2024



Property owner information (if different than the applicant)

Property owner (please print): _____

Signature of property owner: _____

Notary Seal:

Please provide the following at time of submittal:

- Payment of \$325.00
- Legal description – one hard copy and on a flash drive
- Current survey of property – one hard copy and on a flash drive
- Site plan – one hard copy and on a flash drive
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)



Conflict of Interest Disclosure

Identify all members of the City Council of the City of Flowery Branch and Employees of the City of Flowery Branch Community Development Department who

Have a property interest in the real property affected by this request

 N/A

Have a financial interest (direct ownership interest) of the total assets or capital stock of a business entity where such ownership interest is more than 10% in any business entity which has a property interest in the real property affected by this request

 N/A

Have a member of the family (spouse, mother, father, brother, sister, son or daughter) having a property financial interest as herein defined, in the real property affected by this request

 N/A

Disclosure of Campaign Contributions

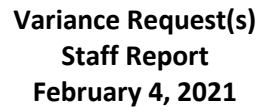
List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total \$250.00 or more or to whom gifts were made having a total value of \$250.00 or more.

Elected Officials Name

Amount of Description of Gift

 N/A





Subject Properties: 6026 Lights Ferry Road, 6040 Morrow Drive, 6041 Morrow Drive, and 6043 Morrow Drive

[illegible]



The four subject properties are all zoned R-2 (Residential Detached Single Family):

Sec. 6.3. - R-2, Residential, Detached Single Family, Moderate-Density District.

(a)*Purpose and Description.* This zoning district is intended to implement the "Single-family residential" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "suburban residential" character area established in the comprehensive plan.

(b)*Character.* The designs of subdivisions in this district include cul-de-sacs and curvilinear streets. Houses are set back a significant distance from the street. Streets are built to relatively wide standard when compared with traditional neighborhoods. Access to this district is predominantly by automobile but pedestrian mobility is accommodated.

(c)*Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts." Land use in this district consists predominantly of detached, single-family dwellings on their own lots at a moderate density (no more than approximately three dwelling units per acre). Site-built dwellings only are permitted (no manufactured homes). Other uses that are compatible with a low-density, residential environment such as recreational, educational, and religious facilities, are permitted or conditional uses.

(d)*Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts." Dimensional requirements such as minimum building setbacks and maximum building coverage are intended to provide for yards surrounding each dwelling.

Applicant reviewed options on how to best develop these parcels (and possibly more in the area) while meeting the intent of the Flowery Branch Zoning Ordinance. There is an original plat that appears to still be valid (shown below) that designates the lots as legal non-conforming. This means they are legal but do not meet the current zoning designation (R-2 in this case) thus rendering them unbuildable under current zoning. In other words, the lots are legally platted but they cannot be altered - making new home construction impossible.

Rezoning is problematic as the options are limited. The Central Business District is intended for the downtown area. The subject properties are close to downtown, but staff feels they are too far away to be considered for CBD. Traditional Neighborhood District is too restrictive for the properties as it requires parking in the rear or side yards. The other option is to create larger lots to meet the standard R-2 zoning requirements.



Ultimately, the applicant decided to pursue building on the legal lots as recorded. In order to meet the R-2 designation, and the original plat, applicant must request three variances. The variances are from the requirements set forth in Article 6, Table 6.2, of the City's zoning ordinance.

Table 6.2

Requirement (measurement unit)	A	R-1	R-2
Maximum height (feet)	75	35	35
Maximum height (number of stories)	3	3	3
Maximum density (units per acre)	0.333	2.18	3
Minimum lot size for detached single-family dwelling (square feet) (1)	130,680	20,000	15,000
Minimum lot size for two-family dwelling (square feet) (1)	N/A	N/A	N/A
Minimum lot size for other uses (square feet) (1)	130,680	43,560	15,000
Minimum lot width (feet)	200	90	75
Minimum heated floor area per dwelling unit (square feet)	1,500	2,200	1,800
Minimum heated floor area per dwelling unit, ground floor of a dwelling (square feet)	750	1,100	900
Minimum front yard setback from lot line, all principal buildings (feet)	80	35	25
Minimum side setback, interior lot line, all principal buildings (feet)	25	20	10
Minimum side setback, corner lot, all principal buildings (feet)	60	35	25
Minimum rear setback, all principal buildings (feet)	35	25	20
Minimum setback, all principal or accessory buildings and structures abutting an R-1, R-2, or R-3 district (feet)	Side and rear setbacks shall apply	50	50
Minimum width of natural buffer abutting R-1, R-2, or R-3 district (feet)	None	None	None
Minimum landscape strip required along rights-of-way for any nonresidential use if permitted (width in feet)	15	15	10
Minimum landscape strip required along rights-of-way for any apartment or condominium (multi-family residential) use (width in feet)	N/A	N/A	N/A
Minimum landscape strip required along side property lines for any nonresidential use if permitted (width in feet)	5	5	5
Maximum coverage of principal and accessory buildings (percent of lot)	25	25	35
Minimum landscaped open space, all principal uses except detached, single-family residential lots (percent)	20	20	15

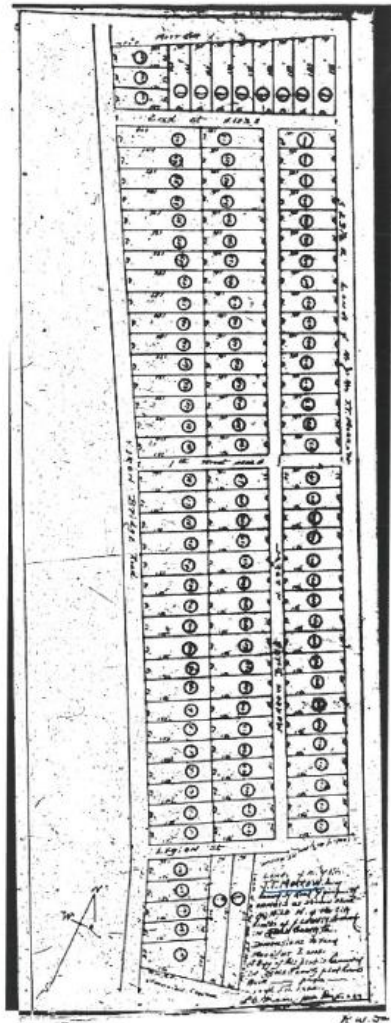
Variance requests are for each parcel. The requests are as follows:

1. Reduction in minimum required lot size from 15,000 square feet to 7,000 square feet.
2. Reduction in minimum required lot width from 75 feet to 50 feet.
3. Reduction in required side setback from 10 feet to 5 feet.



This is in line with the original recorded plat:

Morrow Subdivision
Plat Book 10 page 154



put on Schedule



Sec. 37.5. Criteria for Granting Variances.

Any applicant requesting consideration of a variance to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district; **Legal non-conforming lots that cannot be built upon as currently required by Flowery Branch Zoning Ordinance.**
- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located; **The lots cannot be built upon and meet the requirements of R-2 zoning.**
- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;
- (d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
- (e) The special circumstances are not the result of the actions of the applicant;
- (f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and
- (g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

Staff recommends approval with the following conditions:

1. Applicant's development shall comply with all stormwater management requirements of Article 12 of the Subdivision and Land Development Code per Section 1203.
2. Applicant shall record a final plat in accordance with Article 8 of the Subdivision and Land Development Code.
3. The final plat shall dedicate a 25 feet wide strip of public right of way along Morrow Drive (measured from the existing centerline of said road) for future installation of sidewalks, curb, gutter, utilities and other public improvements.



4. A landscape plan for each individual lot and the development as a whole shall be submitted to staff at the time of any land disturbance application.
5. Applicant shall construct new homes in accordance with the elevations submitted and attached hereto.



Exhibit "A"



Heritage
GROUP HOMES

MAPLE RIDGE

4 Bedrooms/2.5 Baths
2007 sq. ft.



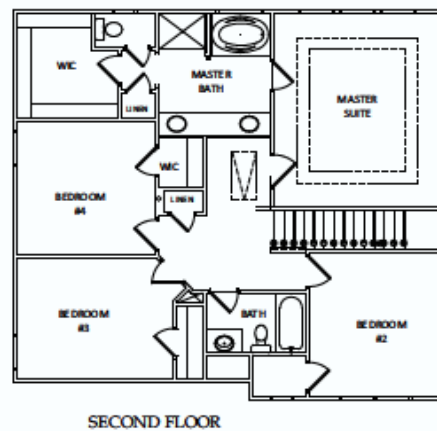
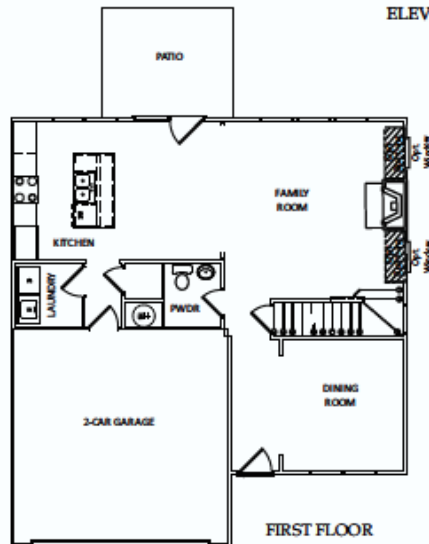
ELEVATION A



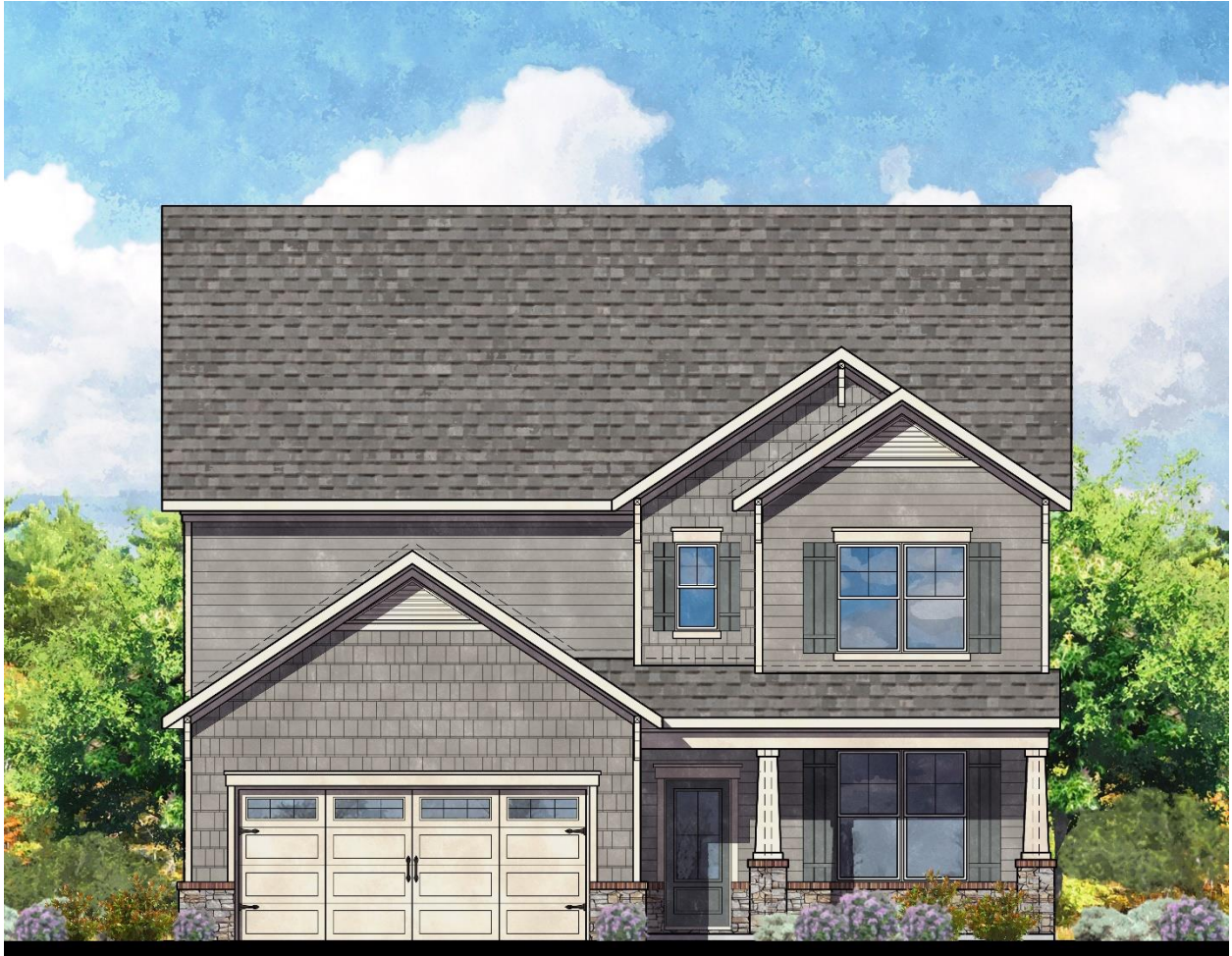
ELEVATION B

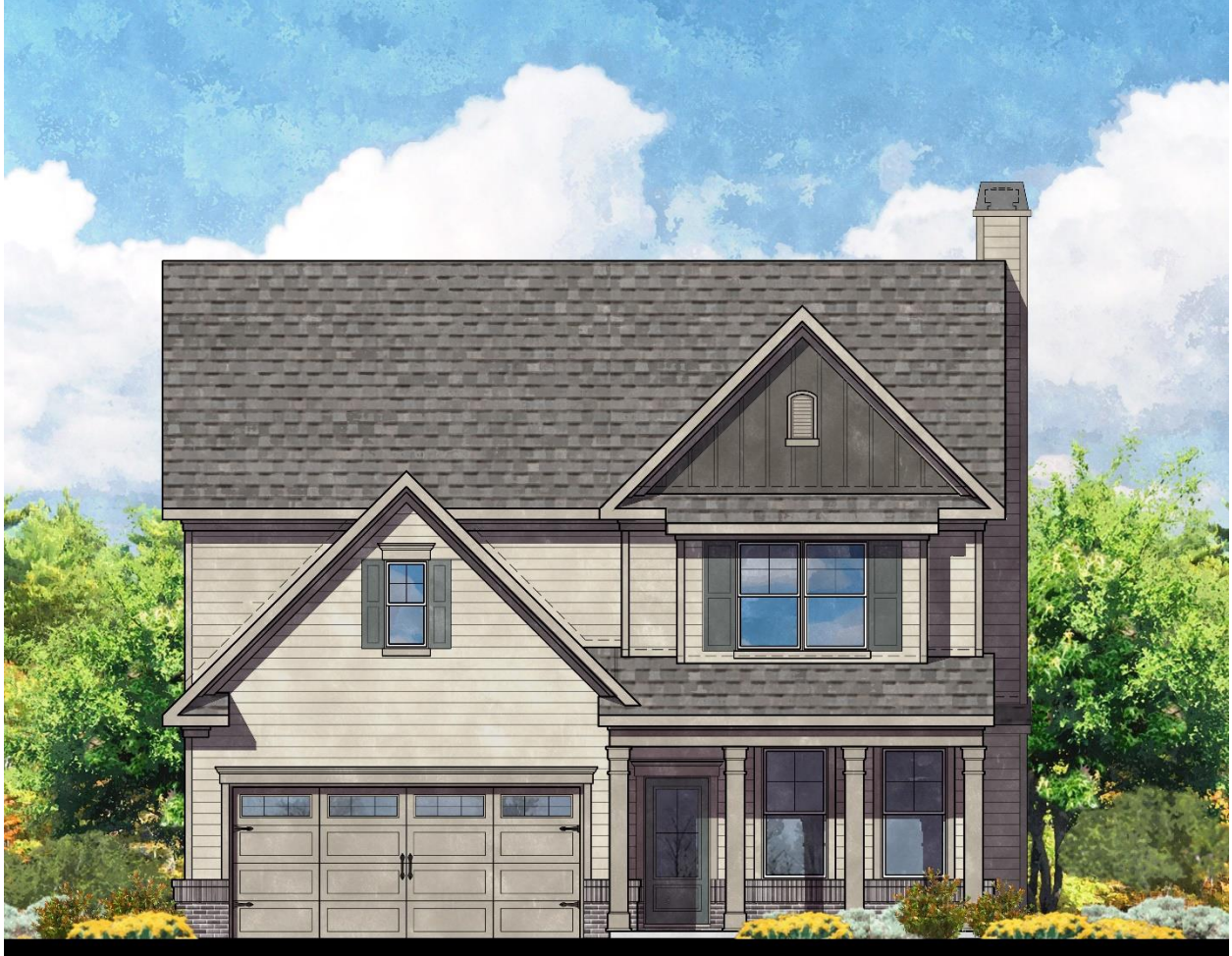


ELEVATION C



*All information is believed to be accurate but is not guaranteed and subject to change without notice.







Cottages @
Lights Ferry



Front Elevation A



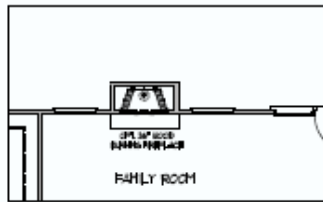
Front Elevation B



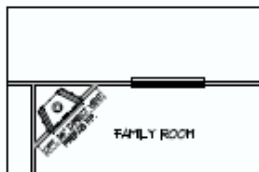
Front Elevation C



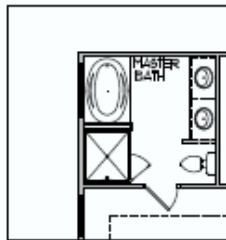
THE SAXTON @ Candler Park



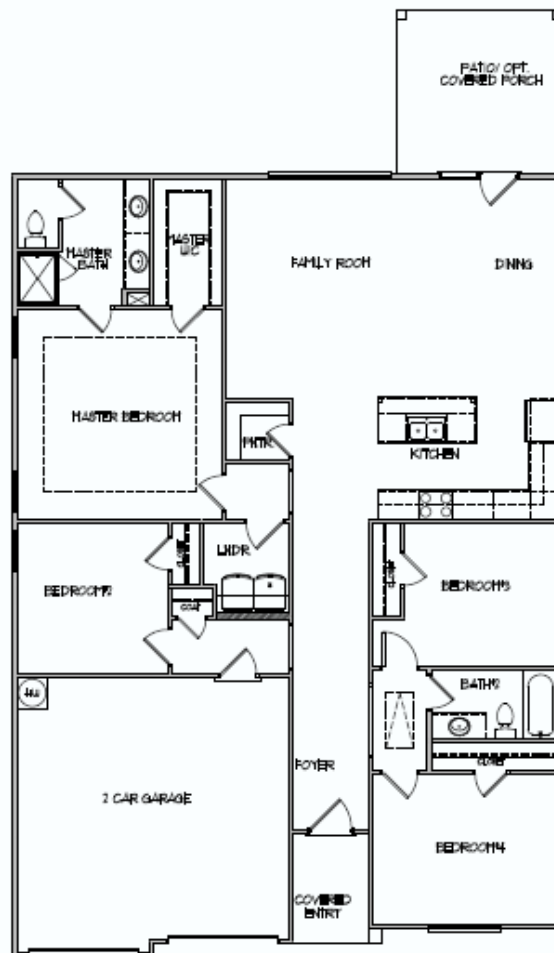
Opt. Wood Burning
Fireplace



Opt. Corner Fireplace



Master Bath Opt.



Main Level





ORDINANCE 631

AN ORDINANCE GRANTING VARIANCES FROM THE R-2 (RESIDENTIAL, DETACHED SINGLE FAMILY, LOW DENSITY DISTRICT) REQUIREMENTS OF ARTICLE 6, TABLE 6.2, OF THE FLOWERY BRANCH ZONING ORDINANCE TO 6026 LIGHTS FERRY ROAD, OWNED BY HILLGROVE HOMES, LLC, SHOWN ON EXHIBIT "A", DESCRIBED ON EXHIBIT "B", AND SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT "C", BY REDUCING THE MINIMUM REQUIRED LOT SIZE FROM 15,000 SQUARE FEET TO 7,000 SQUARE FEET, REDUCING THE MINIMUM REQUIRED LOT WIDTH FROM 75 FEET TO 50 FEET, AND BY REDUCING THE REQUIRED SIDE SETBACK FROM 10 FEET TO 5 FEET; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Hillgrove Homes, LLC has submitted a written and signed application to the City of Flowery Branch, Georgia requesting specific variances for property located at 6026 Lights Ferry Road; and

WHEREAS, a survey and complete description of the property subject to the requested variances is included in the application; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia held a public hearing on Hillgrove Homes, LLC's application at its meeting of February 5, 2021, which was duly noticed as prescribed by law and published in the Gainesville Times, as shall be set forth in the minutes of said meeting; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia has considered the subject variance application of Hillgrove Homes, LLC in conjunction with the standards set forth in Article 37, Section 27.5 of the Zoning Ordinance.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. FINDINGS:

The City Council finds that the proposed variances from the City of Flowery Branch Zoning Ordinance Article 6, Table 6.2 is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of Article 37, Section 37.5 of the City of Flowery Branch Zoning Ordinance as identified below.

Sec. 37.5. Criteria for Granting Variances.

Any applicant requesting consideration of a variances to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;

Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 03/04/21
Adopted 03/18/21

- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;
- (c) Granting the variances requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;
- (d) The requested variances will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
- (e) The special circumstances are not the result of the actions of the applicant;
- (f) The variances requested are the minimum variances that will make possible the proposed use of the land, building, or structure in the use district proposed; and
- (g) The variances shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

SECTION 2. LEGAL DESCRIPTION, VARIANCES GRANTED AND CONDITIONS IMPOSED:

The properties as shown in attached Exhibit "A" and as legally described in Exhibit "B" shall be granted the following variances from the requirements set forth in the Flowery Branch Zoning Ordinance Article 6, Table 6.2:

1. Reduction in minimum required lot size from 15,000 square feet to 7,000 square feet.
2. Reduction in minimum required lot width from 75 feet to 50 feet.
3. Reduction in required side setback from 10 feet to 5 feet.

Conditions set forth in Exhibit "C" are imposed on said properties. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 03/04/21
Adopted 03/18/21

SECTION 4. EFFECTIVE DATE.

The effective date of this Ordinance shall be upon adoption by the City Council of the City of Flowery Branch, Georgia.

SECTION 5. REPEALER.

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Adopted this 18th day of March 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

Exhibit "A"



Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 03/04/21
Adopted 03/18/21

Exhibit "B"

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lots 111 and 112, 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows:

Commencing at a point common for Land Lots 111, 112, 118 and 119; THENCE South 74 degrees 24 minutes 19 seconds East for 83.77 feet to a 1" open top pipe on the northern right-of-way of Lights Ferry Road (60' R/W), said point being THE TRUE POINT OF BEGINNING;

THENCE along the right-of-way of Lights Ferry Road North 28 degrees 19 minutes 20 seconds West a distance of 200.76 feet to an iron pin set;

THENCE leaving said right-of-way along the line common for now or formerly known Aristide J Sward and Phillip W. Williams North 63 degrees 30 minutes 09 seconds East a distance of 139.19 feet to an iron pin set;

THENCE along said line, North 27 degrees 04 minutes 25 seconds West a distance of 50.00 feet to an open top pipe found;

THENCE along said line North 63 degrees 30 minutes 09 seconds East a distance of 150.01 feet to an open top pipe found;

THENCE along Marrow drive (30; R/w) South 27 degrees 04 minutes 25 seconds East a distance of 247.18 feet to a 1" open top pipe;

THENCE leaving said right-of-way along the line common for now or formerly known Aristide J Sward and William C Tullis, South 62 degrees 48 minutes 02 seconds West a distance of 284.80 feet to an open top pipe, said point being THE TRUE POINT OF BEGINNING.

The above described tract contains an area of 1.483 acres.

Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 03/04/21
Adopted 03/18/21

Exhibit "C"

1. Applicant's development shall comply with all stormwater management requirements of Article 12 of the Subdivision and Land Development Code per Section 1203.
2. Applicant shall record a final plat in accordance with Article 8 of the Subdivision and Land Development Code.
3. The final plat shall dedicate a 25 feet wide strip of public right of way along Morrow Drive (measured from the existing centerline of said road) for future installation of sidewalks, curb, gutter, utilities and other public improvements.
4. A landscape plan for each individual lot and the development as a whole shall be submitted to staff at the time of any land disturbance application.
5. Applicant shall construct new homes in accordance with the elevations submitted and attached hereto.

Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 03/04/21
Adopted 03/18/21



 ResidentialRendering.com

Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 03/04/21
Adopted 03/18/21



 ResidentialRendering.com

Cottages @
Lights Ferry



Front Elevation A



Front Elevation B



Front Elevation C

Public Hearing Published	01/13/21
Public Hearing	02/04/21

First Reading	03/04/21
Adopted	03/18/21

Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 03/04/21
Adopted 03/18/21

ORDINANCE 632

AN ORDINANCE GRANTING VARIANCES FROM THE R-2 (RESIDENTIAL, DETACHED SINGLE FAMILY, LOW DENSITY DISTRICT) REQUIREMENTS OF ARTICLE 6, TABLE 6.2, OF THE FLOWERY BRANCH ZONING ORDINANCE TO 6040 MORROW DRIVE, OWNED BY HILLGROVE HOMES, LLC, SHOWN ON EXHIBIT "A", DESCRIBED ON EXHIBIT "B", AND SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT "C", BY REDUCING THE MINIMUM REQUIRED LOT SIZE FROM 15,000 SQUARE FEET TO 7,000 SQUARE FEET, REDUCING THE MINIMUM REQUIRED LOT WIDTH FROM 75 FEET TO 50 FEET, AND BY REDUCING THE REQUIRED SIDE SETBACK FROM 10 FEET TO 5 FEET; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Hillgrove Homes, LLC has submitted a written and signed application to the City of Flowery Branch, Georgia requesting specific variances for property located at 5040 Morrow Drive; and

WHEREAS, a survey and complete description of the property subject to the requested variances is included in the application; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia held a public hearing on Hillgrove Homes, LLC's application at its meeting of February 5, 2021, which was duly noticed as prescribed by law and published in the Gainesville Times, as shall be set forth in the minutes of said meeting; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia has considered the subject variance application of Hillgrove Homes, LLC in conjunction with the standards set forth in Article 37, Section 27.5 of the Zoning Ordinance.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. FINDINGS:

The City Council finds that the proposed variances from the City of Flowery Branch Zoning Ordinance Article 6, Table 6.2 is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of Article 37, Section 37.5 of the City of Flowery Branch Zoning Ordinance as identified below.

Sec. 37.5. Criteria for Granting Variances.

Any applicant requesting consideration of a variances to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;

Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 03/04/21
Adopted 03/18/21

- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;
- (c) Granting the variances requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;
- (d) The requested variances will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
- (e) The special circumstances are not the result of the actions of the applicant;
- (f) The variances requested are the minimum variances that will make possible the proposed use of the land, building, or structure in the use district proposed; and
- (g) The variances shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

SECTION 2. LEGAL DESCRIPTION, VARIANCES GRANTED AND CONDITIONS IMPOSED:

The properties as shown in attached Exhibit "A" and as legally described in Exhibit "B" shall be granted the following variances from the requirements set forth in the Flowery Branch Zoning Ordinance Article 6, Table 6.2:

1. Reduction in minimum required lot size from 15,000 square feet to 7,000 square feet.
2. Reduction in minimum required lot width from 75 feet to 50 feet.
3. Reduction in required side setback from 10 feet to 5 feet.

Conditions set forth in Exhibit "C" are imposed on said properties. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 03/04/21
Adopted 03/18/21

SECTION 4. EFFECTIVE DATE.

The effective date of this Ordinance shall be upon adoption by the City Council of the City of Flowery Branch, Georgia.

SECTION 5. REPEALER.

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Adopted this 18th day of March 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

Exhibit “A”



Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 03/04/21
Adopted 03/18/21

Exhibit "B"

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lots 111 and 112, 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows:

Commencing at a point common for Land Lots 111, 112, 118 and 119; THENCE South 74 degrees 24 minutes 19 seconds East a distance of 83.77 feet to a 1" open top pipe on the northern right-of-way of Lights Ferry Road (60' R/W) a point; THENCE North 62 degrees 48 minutes 02 seconds East a distance of 284.80 feet to a 1" open top pipe on the southern right-of-way of Morrow drive (30' R/W); THENCE across the street North 62 degrees 42 minutes 53 seconds East a distance of 30.00 feet to a 1/2" rebar found on the northern right-of-way of said road, said point being THE TRUE POINT OF BEGINNING;

THENCE along Marrow Drive (30' R/W) North 27 degrees 04 minutes 25 seconds West a distance of 200.02 feet to an iron pin set;

THENCE leaving said right-of-way North 62 degrees 02 minutes 16 seconds East a distance of 152.37 feet to an iron pin set;

THENCE along the line common for Now or formerly known Summit Lake Homeowners Association and Donald W. England, South 26 degrees 25 minutes 45 seconds East a distance of 200.07 feet to a 1/2" rebar found;

THENCE along the line common for Now or formerly known Donald W. England and Clyde W. & Sheila M. Grine, South 62 degrees 02 minutes 16 seconds West a distance of 150.12 feet to 1/2" rebar found, said point being THE TRUE POINT OF BEGINNING.

The above described tract contains an area of 0.694 acres.

Exhibit "C"

1. Applicant's development shall comply with all stormwater management requirements of Article 12 of the Subdivision and Land Development Code per Section 1203.
2. Applicant shall record a final plat in accordance with Article 8 of the Subdivision and Land Development Code.
3. The final plat shall dedicate a 25 feet wide strip of public right of way along Morrow Drive (measured from the existing centerline of said road) for future installation of sidewalks, curb, gutter, utilities and other public improvements.
4. A landscape plan for each individual lot and the development as a whole shall be submitted to staff at the time of any land disturbance application.



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Public Hearing 02/04/21

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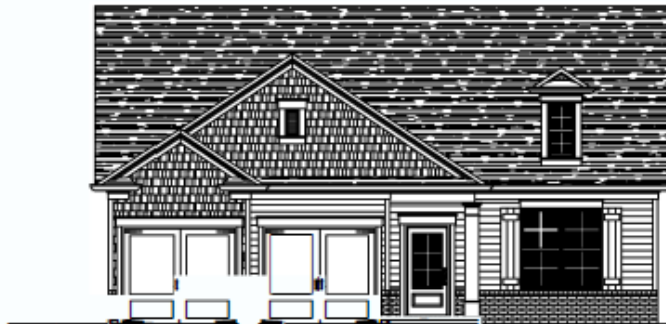
Cottages @
Lights Ferry



Front Elevation A



Front Elevation B



Front Elevation C

Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 03/04/21
Adopted 03/18/21

ORDINANCE 633

AN ORDINANCE GRANTING VARIANCES FROM THE R-2 (RESIDENTIAL, DETACHED SINGLE FAMILY, LOW DENSITY DISTRICT) REQUIREMENTS OF ARTICLE 6, TABLE 6.2, OF THE FLOWERY BRANCH ZONING ORDINANCE TO 6041 MORROW DRIVE, OWNED BY HILLGROVE HOMES, LLC, SHOWN ON EXHIBIT "A", DESCRIBED ON EXHIBIT "B", AND SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT "C", BY REDUCING THE MINIMUM REQUIRED LOT SIZE FROM 15,000 SQUARE FEET TO 7,000 SQUARE FEET, REDUCING THE MINIMUM REQUIRED LOT WIDTH FROM 75 FEET TO 50 FEET, AND BY REDUCING THE REQUIRED SIDE SETBACK FROM 10 FEET TO 5 FEET; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Hillgrove Homes, LLC has submitted a written and signed application to the City of Flowery Branch, Georgia requesting specific variances for property located at 6041 Morrow Drive; and

WHEREAS, a survey and complete description of the property subject to the requested variances is included in the application; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia held a public hearing on Hillgrove Homes, LLC's application at its meeting of February 5, 2021, which was duly noticed as prescribed by law and published in the Gainesville Times, as shall be set forth in the minutes of said meeting; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia has considered the subject variance application of Hillgrove Homes, LLC in conjunction with the standards set forth in Article 37, Section 27.5 of the Zoning Ordinance.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. FINDINGS:

The City Council finds that the proposed variances from the City of Flowery Branch Zoning Ordinance Article 6, Table 6.2 is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of Article 37, Section 37.5 of the City of Flowery Branch Zoning Ordinance as identified below.

Sec. 37.5. Criteria for Granting Variances.

Any applicant requesting consideration of a variances to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;

Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 03/04/21
Adopted 03/18/21

- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;
- (c) Granting the variances requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;
- (d) The requested variances will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
- (e) The special circumstances are not the result of the actions of the applicant;
- (f) The variances requested are the minimum variances that will make possible the proposed use of the land, building, or structure in the use district proposed; and
- (g) The variances shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

SECTION 2. LEGAL DESCRIPTION, VARIANCES GRANTED AND CONDITIONS IMPOSED:

The properties as shown in attached Exhibit "A" and as legally described in Exhibit "B" shall be granted the following variances from the requirements set forth in the Flowery Branch Zoning Ordinance Article 6, Table 6.2:

1. Reduction in minimum required lot size from 15,000 square feet to 7,000 square feet.
2. Reduction in minimum required lot width from 75 feet to 50 feet.
3. Reduction in required side setback from 10 feet to 5 feet.

Conditions set forth in Exhibit "C" are imposed on said properties. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

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Public Hearing 02/04/21

First Reading 03/04/21
Adopted 03/18/21

SECTION 4. EFFECTIVE DATE.

The effective date of this Ordinance shall be upon adoption by the City Council of the City of Flowery Branch, Georgia.

SECTION 5. REPEALER.

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Adopted this 18th day of March 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

Exhibit "A"



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Public Hearing 02/04/21

First Reading 03/04/21
Adopted 03/18/21

Exhibit "B"

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lots 111 and 112, 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows:

Commencing at a point common for Land Lots 111, 112, 118 and 119; THENCE South 74 degrees 24 minutes 19 seconds East for 83.77 feet to a 1" open top pipe on the northern right-of-way of Lights Ferry Road (60' R/W), said point being THE TRUE POINT OF BEGINNING;

THENCE along the right-of-way of Lights Ferry Road North 28 degrees 19 minutes 20 seconds West a distance of 200.76 feet to an iron pin set;

THENCE leaving said right-of-way along the line common for now or formerly known Aristide J Sward and Phillip W. Williams North 63 degrees 30 minutes 09 seconds East a distance of 139.19 feet to an iron pin set;

THENCE along said line, North 27 degrees 04 minutes 25 seconds West a distance of 50.00 feet to an open top pipe found;

THENCE along said line North 63 degrees 30 minutes 09 seconds East a distance of 150.01 feet to an open top pipe found;

THENCE along Marrow drive (30; R/w) South 27 degrees 04 minutes 25 seconds East a distance of 247.18 feet to a 1" open top pipe;

THENCE leaving said right-of-way along the line common for now or formerly known Aristide J Sward and William C Tullis, South 62 degrees 48 minutes 02 seconds West a distance of 284.80 feet to an open top pipe, said point being THE TRUE POINT OF BEGINNING.

The above described tract contains an area of 1.483 acres.

Exhibit "C"

1. Applicant's development shall comply with all stormwater management requirements of Article 12 of the Subdivision and Land Development Code per Section 1203.
2. Applicant shall record a final plat in accordance with Article 8 of the Subdivision and Land Development Code.
3. The final plat shall dedicate a 25 feet wide strip of public right of way along Morrow Drive (measured from the existing centerline of said road) for future installation of sidewalks, curb, gutter, utilities and other public improvements.
4. A landscape plan for each individual lot and the development as a whole shall be submitted to staff at the time of any land disturbance application.



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Adopted 03/18/21



ResidentialRendering.com

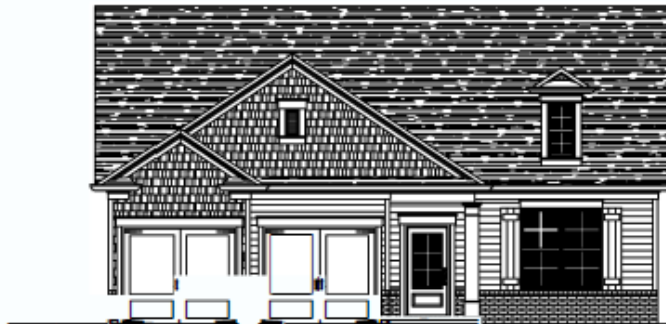
**Cottages @
Lights Ferry**



Front Elevation A



Front Elevation B



Front Elevation C

Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 03/04/21
Adopted 03/18/21

ORDINANCE 634

AN ORDINANCE GRANTING VARIANCES FROM THE R-2 (RESIDENTIAL, DETACHED SINGLE FAMILY, LOW DENSITY DISTRICT) REQUIREMENTS OF ARTICLE 6, TABLE 6.2, OF THE FLOWERY BRANCH ZONING ORDINANCE TO 6043 MORROW DRIVE, OWNED BY HILLGROVE HOMES, LLC, SHOWN ON EXHIBIT "A", DESCRIBED ON EXHIBIT "B", AND SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT "C", BY REDUCING THE MINIMUM REQUIRED LOT SIZE FROM 15,000 SQUARE FEET TO 7,000 SQUARE FEET, REDUCING THE MINIMUM REQUIRED LOT WIDTH FROM 75 FEET TO 50 FEET, AND BY REDUCING THE REQUIRED SIDE SETBACK FROM 10 FEET TO 5 FEET; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Hillgrove Homes, LLC has submitted a written and signed application to the City of Flowery Branch, Georgia requesting specific variances for property located at 6043 Morrow Drive; and

WHEREAS, a survey and complete description of the property subject to the requested variances is included in the application; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia held a public hearing on Hillgrove Homes, LLC's application at its meeting of February 5, 2021, which was duly noticed as prescribed by law and published in the Gainesville Times, as shall be set forth in the minutes of said meeting; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia has considered the subject variance application of Hillgrove Homes, LLC in conjunction with the standards set forth in Article 37, Section 27.5 of the Zoning Ordinance.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. FINDINGS:

The City Council finds that the proposed variances from the City of Flowery Branch Zoning Ordinance Article 6, Table 6.2 is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of Article 37, Section 37.5 of the City of Flowery Branch Zoning Ordinance as identified below.

Sec. 37.5. Criteria for Granting Variances.

Any applicant requesting consideration of a variances to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;

- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;
- (c) Granting the variances requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;
- (d) The requested variances will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
- (e) The special circumstances are not the result of the actions of the applicant;
- (f) The variances requested are the minimum variances that will make possible the proposed use of the land, building, or structure in the use district proposed; and
- (g) The variances shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

SECTION 2. LEGAL DESCRIPTION, VARIANCES GRANTED AND CONDITIONS IMPOSED:

The properties as shown in attached Exhibit "A" and as legally described in Exhibit "B" shall be granted the following variances from the requirements set forth in the Flowery Branch Zoning Ordinance Article 6, Table 6.2:

1. Reduction in minimum required lot size from 15,000 square feet to 7,000 square feet.
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First Reading 03/04/21
Adopted 03/18/21

SECTION 4. EFFECTIVE DATE.

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SECTION 5. REPEALER.

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Adopted this 18th day of March 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

Exhibit "A"



Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 03/04/21
Adopted 03/18/21

Exhibit "B"

LEGAL DESCRIPTION

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The above described tract contains an area of 1.483 acres.

Exhibit "C"

1. Applicant's development shall comply with all stormwater management requirements of Article 12 of the Subdivision and Land Development Code per Section 1203.
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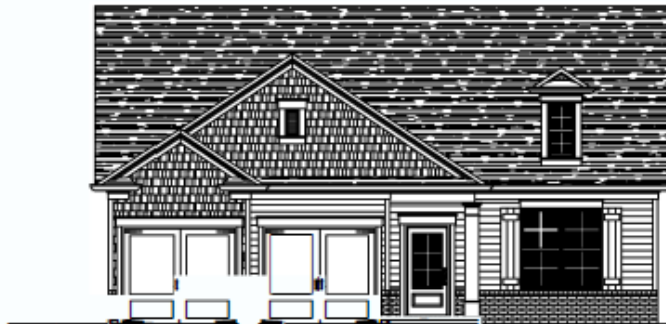
**Cottages @
Lights Ferry**



Front Elevation A



Front Elevation B



Front Elevation C

Public Hearing Published	01/13/21
Public Hearing	02/04/21

First Reading	03/04/21
Adopted	03/18/21



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Second Reading of Ordinance 623 a rezoning request submitted by Mr. Bret Clark.

COUNCIL MEETING DATE: March 18, 2021

HISTORY:

Mr. Bret Clark (who was approved and is currently working on the McEver self-storage project) has submitted an application to rezone 5519 McEver Road from A (Agriculture) to HB (Highway Business) and R-3 (Multi-family) with the intent to construct a townhome/commercial mixed-use project. The parcel is approximately 11.34 acres and is currently vacant.

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve as submitted and conditioned by staff.

SAMPLE MOTION:

I make a motion to approve the second read of ordinance 623.

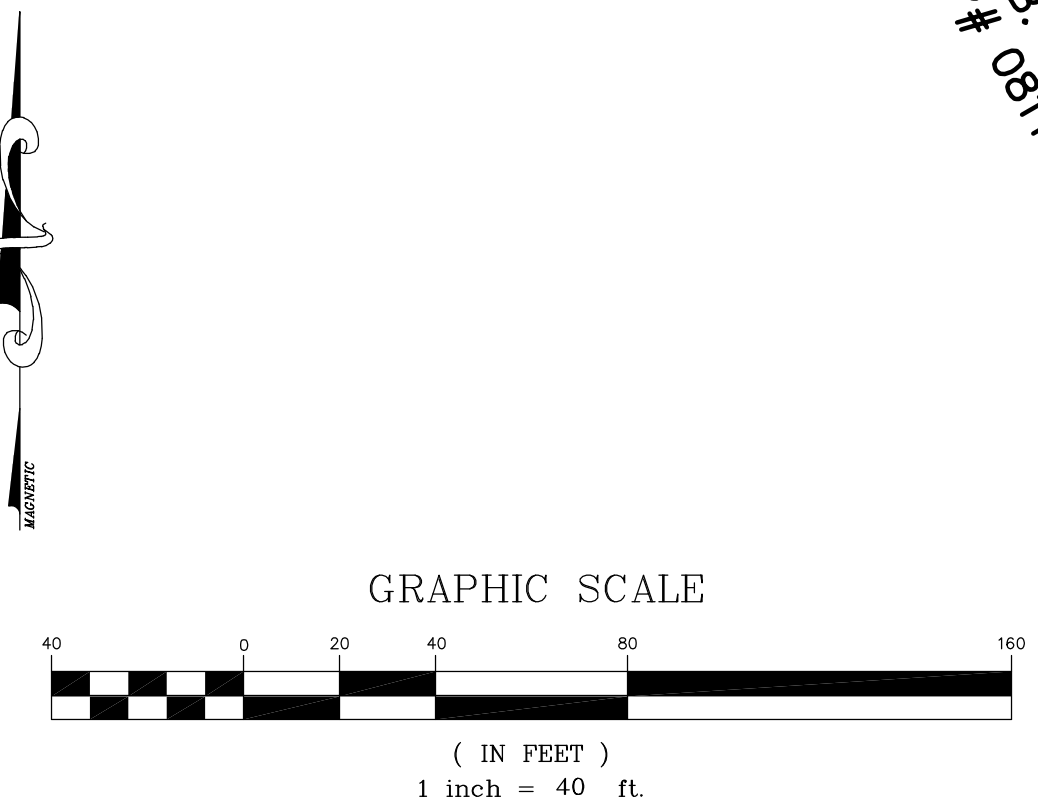
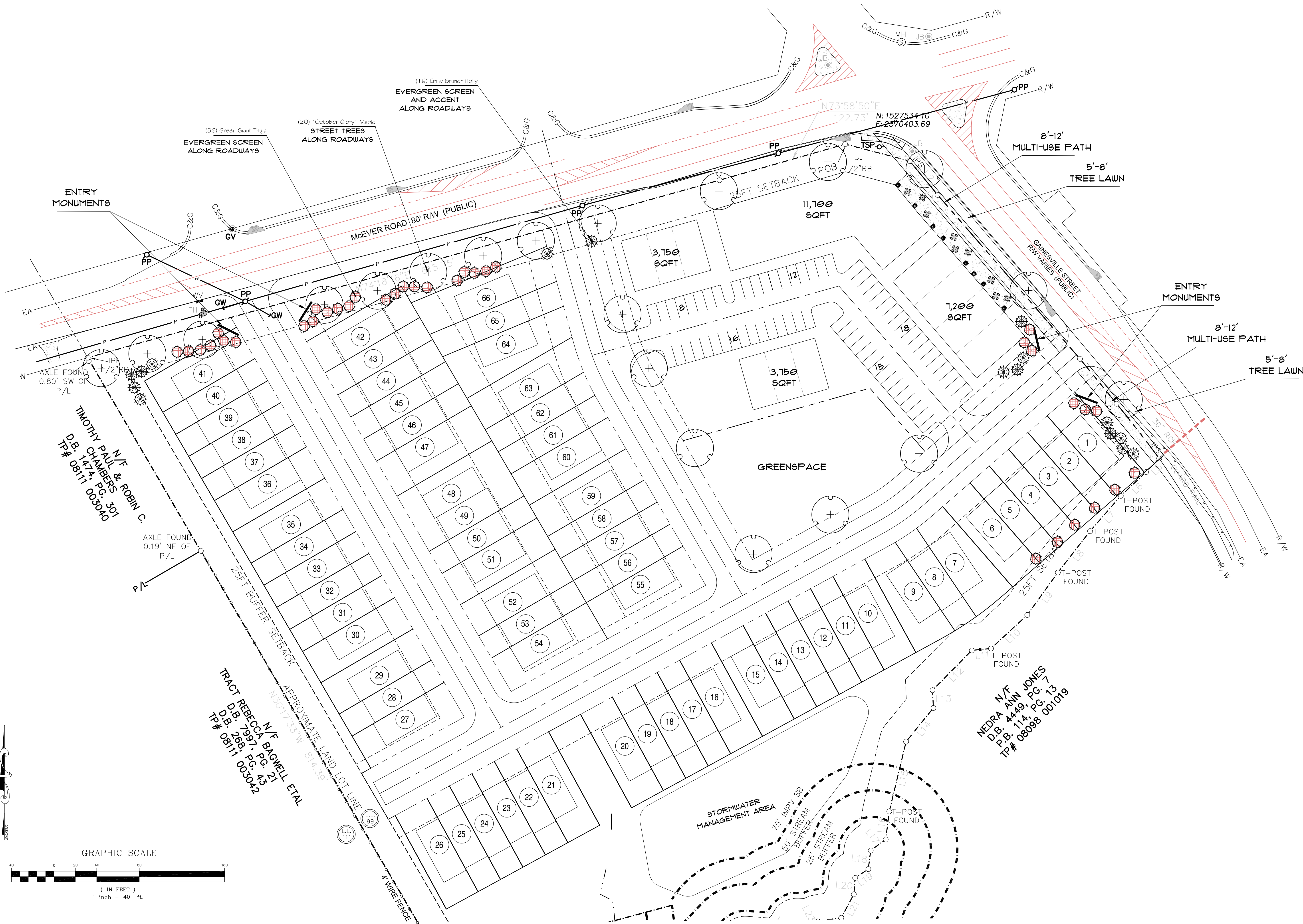
COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [FINAL SITE MARCH 18.pdf](#)
- [McEver Letter of Intent 2020-10-29.pdf](#)
- [Zoning Analysis 2020-10-30.pdf](#)
- [B Clark Ap.pdf](#)
- [Staff Report Bret Clark McEver Mixed-Use.pdf](#)
- [Ordinance 20-623 Bret Clark McEver-Gainesville.pdf](#)



SIGNED / SEALED

PREPARED FOR

McEVER ROAD TRACT
 CITY OF FLOWERY BRANCH
 HALL COUNTY, GEORGIA

RIDGELINE LAND PLANNING, INC.
 196 BELLAIRE COURT, WADSWORTH, GA 30090
 PH: 578.618.2037
 HOLT@RIDGELINEPLANNING.COM

FRONTAGE LANDSCAPE PLAN
SHEET TITLE

NO.	REVISION	DATE	DESCRIPTION
1	1	3/12/2021	MOVE STREET TREES FROM POWERLINE CONFLICTS.

DESIGNED BY: HHP
 SCALE: 1"=40'
 DRAWN BY: HHP
 SHEET: L-1
 CHECKED BY: HHP
 DATE: 2/14/2021
 JOB NO.:



City of Flowery Branch Planning and Community Development
5410 Pine Street
Flowery Branch, GA 30542

October 29, 2020

RE: Rezoning request of 5519 McEver Road (TP 08099 000007)

To Whom It May Concern:

Ridgeline Land Planning, Inc. is requesting to rezone 11.338 acres located at 5519 McEver Road from A (Agriculture) to HB and R-3 as shown on the included site plan. The proposed rezoning is to allow development of a mixed-use community consisting of 68 single-family attached townhomes and 35,100 square feet of Neighborhood Commercial space. Site densities are 7.69 units per acre for the residential portion and 0.32 FAR for the commercial area. Residential exterior materials will consist of brick, stone, and cementitious siding. The Commercial materials will match or compliment the residential materials to create a cohesive community design. Residential building height will be a maximum of 35 feet. Commercial building heights will not exceed 40 feet in height.

The subject property lies within the Neighborhood Commercial character area designated in the Comprehensive Plan. Major features of the Neighborhood Commercial character area are "Pedestrian accessibility is promoted via sidewalks connected to nearby neighborhoods". By providing single family attached townhomes to the rear of the subject a walkable mixed-use neighborhood will be created that is consistent with the intent of the comprehensive plan.

Constitutional Objections

Facially and as applied to the Property, the specific portions of the City of Flowery Branch Comprehensive Plan and zoning ordinance which restrict the Property to any zoning classification, conditions, uses, or to any development other than those proposed by the Applicant are unconstitutional because they would abolish or damage the Applicant's property rights without paying adequate, fair, and just compensation for such rights, in violation of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

Facially and as applied to the Property, the application of the City of Flowery Branch ordinances or Comprehensive Plan which restrict the Property to any zoning classification, conditions, uses, or to any development other than the proposed by the Applicant is unconstitutional, illegal, null, and void, constituting a taking and/or damaging of Applicant's Property by denying Applicant all

economically viable use of its land while not substantially advancing legitimate state interests in violation of the United States Constitution's Just Compensation Clause of the Fifth Amendment and the Equal Protection and Due Process Clauses of the Fourteenth Amendment and the Constitution of the State of Georgia of 1983.

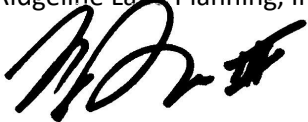
The denial of this application would be an arbitrary and capricious act by the City of Flowery Branch without any rational basis, thus constituting an abuse of discretion in violation of the Constitution of the State of Georgia of 1983 and Due Process Clauses of the Fourteenth Amendment to the United States Constitution.

A refusal by the City of Flowery Branch to approve this application for the Property would be unconstitutional and discriminate in an arbitrary, capricious, and unreasonable manner between the Applicant and owners of similarly situated property in violation of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

The applicant and stakeholders respectfully request approval of this application and welcome the opportunity to meet with The City of Flowery Branch Planning and Community Development staff, Planning Commission, and Mayor and Council to discuss any questions or concerns regarding the application.

Respectfully,

Ridgeline Land Planning, Inc.

A handwritten signature in black ink, appearing to read 'Holt Persinger', with a stylized flourish at the end.

Holt Persinger, RLA

Zoning Analysis – 5519 McEver road

(a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The proposed use is compatible with the surrounding development

(b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.

The proposed community will be compatible with the adjacent commercial and residential uses.

(c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.

The current agricultural use is not economically viable in relation to the surrounding development.

(d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

The proposed development would not create an excessive burden on existing infrastructure.

(e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map.

The proposal is in conformance with the comprehensive plan and proposed character area.

(f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal.

The development of the surrounding area supports the proposal as growth continues along the McEver Road corridor.

(g) Existing use(s) and zoning of the subject property and nearby properties.

Properties North of the subject across McEver Road are zoned NS and are currently under commercial uses. The property to the East across Gainesville street is developed as a residential community.

(h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification.

The existing agriculture zoning is not economically viable considering the existing surrounding development.

(i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.

Adjacent properties are mostly developed with compatible uses.

(j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.

The proposal will not create an isolated or unrelated district. The proposed commercial and residential uses blend with the existing commercial and residential at the intersection of McEver Road and Gainesville Street.

(k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.

The proposal is in keeping with the current uses and character of the area.

(l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.

All NPDES guidelines will be implemented during and after development to minimize environmental impacts.

(m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance.

The proposal conforms to the character area designated in the Comprehensive plan.



REZONING APPLICATION

Date: 10/28/2020

Address of Request: 5519 McEver Road
Flowery Branch, GA 30542

Tax Map # 08099 000007 **Current Zoning:** A

Is this site located within the boundaries of the historic district? No

Currently a conforming use? Yes

Any conditions of zoning, CUP's, etc.? No

Applicant Information

Name: Ridgeline Land Planning, Inc.

Address: 196 Belaire Court
Winder, GA 30680

E-mail address: holt@ridgelineplanning.com

Phone number: 678-618-2037

Signature: [Signature]

Notary:





Property owner information (if different than the applicant)

Property owner (please print): 5519 MCEVER Rd, L.L.C.

Signature of property owner: Picky Presley - MANAGER/OWNER.

Notary:



Property Information

Tax Map Number: 08099 00000 7

Current Zoning: A Total Acres: 11.338 ac

Is this property located within the city-limits of Flowery Branch? YES

Proposed City of Flowery Branch Zoning: PUD R-3 / HB

Current Use: AG / VACANT

Please review the Flowery Branch Code of Ordinances, Appendix C, "Zoning Ordinance", Article 34, for complete requirements.

Please provide the following at time of submittal in (one hard copy and digitally):

- Legal description
- Current survey of property



- Site plan shall meet the requirements of the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.5
- Development statistics per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.6
- Analysis requirements per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.7
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)
- Names and addresses of adjoining property owners
- Reasons for requesting rezoning
- Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect the subject property

Conflict of Interest Disclosure

Identify all members of the City Council of the City of Flowery Branch and Employees of the City of Flowery Branch Community Development Department who

Have a property interest in the real property affected by this request

NA

Have a financial interest (direct ownership interest) of the total assets or capital stock of a business entity where such ownership interest is more than 10% in any business entity which has a property interest in the real property affected by this request

NA

Have a member of the family (spouse, mother, father, brother, sister, son or daughter) having a property financial interest as herein defined, in the real property affected by this request

NA



Disclosure of Campaign Contributions

List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total \$250.00 or more or to whom gifts were made having a total value of \$250.00 or more.

Elected Officials Name	Amount of Description of Gift
None	

CITY STAFF ONLY

Application Received By:

Date: 10/28/20 Total Fee: 520



Applicant: Bret Clark

Property Owner: McEver Road, LLC.

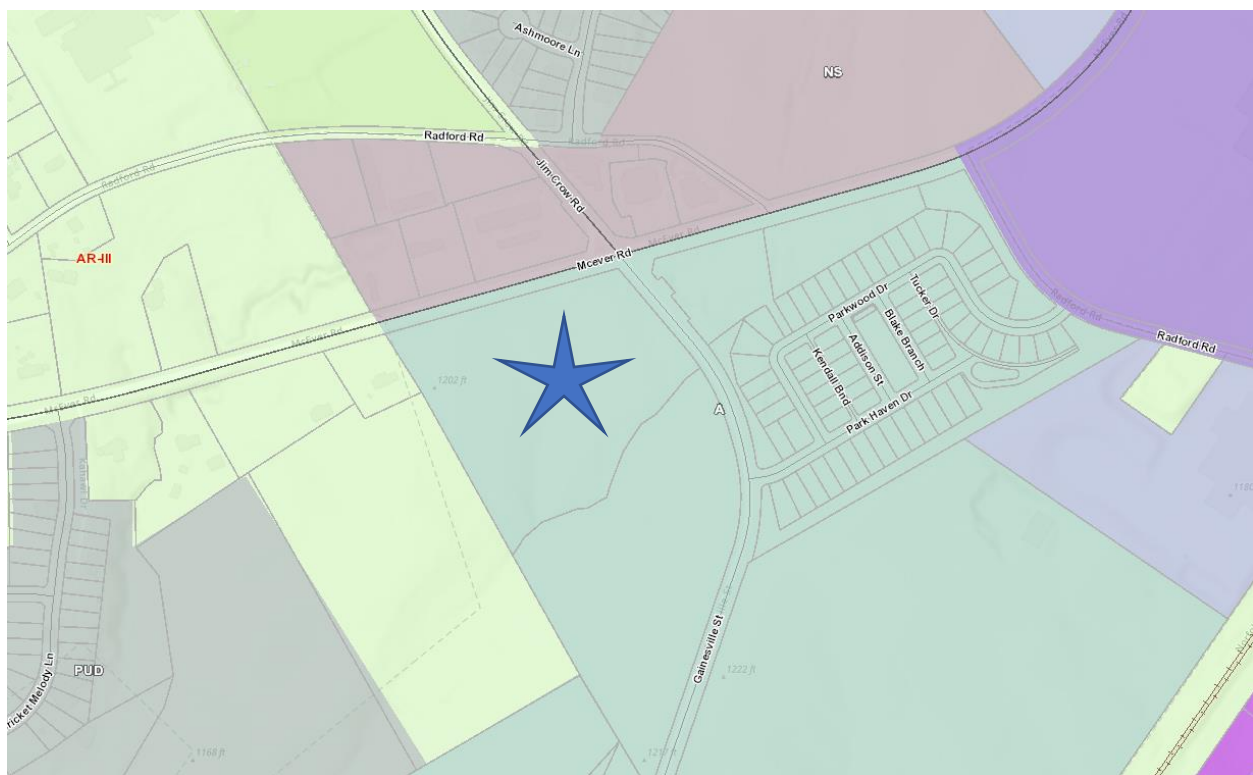
Subject Property: 5519 McEver Road; 08099 000007; 11.34+/- acres

Request: Rezone from A (Agriculture) to HB (Highway Business) and R-3 (Multi-family) proposal is to construct a mixed-use development of townhomes and commercial outparcels

Current Use: Vacant

Character Area: Neighborhood Commercial

5519 McEver Road; currently zoned A (Agriculture):





Neighborhood Commercial

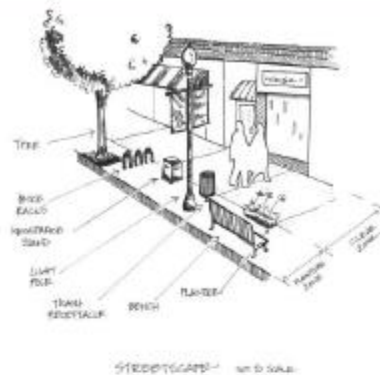
VISION: Attractive, non-auto related neighborhood businesses and services, with distinctive architectural features and a scale compatible with pedestrians and connected to adjacent residential neighborhoods.

USES AND INTENSITIES: Neighborhood-serving commercial intensities are within a range of approximately 10,000 to 15,000 square feet of building space per acre. Business establishments do not generally exceed 25,000 square feet in any one tenant space, to keep the bulk and intensity in scale with the needs of adjacent neighborhoods.

MAJOR FEATURES: Pedestrian accessibility is promoted via sidewalks connected to nearby neighborhoods, but uses are mostly reliant on the automobile for access. Nonetheless, buildings and developments are scaled to be compatible with and promote pedestrian activity. Open space is limited to suburban plazas or small open spaces. Three-story height limit. Entrances, frontages, and building façades are softened with landscaping and low-lying identification signs.

REGULATIONS: This character area will be implemented with a neighborhood commercial zoning district. Design guidelines will be provided, and neighborhood commercial projects will be required to complete design review. Minimum 15 percent of the lot is open space or landscaped.

QUALITY COMMUNITY OBJECTIVES IMPLEMENTED: Appropriate business, employment options, transportation alternatives, sense of place.



Jeffery Wertz & Associates, Inc.
Planning & Development Consultants

Illustrative Pedestrian Features



Outdoor Seating and Attractive Lighting



Quality, Compatible Architectural Design Including Signage



Staff Recommendation

The concept of a mixed-use works for this parcel as it provides an attractive gateway project. Staff recommends approval with the following conditions:

1. A landscape/buffer plan shall be approved by staff prior to the issuance of a land disturbance permit.
2. Townhomes shall be limited to runs of no more than six.
3. Development shall generally adhere to the site plan as submitted as Exhibit “D” of this ordinance.
 - A. A buffer reduction from 25’ to 10’ along the common property line of parcel 08111 003040 is granted to allow entrance alignment with the commercial properties located on the opposite side of McEver Road.
 - B. Major changes shall constitute a City Council review.
 - 1). Change in number of units of 2 or more.
 - 2). Significant deviation from the approved landscape/buffer plan.
 - 3). Altering the commercial portion of the site plan to allow additional residential component.
 - 4.) Any changes staff deems major.
 - C. Minor Changes shall be approved by staff.
 - 1). Reduction of the number of units.
 - 2). Reduction in setbacks of 5’ or less.
 - 3.) Any changes that do not significantly impact the overall site.
4. A 10’-12’ pedestrian/bike path shall be provided along the entirety of the property line along Gainesville Street to be built to the City’s specifications.
5. Sewer and water shall be provided by the City of Flowery Branch
6. Driveways shall be 23’ as measured from the back of curb.
7. Townhomes and commercial parcels shall be constructed in a manner that significantly adheres to the elevations as submitted as Exhibit “E”.
 - A. Material shall be limited to brick, stacked stone, cementitious fiber board, and board and batten.
 - B. Elevations shall be submitted for each townhome at the time of permit.
 - C. Architectural shingles shall be used throughout the development.
8. Commercial - Highway Business Parcels
 - A. No gas stations will be allowed on the commercial properties.
 - B. All commercial uses other than retail, office, or food service shall require a conditional use permit.
 - C. Developed separately and subservient to the residentially zoned parcel.
 - D. Location of all signs.
 - E. No lighted or animated signs shall face the residential subdivision.



- F. Lighting plan must be submitted and approved by staff.
- G. Dumpster must be fully enclosed, and materials must be consistent with primary structure.
- H. Commercial parcels shall generally adhere to the site plan as shown on Exhibit “D”.
- I. If not developed concurrently with the residential portion of this development the commercial parcels shall adhere to the following conditions:
 - A. Entire area shall be sodded.
 - B. Temporary landscaping shall be added to enhance the area and promote a park like atmosphere.
 - C. Streets and parking spaces shall be constructed per the approved plan as shown on attached Exhibit “D”.

Exhibit “D”

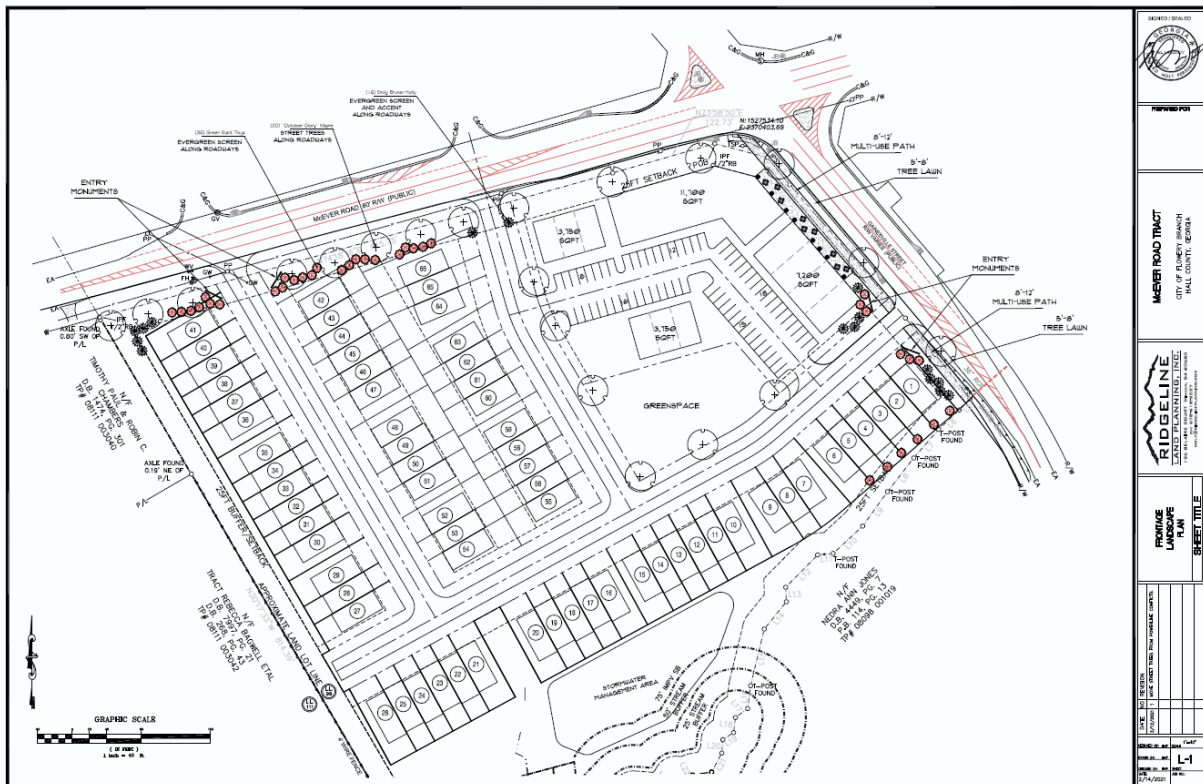




Exhibit "E"



Public Hearing Published 12/09/2020
Public Hearing 01/07/2021

First Reading 02/18/2021
Adopted 03/18/2021

ORDINANCE NO. 20-623

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING AN 11.34 +/- ACRE TRACT OF LAND OWNED BY 5519 MCEVER ROAD, LLC. COMMONLY KNOWN AS 5519 MCEVER ROAD, IDENTIFIED AS TAX PARCEL 08099 000007 AS SHOWN ON ATTACHED EXHIBIT “A”, AS DESCRIBED ON EXHIBIT “B”, FROM A (AGRICULTURAL) TO R-3 (MULTI-FAMILY RESIDENTIAL) AND HB (HIGHWAY BUSINESS) SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT “C”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, 5519 McEver Road, LLC. desires to develop an 11.34+/- acre tract of land identified as tax parcel 08099 000007; shown on Exhibit “A”; and legally described on Exhibit “B”; and

WHEREAS, specific conditions shall be placed on subject properties are shown on attached exhibit “C”; and

WHEREAS, the City Council of the City of Flowery Branch has considered the rezoning application of 5519 McEver, Road, LLC in conjunction with the standards set forth in Article 34 - Section 34.7 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

WHEREAS, 5519 McEver, Road, LLC. has submitted to the City Council of Flowery Branch, Georgia, a written and signed application requesting to be rezoned and whereas a survey and complete description of the land to be rezoned is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of January 7, 2021 duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning of the parcel from Flowery Branch A (Agricultural) to Flowery Branch R-3 (Residential Multi-Family) and HB (Highway Business) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

1. The proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.
3. The property shall be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is in conformity with the policy and intent of the comprehensive plan and the character area map and future land use plan map.
6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.
7. No determination has been made by staff with regard to the value differential between development under the current A (Agricultural) as opposed to the proposed R-3 (Residential Multi-Family) and HB (Highway Business).
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the changes to the R-3 and HB zoning districts.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.

The properties as shown in attached Exhibit “A” and as legally described in Exhibit “B” shall be rezoned R-3 (Residential Multi-Family) and HB (Highway Business). Conditions are set forth in Exhibit “C”. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. AMENDMENT OF THE ZONING MAP.

This Ordinance is enacted as an amendment to the Zoning Map of Flowery Branch, Georgia. Accordingly, the Zoning Administrator is hereby authorized to update the Official Map consistent with Article 3 of the Zoning Ordinance.

SECTION 4. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be upon adoption by the City Council of the City of Flowery Branch, Georgia.

SECTION 6. REPEALER.

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Adopted this 18th day of March 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

4



Exhibit "B"

SURVEYED DESCRIPTION

All that tract or parcel of land lying and being in the City of Flowery Branch, Land Lot 99, 8th District, Hall County, Georgia, and being more particularly described as follows:

Beginning at a 1/2" rebar found on the southwestern right-of-way intersection of McEver Road (80' R/W) and Gainesville Street (R/W Varies) with Georgia State Plane, West Zone coordinates North:1527534.10, East:2370403.69; thence along the said right-of-way of Gainesville Street South 75°17'33" East, a distance of 62.72 feet to an 1/2" rebar set; thence South 39°27'42" East, a distance of 41.08 feet to a point; thence South 40°56'44" East, a distance of 203.73 feet to a point; thence South 39°15'58" East, a distance of 54.51 feet to a point; thence along a curve to the Right for an arc distance of 64.95 feet, said curve having a chord bearing of South 37°51'59" East and a chord distance of 64.94 feet and a radius of 1550.53 feet to an 1/2" rebar set; thence leaving said right-of-way and along the centerline of a ditch South 43°49'28" West, a distance of 17.72 feet to a point; thence South 46°41'32" West, a distance of 32.62 feet to a t-post found; thence South 41°04'41" West, a distance of 43.88 feet to a t-post found; thence South 37°52'51" West, a distance of 49.26 feet to a t-post found; thence South 35°49'34" West, a distance of 49.12 feet to a point; thence South 47°06'40" West, a distance of 46.33 feet to a t-post found; thence South 84°39'24" West, a distance of 18.08 feet to a point; thence South 44°36'18" West, a distance of 52.43 feet to a point; thence South 02°24'05" East, a distance of 16.77 feet to a point; thence South 38°59'57" West, a distance of 40.62 feet to a point; thence South 13°33'51" West, a distance of 67.38 feet to a t-post found; thence South 07°15'17" West, a distance of 26.53 feet to a point; thence South 53°34'10" West, a distance of 17.50 feet to a point; thence South 07°24'35" West, a distance of 17.53 feet to a point; thence South 55°56'44" West, a distance of 14.86 feet to a point; thence South 04°38'49" West, a distance of 15.42 feet to a point; thence South 28°09'24" West, a distance of 24.95 feet to a point; thence South 80°58'21" West, a distance of 22.27 feet to a point; thence South 63°19'28" West, a distance of 8.37 feet to a point; thence North 87°16'59" West, a distance of 12.18 feet to a point; thence South 29°51'46" West, a distance of 10.25 feet to a point; thence South 52°55'49" West, a distance of 17.16 feet to a point; thence North 85°30'40" West, a distance of 29.73 feet to a point; thence South 43°43'01" West, a distance of 39.30 feet to a point; thence South 13°43'35" East, a distance of 19.96 feet to a point; thence North 79°59'23" West, a distance of 50.65 feet to a point; thence South 74°26'08" West, a distance of 49.00 feet to a point; thence South 52°06'38" West, a distance of 52.54 feet to a point; thence South 25°39'01" West, a distance of 39.32 feet to a point; thence South 52°49'34" West, a distance of 25.05 feet to a point; thence South 23°36'02" West, a distance of 20.71 feet to a 1/2" rebar found on the approximate Land Lot Line common to Land Lots 99 and 111; thence leaving centerline of ditch and along the approximate Land Lot Line North 30°17'33" West, a distance of 814.39 feet to a 1/2" rebar found on the southern right-of-way of McEver Road (80' R/W); thence along said right-of-way North 74°18'16" East, a distance of 615.75 feet to a point; thence North 73°58'50" East, a distance of 122.73 feet to the Point of Beginning.

Said tract contains 11.338 acres or 493,878 square feet. Point of Beginning.

THE LANDS SURVEYED, SHOWN AND DESCRIBED HEREON ARE THE SAME LANDS AS DESCRIBED IN THE TITLE COMMITMENT PROVIDED BY CHICAGO TITLE INSURANCE COMPANY, ISSUING FILE NUMBER: 1011-0150, DATED MARCH 03, 2020.

Exhibit “C”

Conditions of Zoning

1. A landscape/buffer plan shall be approved by staff prior to the issuance of a land disturbance permit.
2. Townhomes shall be limited to runs of no more than six.
3. Development shall generally adhere to the site plan as submitted as Exhibit “D” of this ordinance.
 - A. A buffer reduction from 25’ to 10’ along the common property line of parcel 08111 003040 is granted to allow entrance alignment with the commercial properties located on the opposite side of McEver Road.
 - B. Major changes shall constitute a City Council review.
 - 1). Change in number of units of 2 or more.
 - 2). Significant deviation from the approved landscape/buffer plan.
 - 3). Altering the commercial portion of the site plan to allow additional residential component.
 - 4.) Any changes staff deems major.
 - C. Minor Changes shall be approved by staff.
 - 1). Reduction of the number of units.
 - 2). Reduction in setbacks of 5’ or less.
 - 3.) Any changes that do not significantly impact the overall site.
4. A 10’-12’ pedestrian/bike path shall be provided along the entirety of the property line along Gainesville Street to be built to the City’s specifications.
5. Sewer and water shall be provided by the City of Flowery Branch
6. Driveways shall be 23’ as measured from the back of curb.
7. Townhomes and commercial parcels shall be constructed in a manner that significantly adheres to the elevations as submitted as Exhibit “E”.
 - A. Material shall be limited to brick, stacked stone, cementitious fiber board, and board and batten.
 - B. Elevations shall be submitted for each townhome at the time of permit.
 - C. Architectural shingles shall be used throughout the development.
8. Commercial - Highway Business Parcels
 - A. No gas stations will be allowed on the commercial properties.
 - B. All commercial uses other than retail, office, or food service shall require a conditional use permit.
 - C. Developed separately and subservient to the residentially zoned parcel.
 - D. Location of all signs.
 - E. No lighted or animated signs shall face the residential subdivision.
 - F. Lighting plan must be submitted and approved by staff.
 - G. Dumpster must be fully enclosed, and materials must be consistent with primary structure.
 - H. Commercial parcels shall generally adhere to the site plan as shown on Exhibit “D”.
 - I. If not developed concurrently with the residential portion of this development the commercial parcels shall adhere to the following conditions:
 - A. Entire area shall be sodded.

- B. Temporary landscaping shall be added to enhance the area and promote a park like atmosphere.
- C. Streets and parking spaces shall be constructed per the approved plan as shown on attached Exhibit “D”.

Exhibit “D”

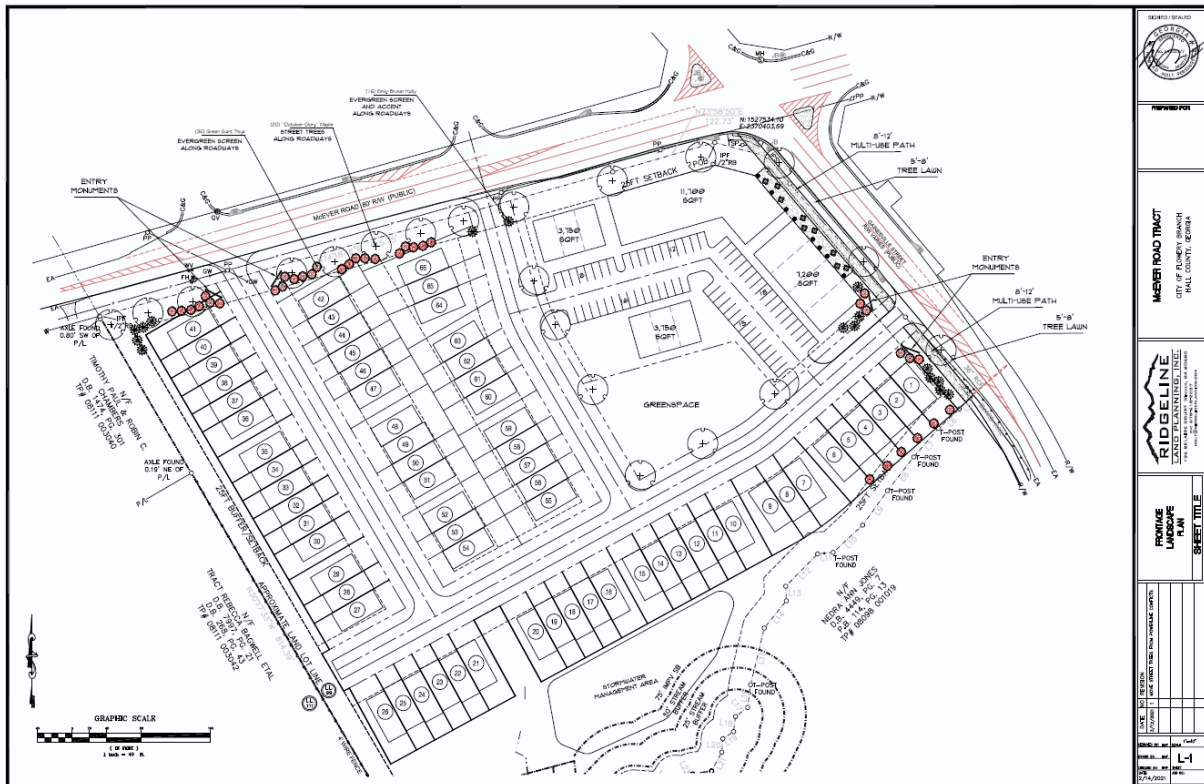


Exhibit “E”





FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Minor Updates and Clarification to Utility Rates Resolution 20-020, effective March 18, 2021

COUNCIL MEETING DATE: March 18, 2021

HISTORY:

Nelsnick Enterprises, Inc. has been working with the City over the past couple of years, analyzing our water sewer capital improvement plan (CIP) and water-sewer rates concerning the CIP plan. On November 2, 2017, Nelsnick presented the CIP plan and recommended water-sewer rate increases over the next five years based on our system's infrastructure improvements. The last rate change took effect with Resolution 19-014, approved October 18, 2019. Prior years increases were approved on December 7, 2018, and November 2, 2017. Before 2017, there were no increases in the rates since 2014. However, in the spring of 2018, it became apparent we needed to reevaluate the CIP plan due to various new developments coming to the area and more stress on the current system. This year, the rate changes also include a new format for charges, lowering the cost to the low usage customers and reallocating the costs to the appropriate service levels. The new plan information is attached. The latest approval was August 20, 2020.

FACTS AND ISSUES:

Fire Suppression System Development Charge: During a recent inquiry from a development regarding a fire line connection, staff found a lack of clarity in Resolution 20-2020 establishing water-sewer rates and connection fees regarding the calculation of and exemption from the Fire Suppression System Development Charge ("FSSDC"). As adopted on August 20, 2020, Section 6.6 Connections for Fire Suppression states:

"Any building requiring fire suppression/sprinklers shall pay for the capacity based on the pipe diameter size using the capacity ratios and multiplying by the $\frac{3}{4}$ " water system development charge. Developers that provide public access fire hydrants within their development and dedicate shall be exempt from the Fire Suppression System Development Charge."

Staff considered two options to clarify the calculation of the fee and the applicability of the exemption:

OPTION 1:

"Any building requiring fire suppression/sprinklers shall pay for the capacity based on the pipe diameter size using the capacity ratios as set forth in Section 6.2 and multiplying by the $\frac{3}{4}$ " water system development charge. Developers that provide public access fire hydrants within their development and dedicate shall be exempt from the Fire Suppression System Development Charge. There is no fee for a public access fire hydrant within a development that is dedicated to the City."

Under the City's current rate structure, this option would mean that a 3" fire main would currently be $\$1,104 * 16 = \$17,664$.

OPTION 2:

"Any building requiring fire suppression/sprinklers shall pay for the capacity based on the pipe diameter size using the capacity ratios as set forth in Section 6.2 and multiplying by the $\frac{3}{4}$ " water system development charge and subtracting seventy-five percent (75%). Developers that provide public access fire hydrants within their development and dedicate shall be exempt from the Fire Suppression System Development Charge. There is no fee for a public access fire hydrant within a development that is dedicated to the City."

Under the City's current rate structure, this option would mean that a 3" fire main would currently be $\$1,104 * 16 - 75\% = \$4,416$. This option is intended to encourage private fire suppression/sprinkler systems by providing for a reduced FSSDC. Staff recommends adopting Option 1 as an amendment to Resolution 20-2020.

Miscellaneous Fees – "Snowbird" Disconnection/Connection Fee: Staff has received a number of requests for temporary disconnections while homeowners are out of town for an extended period of time. Staff recommends adding a disconnection/connection option for these residents with a fee covering the costs of disconnecting and reconnecting service as follows:

"Section 12. Miscellaneous Fees. The following are additional fees for specific services provided by Flowery Branch.

- \$120 for Water and Sewer Deposit Fee – This is charged for new application for water and sewer service. The deposit will be used for the final bill and any potential balance refunded to a customer.
- \$65 for Sewer Only Deposit Fee – This is charged for new application for sewer only service. The deposit will be used for the final bill and any potential balance refunded to a customer.
- \$60 Admin Fee for New Service Applications – The administrative cost of establishing an account and turning on the water meter.
- \$60 Cut Off Fee – The administrative cost of closing an account and turning off the water meter. This applies to all accounts 30 days past due.
- \$30 Return Check Fee – A fee will be charged on checks or bank draft returned for any reason, and water service may be subject to disconnect.
- \$30 Turn On Fee – This fee is charged to turn the water service on for existing connections.
- Sewer Inspection Fee – At Actual Cost
- Water Inspection Fee – At Actual Cost
- \$180 Snowbird Fee – This fee is charged for customers vacating a property for an extended period of time (more than 2 months) that desire a final bill but intend to restart service in the future. Fee covers final meter read, locking meter, final bill submission and unlocking meter upon customers return/request.

OPTIONS:

- (1) Amend Resolution 20-2020 by adopting –
 - a. Staff recommendation of Option 1 for Section 6.6 to clarify FSSDC calculation and exemption and Section 12 adding a "snowbird fee" for temporary disconnection/connection;
 - b. Option 1 for Section 6.6 to clarify FSSDC calculation and exemption only;
 - c. Option 2 for Section 6.6 to clarify FSSDC calculation and exemption only;
 - d. Option 2 for Section 6.6 to clarify FSSDC calculation and exemption and a "snowbird fee" in Section 12 for temporary disconnection/connection; or
 - e. A "snowbird fee" in Section 12 for temporary disconnection/connection only.
- (2) Do not amend Resolution 20-2020.

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

N/A

RECOMMENDATION:

To amend Sections 6.6 and 12 of Resolution 20-2020 establishing water-sewer rates and connection fees to clarify (a) the calculation of the Fire Suppression System Development Charge (FSSDC) and when a development is exempt from said charge; and (b) add a category for temporary disconnections.

SAMPLE MOTION:

I make a motion to approve changes to Resolution 20-2020 as presented per staff recommendations with an effective date of March 18, 2021.

COLLABORATING DEPARTMENT:

Administration

DEPARTMENT: Finance

Prepared by: Vickie Short

ATTACHMENTS

- [Executive Summary - Res 20-020 Updated March 2021.pdf](#)
- [20-020 WS Rates Final Ordinance passed 8-20-2020.pdf](#)
- [Fireline SDC - Other Entities.pdf](#)

**FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY**

SUBJECT: Updates to Resolution 20-020 for Water Sewer Rates, effective March 18, 2021

DATE: March 14, 2021

BUDGET INFORMATION:
ANNUAL-
CAPITAL-

☒ **RECOMMENDATION**
☐ **POLICY DISCUSSION**
☐ **STATUS REPORT**
☐ **OTHER**

COUNCIL ACTION REQUESTED ON: March 18, 2021

PURPOSE:

To amend Sections 6.6 and 12 of Resolution 20-2020 establishing water-sewer rates and connection fees to clarify (a) the calculation of the Fire Suppression System Development Charge (FSSDC) and when a development is exempt from said charge; and (b) add a category for temporary disconnections.

HISTORY:

Nelsnick Enterprises, Inc. has been working with the City over the past couple of years, analyzing our water sewer capital improvement plan (CIP) and water-sewer rates concerning the CIP plan. On November 2, 2017, Nelsnick presented the CIP plan and recommended water-sewer rate increases over the next five years based on our system's infrastructure improvements. The last rate change took effect with Resolution 19-014, approved October 18, 2019. Prior years increases were approved on December 7, 2018, and November 2, 2017. Before 2017, there were no increases in the rates since 2014. However, in the spring of 2018, it became apparent we needed to reevaluate the CIP plan due to various new developments coming to the area and more stress on the current system. This year, the rate changes also include a new format for charges, lowering the cost to the low usage customers and reallocating the costs to the appropriate service levels. The new plan information is attached. The latest approval was August 20, 2020.

FACTS AND ISSUES:

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“Any building requiring fire suppression/sprinklers shall pay for the capacity based on the pipe diameter size using the capacity ratios and multiplying by the ¾” water system development charge. Developers that provide public access fire hydrants within their development and dedicate shall be exempt from the Fire Suppression System Development Charge.”

Staff considered two options to clarify the calculation of the fee and the applicability of the exemption:

OPTION 1:

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Under the City’s current rate structure, this option would mean that a 3” fire main would currently be $\$1,104 * 16 = \$17,664$.

OPTION 2:

“Any building requiring fire suppression/sprinklers shall pay for the capacity based on the pipe diameter size using the capacity ratios as set forth in Section 6.2 and multiplying by the ¾” water system development charge and subtracting seventy-five percent (75%). ~~Developers that provide public access fire hydrants within their development and dedicate shall be exempt from the Fire Suppression System Development Charge.~~ There is no fee for a public access fire hydrant within a development that is dedicated to the City.”

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“Section 12. Miscellaneous Fees. The following are additional fees for specific services provided by Flowery Branch.

-
-
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-
-

OPTIONS:

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 - b. Option 1 for Section 6.6 to clarify FSSDC calculation and exemption only;
 - c. Option 2 for Section 6.6 to clarify FSSDC calculation and exemption only;
 - d. Option 2 for Section 6.6 to clarify FSSDC calculation and exemption and a “snowbird fee” in Section 12 for temporary disconnection/connection;
or
 - e. A “snowbird fee” in Section 12 for temporary disconnection/connection
-
-

only.

(2) Do not amend Resolution 20-2020.

RECOMMENDED SAMPLE MOTION:

I make a motion to approve changes to Resolution 20-2020 as presented per staff recommendations with an effective date of March 18, 2021.

DEPARTMENT: Administration

Prepared by: Alisha Gamble

RESOLUTION NO. 20-020

A RESOLUTION ESTABLISHING THE USE RATES FOR WATER AND SEWER SERVICE'S, THE CONNECTION FEES FOR WATER SERVICE AND THE CONNECTION/CAPACITY FEES FOR SEWER SERVICE

WHEREAS, the City of Flowery Branch is authorized by Art. IX, §II, ¶ III of the Constitution of the State of Georgia, O.C.G.A. § 36-35-3 and Art. VI, § 6.6 of the Charter of the City of Flowery Branch to assess and collect fees, charges and tolls for sewer, sanitary, health services or any other services within and without the corporate limits of the city for the total cost to the city of providing such services; and

WHEREAS, Ordinance No. 100-F authorizes the City Council of the City of Flowery Branch to set the rates for water and sewer services, connection fees for water service and connection/capacity fees for sewer service by resolution.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Flowery Branch that the rates for water and sewer services, the connection/capacity fees for water service and the connection/capacity fees for sewer service shall be as follows:

Section 1 - Water and Sewer Services Rates

Section 1.1 Within the Corporate Limits – Customers whose service address is within the city limits of Flowery Branch will be charged the inside city rates, fees, and charges.

Section 1.2 Water System Monthly Charges – Customers shall pay a monthly base charge for maintenance and renewal of capacity of the water system. Additionally, an account servicing fee of **\$1.75** shall be charged for meter reading, billing, and customer service costs regardless of meter size. The following table provides the monthly charges based on meter size. *The account servicing fee is only charged once for customers with both water and wastewater services.*

Inside City Residential Water Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$7.00	\$1.75	\$8.75
1"	\$17.50	\$1.75	\$19.25
1 1/2"	\$35.00	\$1.75	\$36.75
2"	\$56.00	\$1.75	\$57.75
3"	\$112.00	\$1.75	\$113.75
4"	\$175.00	\$1.75	\$176.75
6"	\$350.00	\$1.75	\$351.75
8"	\$560.00	\$1.75	\$561.75

Inside City Non-Residential Water Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$14.00	\$1.75	\$15.75
1"	\$35.00	\$1.75	\$36.75
1 1/2"	\$70.00	\$1.75	\$71.75
2"	\$112.00	\$1.75	\$113.75
3"	\$224.00	\$1.75	\$225.75
4"	\$350.00	\$1.75	\$351.75
6"	\$700.00	\$1.75	\$701.75
8"	\$1,120.00	\$1.75	\$1,121.75

Section 1.3 Multi-unit development monthly charges - Water customers in multi-unit developments shall pay the above base charge and account servicing fee for each meter individually read and billed by Flowery Branch or if applicable the property management or owner of the multi-unit development shall pay the base charge and account servicing fee for each master meter read and billed by Flowery Branch. Property management or owner of multi-unit developments served by master meters are responsible for billing the individual units per State law requirements.

Section 1.4 Water System Commodity Charges – Customers shall pay for all water metered using an increasing block rate structure (conservation-based rate structure) based on the following customer classes:

Section 1.4.1 Single-Family Residential (SFR) Water Users – Customers that primary water use for a single-family detached home.

SFR Inside City Water Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 2,500	\$5.60
Tier 2	2,501 - 4,500	\$7.56
Tier 3	Above 4,500	\$11.20

Section 1.4.2 Multi-Family Residential (MFR) Water Users – Customers that primary water use is for a single unit of a multi-unit residential complex and is read directly by Flowery Branch staff.

MFR Inside City Water Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 2,500	\$5.60
Tier 2	2,501 - 4,500	\$7.56
Tier 3	Above 4,500	\$11.20

Section 1.4.3 Multi-Family Residential Water Users (master-metered) –

Customers that primary water use is for a multi-unit residential complex served by a master meter. Flowery Branch shall bill the master meter only with the invoice allocated to the individual units by the property management per State law requirements. The Tier volume range will be the SFR Tier ranges multiplied by the number of units served by the master meter.

MFR Inside City Water Volume Charges (Master-metered)

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 2,500 x number of units	\$5.60
Tier 2	2,501 - 4,500 x number of units	\$7.56
Tier 3	Above 4,500 x number of units	\$11.20

Section 1.4.4 Non-Residential (NR) Water Users – All other uses not provided above and typically includes industrial, commercial, office, hotels and motels and other uses not dedicated for long-term residential domicile.

NR Inside City Water Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 4,500	\$4.95
Tier 2	4,501 - 60,000	\$6.19
Tier 3	Above 60,000	\$7.43

Section 1.5 Wastewater System Monthly Charges – Customers shall pay a monthly base charge for maintenance and renewal of capacity of the wastewater system. Additionally, an account servicing fee of **\$1.75** shall be charged for meter reading, billing, and customer service costs regardless of meter size. The following table provides the monthly charges based on water meter size. *The account servicing fee is only charged once for customers with both water and wastewater services.*

Inside City Residential Wastewater Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$7.00	\$1.75	\$8.75
1"	\$17.50	\$1.75	\$19.25
1 1/2"	\$35.00	\$1.75	\$36.75
2"	\$56.00	\$1.75	\$57.75
3"	\$112.00	\$1.75	\$113.75
4"	\$175.00	\$1.75	\$176.75
6"	\$350.00	\$1.75	\$351.75
8"	\$560.00	\$1.75	\$561.75

Inside City Non-Residential Wastewater Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$14.00	\$1.75	\$15.75
1"	\$35.00	\$1.75	\$36.75
1 1/2"	\$70.00	\$1.75	\$71.75
2"	\$112.00	\$1.75	\$113.75
3"	\$224.00	\$1.75	\$225.75
4"	\$350.00	\$1.75	\$351.75
6"	\$700.00	\$1.75	\$701.75
8"	\$1,120.00	\$1.75	\$1,121.75

Section 1.6 Multi-unit development monthly charges - Wastewater customers in multi-unit developments shall pay the above base charge and account servicing fee for each water meter individually read and billed by Flowery Branch or if applicable the property management or owner of the multi-unit development shall pay the base charge and account servicing fee for each master meter read and billed by Flowery Branch. Property management or owner of multi-unit developments served by master meters are responsible for billing the individual units per State law requirements.

Section 1.7 Wastewater System Commodity Charges – Customers shall pay for all wastewater based on water metered using a uniform rate structure for all customer.

Inside City Single-Family Wastewater Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Uniform Rate	All Volume	\$8.93

Inside City Multi-Family Wastewater Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Uniform Rate	All Volume	\$7.25

Inside City Non-Residential Wastewater Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Uniform Rate	All Volume	\$6.10

Section 1.8 Outside the Corporate Limits – Customers whose service address is outside the city limits of Flowery Branch will be charged the outside city rates, fees, and charges. The outside city rates reflect the additional cost in serving outside customer including additional pumping cost, travel, and risks associated with serving outside jurisdictional customer.

Section 1.9 Water System Monthly Charges – Customers shall pay a monthly base charge for maintenance and renewal of capacity of the water system. Additionally, an account servicing fee of \$1.75 shall be charged for meter reading, billing, and customer service costs regardless of meter size. The following table provides the monthly charges based on meter size. *The account servicing fee is only charged once for customers with both water and wastewater services.*

Outside City Residential Water Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$8.75	\$1.75	\$10.50
1"	\$21.88	\$1.75	\$23.63
1 1/2"	\$43.75	\$1.75	\$45.50
2"	\$70.00	\$1.75	\$71.75
3"	\$140.00	\$1.75	\$141.75
4"	\$218.75	\$1.75	\$220.50
6"	\$437.50	\$1.75	\$439.25
8"	\$700.00	\$1.75	\$701.75

Outside City Non-Residential Water Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$17.50	\$1.75	\$19.25
1"	\$43.75	\$1.75	\$45.50
1 1/2"	\$87.50	\$1.75	\$89.25
2"	\$140.00	\$1.75	\$141.75
3"	\$280.00	\$1.75	\$281.75
4"	\$437.50	\$1.75	\$439.25
6"	\$875.00	\$1.75	\$876.75
8"	\$1,400.00	\$1.75	\$1,401.75

Section 1.10 Multi-unit development monthly charges - Water customers in multi-unit developments shall pay the above base charge and account servicing fee for each meter individually read and billed by Flowery Branch or if applicable the property management or owner of the multi-unit development shall pay the base charge and account servicing fee for each master meter read and billed by Flowery Branch. Property management or owner of multi-unit developments served by master meters are responsible for billing the individual units per

State law requirements.

Section 1.11 Water System Commodity Charges – Customers shall pay for all water metered using an increasing block rate structure (conservation-based rate structure) based on the following customer classes.

Section 1.11.1 Single- Family Residential (SFR) Water Users – Customers that primary water use for a single-family detached home.

SFR Outside City Water Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 2,500	\$7.00
Tier 2	2,501 - 4,500	\$8.75
Tier 3	Above 4,500	\$14.00

Section 1.11.2 Multi-Family Residential (MFR) Water Users – Customers that primary water use is for a single unit of a multi-unit residential complex and is read directly by Flowery Branch staff.

MFR Outside City Water Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 2,500	\$7.00
Tier 2	2,501 - 4,500	\$8.75
Tier 3	Above 4,500	\$14.00

Section 1.11.3 Multi-Family Residential Water Users – Customers that primary water use is for a multi-unit residential complex served by a master meter. Flowery Branch shall bill the master meter only with the invoice allocated to the individual units by the property management per State law requirements. The Tier volume range will be the SFR Tier ranges multiplied by the number of units served by the master meter.

MFR Outside City Water Volume Charges (Master-metered)

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 2,500 x number of units	\$7.00
Tier 2	2,501 - 4,500 x number of units	\$8.75
Tier 3	Above 4,500 x number of units	\$14.00

Section 1.11.4 Non-Residential (NR) Water Users – All other uses not provided above and typically includes industrial, commercial, office, hotels and motels and other uses not dedicated for long-term residential domicile.

NR Outside City Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 4,500	\$6.19
Tier 2	4,501 - 60,000	\$7.74
Tier 3	Above 60,000	\$9.29

Section 1.12 Wastewater System Monthly Charges – Customers shall pay a monthly base charge for maintenance and renewal of capacity of the wastewater system. Additionally, an account servicing fee of **\$1.75** shall be charged for meter reading, billing, and customer service costs regardless of meter size. The following table provides the monthly charges based on water meter size. *The account servicing fee is only charged once for customers with both water and wastewater services.*

Outside City Residential Wastewater Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$8.75	\$1.75	\$10.50
1"	\$21.88	\$1.75	\$23.63
1 1/2"	\$43.75	\$1.75	\$45.50
2"	\$70.00	\$1.75	\$71.75
3"	\$140.00	\$1.75	\$141.75
4"	\$218.75	\$1.75	\$220.50
6"	\$437.50	\$1.75	\$439.25
8"	\$700.00	\$1.75	\$701.75

Outside City Non-Residential Wastewater Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$17.50	\$1.75	\$19.25
1"	\$54.69	\$1.75	\$56.44
1 1/2"	\$109.38	\$1.75	\$111.13
2"	\$175.00	\$1.75	\$176.75
3"	\$350.00	\$1.75	\$351.75
4"	\$546.88	\$1.75	\$548.63
6"	\$1,093.75	\$1.75	\$1,095.50
8"	\$1,400.00	\$1.75	\$1,401.75

Section 1.13 Multi-unit development monthly charges - Wastewater customers in multi-unit developments shall pay the above base charge and account servicing fee for each water meter individually read and billed by Flowery Branch or if applicable the property management or owner of the multi-unit development shall pay the base charge and account servicing fee for each master meter read and billed by Flowery Branch. Property management or owner of multi-unit developments served by master meters are responsible for billing the individual units per State law requirements.

Section 1.14 Wastewater System Commodity Charges – Customers shall pay wastewater volume based on water metered using a uniform rate structure for all customers.

Outside City Single-Family Wastewater Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Uniform Rate	All Volume	\$11.16

Outside City Multi-Family Wastewater Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Uniform Rate	All Volume	\$9.06

**Outside City Non-Residential Wastewater Volume
Charges**

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Uniform Rate	All Volume	\$7.62

Section 1.15 Irrigation Meters Unit Charges – Inside City Customers shall pay the Inside City SFR Tier 3 volume rate for all water metered through an irrigation meter. Outside City Customers shall pay the Outside City SFR Tier 3 volume rate for all water metered through an irrigation meter.

Section 2 Gainesville Water System Customers Wastewater Charges

Customers utilizing the Flower Branch sewer system but receiving water service from the City of Gainesville shall be billed directly by the City of Gainesville using the following schedule. Please note, all units of sewage are billed based on the water meter reading and are in 100 cubic feet (CCF). There are approximately 748 gallons in 1 CCF.

Gainesville-Flowery Branch Sewer			
Inside City			
Description	Base	Unit (CCF)	Note
Residential	\$8.00	\$6.75	no volume in base
Multi-Family	\$8.00	\$6.75	no volume in base
Commercial	\$8.00	\$6.75	no volume in base
Industrial	\$8.00	\$6.75	no volume in base
Outside City			
Description	Base	Unit (CCF)	Note
Residential	\$9.00	\$8.30	no volume in base
Multi-Family	\$9.00	\$8.30	no volume in base
Commercial	\$9.00	\$8.30	no volume in base
Industrial	\$9.00	\$8.30	no volume in base

Section 3 Hardship Rates

SENIOR CITIZENS: Upon making written application on such forms as provided by the City Manager, customers billed directly by Flowery Branch may receive a discount of \$5.00 for water service and \$5.00 for wastewater service provided by Flowery Branch applied monthly to residential accounts in which the head of the household is 65 years of age or older. The applicant must also verify through their latest tax return that total household income is less than 125% of the City's Poverty Rate as determined by the US Census Bureau. The discount will be applied for up to two years for accounts that remain in good standing. Prior to expiration an account holder may apply for a two-year extension.

This discount may be provided to multi-family properties billed by Flowery Branch on a per unit basis provided each eligible owner/renter submits and maintains an application and that the discount is provided directly to eligible participants by the property management.

DISABLED: Upon making written application on such forms as provided by the City Manager, customers billed directly by Flowery Branch may receive a discount of \$5.00 for water service and \$5.00 for wastewater service provided by Flowery Branch applied monthly to residential accounts in which the head of the household has been declared disabled by the US Social Security Administration or the US Department of Veterans Affairs. The applicant must also verify through their latest tax return that total household income is less than 125% of the City's Poverty Rate as determined by the US Census Bureau. The discount will be applied for up to two years for accounts that remain in good standing. Prior to expiration an account holder may apply for a two-year extension.

This discount may be provided to multi-family properties billed by Flowery Branch on a per unit basis provided each eligible owner/renter submits and maintains an application and that the discount is provided directly to eligible participants by the property management.

Section 4 One-Time Water Leak Adjustment

Upon repairing a leak, a customer may receive an adjustment to the water bill or bills (two consecutive months) that covered the time of the leak. The customer remains responsible for their regular bills reduced by the leak amount. The leak amount will be calculated by subtracting the average month usage of the last 3 months (or less if 3-month data unavailable) from the impacted bills (2 months maximum). It is important that the customer understands that the onetime leak adjustment is available for an account holder only one time. The customer must provide either a copy of the plumber bill or copies of receipts for the repair to be given the one-time water leak adjustment.

Only Single-Family Residential customers are eligible for the One Time Leak Adjustment Policy. It does not apply to Commercial accounts.

It is important to note that the one-time water leak adjustment limit **does not** apply to sewer billings for a leak that **did not go into the sewer**. If the water leaked prior to entering the sewer line, you can give the customer an adjustment for the sewer portion of the bill. You may adjust the bill back to the customer's normal sewer billing. A sewer credit can be issued once a year for a maximum of three consecutive months (this is to encourage the customer to make the necessary repairs). The type of customer (residential or commercial) is not relevant to determine if the customer is eligible for the sewer adjustment. All classes of customers are eligible for the sewer credit.

Section 5 Tampering and Disconnection Fees

Service that has been scheduled for disconnection or has been disconnected for non-payment of a utility bill or evidence of meter tampering will be restored only after the past month and current month bill is paid in full and a \$30.00 (disconnection fee) service charge paid. A lock will be placed on the meter until the account is paid in full. Additionally, if the meter is damaged due to tampering, the cost of installing a new meter will be charged (See meter set fee later in ordinance).

Evidence of removing or damaging a lock that has been placed on a meter for non-payment of service will require the City of Flowery Branch to remove the meter from the service address. Service will be restored only after the past month and current month bill is paid in full, a \$50.00 tampering fee is paid in full, a \$20.00 lock replacement fee is paid in full and a \$30.00 (disconnection fee) service charge paid in full. Additionally, if the meter is damaged due to tampering, the cost of installing a new meter will be charged (See meter set fee later in ordinance).

Section 6 Water Connection Fees.

The Water Connection Fee includes four components as follow:

- 1) Tap Fee - the cost of tapping into the water main and providing a service main and meter box,
- 2) Meter Set Fee - the meter installation cost including backflow protection and data transmitter,
- 3) System Development Charge (SDC) – the fair share cost of infrastructure including system pipe size, elevated storage, water supply/treatment and pumping to provide peak day water capacity based on requested water capacity or by meter size, and
- 4) Administrative fee – to recover cost for customer service and tracking information related to the service connection.

Section 6.1 Tapping and Meter Set Fees - The water connection installation fee recovers the cost of labor, materials, and equipment for providing a connection from the water main to the property boundary including the cost of the meter box/vault. **This differs from the SDC in the next section which recovers the fair share cost of the distribution and treatment facilities based on requested capacity.** The meter set fee recovers the cost of labor, materials, and equipment for providing the meter, backflow, and data transmitter. Tapping Fees and Meter Set Fees apply to all connections performed by Flowery Branch staff including the installation of master meters, direct service to individual units, and irrigation meters. Developers that install the tap and meter box to Flowery Branch specifications shall only pay the meter set fee. Developers that purchase meters/backflow and transmitter from Flowery Branch and install meter shall only pay the cost of materials.

Water Connection Installation Fee

Descriptions	Tap Fee	Meter Set Fee	Total
3/4" Short	\$693	\$580	\$1,273
1" Short	\$593	\$750	\$1,343
2" and larger	At Cost	At Cost	At Cost

Section 6.2 System Development Charge and Admin Fee - The System Development Charge for water service recovers the fair share value of system capacity being requested. The total gallons needed shall be based on typical peak day capacity needed to serve the development. The following schedule can be used for the Water SDC and Administration Fee. Attached multi-unit developments typically use less water than detached units. A 70% factor is applied to the SDC to account for this reduced water use and vacancy rates. This is already included in the chart below under the capacity ratios column. The capacity ratio is a factor applied to a typical ¾" meter based on the American Water Works Association (AWWA) flow capacity. Based on the latest connection fee study, a single-family home using a ¾" meter will use **231.2** gallons for a typical peak day. Therefore, an equivalent dwelling unit (EDU) is considered to require 231.2 gallons of capacity from the water distribution and treatment plant.

An administrative fee to recover the cost of application/plan review, customer service, data collection/tracking and SDC calculation is added per dwelling unit or business unit. The admin fee is **\$23** for multi-family attached developments for each unit, **\$33** for ¾" detached developments and multi-unit commercial developments and **\$50** for developments (detached or attached) requiring a meter 1" or larger. The SDC and admin fee is charged for each unit in the

development.

Water Connection System Development Charge and Admin Fee

Meter Size (in inches)	Capacity Ratios	Water SDC	Admin	Total
3/4" Meters used in Multiunit Attached Developments	0.7	\$773	\$23	\$796
3/4" Detached Single Family and individual businesses	1	\$1,104	\$33	\$1,137
1"	2.5	\$2,760	\$50	\$2,810
1 1/2"	5	\$5,520	\$50	\$5,570
2"	8	\$8,832	\$50	\$8,882
3"	16	\$17,664	\$50	\$17,714
4"	25	\$27,600	\$50	\$27,650
6"	50	\$55,200	\$50	\$55,250
8"	80	\$88,320	\$50	\$88,370

Section 6.3 Irrigation Meters - A 3/4" irrigation meter will use approximately 600 gallons per application assuming 30 minutes and 20 gallons per minute (3/4" meter) or over twice the single-family home domestic meter, as such, an irrigation meter shall be charged an SDC two times the SDC rate of a non-irrigation meter of equivalent size. i.e. the SDC for a 1" irrigation meter would be **2 X \$2,760 = \$5520** plus any installation costs (labor, equipment and materials). No administrative fee would be applied to an irrigation meter for existing or new non-irrigation customer connections. To encourage water conservation, residential units are prohibited to have an irrigation meter with all water metered being charged the appropriate water Tiered rate plus if applicable sewer unit charges.

Water Irrigation Meter System Development Charge

Irrigation Meter Size (in inches)	Capacity Ratio	Water SDC	Total
3/4"	2	\$1,104 x 2	\$2,208
1"	5	\$2,760 x 2	\$5,520
1 1/2"	10	\$5,520 x 2	\$11,040
2"	16	\$8,832 x 2	\$17,664
3"	32	\$17,664 x 2	\$35,328
4"	50	\$27,600 x 2	\$55,200
6"	100	\$55,200 x 2	\$110,400
8"	160	\$88,320 x 2	\$176,640

Section 6.4 Multi-unit Development served by a master-meter - Multi-unit developments that install sub-metering¹ to individual units shall provide connection to the Flowery Branch water system and meter boxes per Flowery Branch specification for each master meter required to serve the development. Developer shall only pay the meter set fees for the master meters, and SDC and admin fees for each sub-metered unit. The meter set fee will be based on meter size of the master meters installed by Flowery Branch and include labor, materials and equipment associated with the meter, backflow protection and data transmitter as applicable (see Section 6.1). The SDC and Admin fee will be based on the sub-meter size based on the following table.

Water System Development Charge and Admin Fee (Master-metered)

Sub-meter Size	Meter Equivalency Ratios	SDC	Admin	Total
3/4" or smaller Attached Units	0.7	\$773	\$23	\$796 x # of units
3/4" Single Family/Business Detached	1	\$1,104	\$33	\$1,137 x # of units
1"	2.5	\$2,760	\$50	\$2,810 x # of units
1 1/2"	5	\$5,520	\$50	\$5,570 x # of units
2"	8	\$8,832	\$50	\$8,882 x # of units
3"	16	\$17,664	\$50	\$17,714 x # of units
4"	25	\$27,600	\$50	\$27,650 x # of units
6"	50	\$55,200	\$50	\$55,250 x # of units
8"	80	\$88,320	\$50	\$88,370 x # of units

Section 6.5 Mixed Use/Special Developments - Each use in a development that has a mixture of attached and detached units and/or residential and non-residential uses and/or use of master-metering shall identify the number of units by type and apply the appropriate schedules. In the event that the developer requires a different capacity other than provided in the SDC tables, the typical peak day gallons shall be provided by a Professional Engineer or Architect registered in Georgia. This capacity needs calculation and methodology shall be approved by Flowery Branch engineering staff or consultant for reasonableness. The cost for capacity (SDC) is **\$4.78** per peak day gallon plus the appropriate admin fees by meter size for each unit. **The service main and/or meter size capacity to the Flowery Branch water system shall not exceed the requested capacity.**

Section 6.6 Connections for Fire Suppression – Any building requiring fire suppression/sprinklers shall pay for the capacity based on the pipe diameter size using the capacity ratios and multiplying by the 3/4" water system development charge. Developers that provide public access fire hydrants within their development and dedicate to the City of Flowery Branch shall be exempt from the Fire Suppression System Development Charge.

¹ Georgia state law now requires all new multi-unit developments to individually meter each unit within the development. Water charges based on the master meter are to be fairly allocated to the individual units based on usage. Flowery Branch shall only be responsible for billing at the master meter level.

Section 6.7 Example Situation

Section 6.7.1 Single Family ¾" water meter installed by Flowery Branch staff

The owner/developer will pay \$1,273 for the Tap and Meter Set fees and \$1,137 for the SDC and admin fee or a total of \$2,410.

Section 6.7.2 Single Family detached Subdivision with ¾" water meter installed by Flowery Branch staff and developer providing water tap and meter box for 25 homes. Also, a 1" irrigation meter is requested to be installed by Flowery Branch for a common area to be the responsibility of a homeowners association.

The owner/developer will pay \$580 in Meter Set fees and \$1,137 in SDC and admin fees for each home or 25 x 1,717 a total of \$42,925. The irrigation meter would be \$5,520 plus any installation costs performed by Flowery Branch. Please note; irrigation meters are prohibited to single family dwellings to promote water conservation but are available for non-residential entities that would be responsible for billing.

Section 6.7.3 Multiunit development served by two 2" master meters for two 5-unit condo buildings with each unit sub-metered. Also, an addition 1" meter is installed by the developer for a clubhouse to be the responsibility of a homeowner's association.

The owner/developer will pay Meter Set fees for each master meter at cost. The owner/developer will also pay \$796 in SDC and admin fees for each unit or 10 x \$796 or a total of \$7,960. The 1" clubhouse meter installed by the developer purchased at-cost from Flowery Branch will add \$2,810 to the total fee.

Section 7 Sewer Connection/Capacity Fees

The Wastewater Connection Fee includes two components as follows:

- 1) System Development Charge (SDC) – the fair share cost of infrastructure including system pipe size, lift stations and treatment to provide peak day sewer capacity based on requested flow capacity or water meter size, and
- 2) Administrative fee – to recover cost for customer service and tracking information related to the service connection.

The cost of installation of the sewer connection is the responsibility of the developer/owner.

Section 7.1 System Development Charge and Admin Fee - The System Development Charge for wastewater service recovers the fair share value of system capacity being requested. The total gallons needed shall be based on typical peak day capacity needed to serve the development. The following schedule can be used for the Wastewater SDC and Administration Fee. Attached multiunit developments typically use less water than detached units. A 90% factor is applied to the SDC to account for this reduced water use and vacancy rates. This is already included in the chart below under the capacity ratios column. The capacity ratio is a factor applied to a typical ¾" meter based on the American Water Works Association (AWWA) flow capacity. Based on the latest connection fee study, a single-family home using a ¾" meter will return **180.3** gallons of wastewater to Flowery Branch for a typical peak day. Therefore, an equivalent dwelling unit (EDU) is considered to require 180.3 gallons of capacity from the wastewater collection and treatment plant.

An administrative fee to recover the cost of application/plan review, customer service, data collection/tracking and SDC calculation is added per dwelling unit or business unit. The admin fee is **\$36** for multi-family attached developments for each unit, **\$50** for ¾" detached developments and multi-unit non-residential developments and **\$50** for developments (detached or attached) requiring a meter 1" or larger. The SDC and admin fee is charged for each unit in the development

Wastewater Connection System Development Charge and Admin Fee

Water Meter Size* (in inches)	Meter Equivalency Ratios	Wastewater SDC	Admin	Total
¾" Meters used in Multiunit Attached Developments	0.7	\$1,932	\$36	\$1,968
¾" Detached Single Family and individual businesses	1	\$2,760	\$50	\$2,810
1"	2.5	\$6,900	\$50	\$6,950
1 1/2"	5	\$13,800	\$50	\$13,850
2"	8	\$22,080	\$50	\$22,130
3"	16	\$44,160	\$50	\$44,210
4"	25	\$69,000	\$50	\$69,050
6"	50	\$138,000	\$50	\$138,050
8"	80	\$220,800	\$50	\$220,850

*Irrigation meters should be excluded from capacity requests and system development charges.

Section 7.2 Mixed Use/Special Developments - Each use in a development that has a mixture of attached and detached units and/or residential and non-residential uses and/or use of master-metering shall identify the number of units by type and apply the appropriate SDC schedule. In the event that the developer requires a different capacity other than provided in the SDC schedules, the typical peak day gallons shall be provided by a Professional Engineer or Architect registered in Georgia. This capacity needs calculation and methodology shall be approved by Flowery Branch engineering staff and/or consultant for reasonableness. The cost for wastewater capacity (SDC) is **\$15.53** per peak day gallon plus the appropriate admin fees by meter size for each unit.

Section 8. Oakwood Sewer. Gainesville water customers with City of Oakwood sewer service with treatment provided by Flowery Branch shall be billed for wastewater at 100% of water metered. The billed volume is provided by the Gainesville Department of Water Resources at \$1.00 per month per account. The billed amount is collected by Flowery Branch and a share is provided to the City of Oakwood for sewer service. Customers seeking Oakwood sewer service will pay any connection related fees directly to the City of Oakwood. Customers should contact the City of Oakwood for latest rates, fees and charges related to this sewer service.

Section 9. Moratoriums. If new development is estimated to exceed the capacity of water supply or distribution system capacity or wastewater collection or treatment, the City of Flowery Branch may place a temporary moratorium on new development until such capacity is added. Such moratorium may be system-wide or to specific geographic locations of the service area depending on the situation. A separate ordinance will be voted on by City Council at the recommendation of the City Manager as to the time and scope of the moratorium.

Section 10. Landlord Agreement. Landlords may request continuous water service for newly unoccupied rental units by using the latest landlord agreement form provided by the Water/Wastewater Department. A turn-on fee of **\$30** will be charged each time when the account is re-established in the Landlord's name at the time that a tenant requests service disconnection OR tenant account is closed for non-payment and service is transferred to the landlord. The landlord will be responsible for all billed water volume and monthly fees of the unoccupied rental unit during this time. A **\$60** administration fee and refundable deposit of **\$120** per rental unit shall be required for the duration of the landlord agreement. The maximum deposit shall not exceed **\$1,080**.

Each time a new tenant applies for service for any of the service addresses listed on the landlord agreement form said account will be final billed. However, should the landlord for any reason, request that the water service be disconnected once the agreement is established and no tenant has applied for water/sewer service, the appropriate charges will be billed, and this agreement will be null and void.

Landlord's requesting to participate in this agreement must have a good payment history. The Landlord's deposit will remain on the account until the Landlord requests the account be taken off of Landlord status and the account is closed. If any accounts on this agreement fall into delinquent status, this agreement will be considered null and void.

Section 12. Miscellaneous Fees. The following are additional fees for specific services provided by Flowery Branch.

- **\$120 for Water and Sewer Deposit Fee** – This is charged for new application for water and sewer service. The deposit will be used for the final bill and any

potential balance refunded to a customer.

- \$65 for Sewer Only Deposit Fee – This is charged for new application for sewer only service. The deposit will be used for the final bill and any potential balance refunded to a customer.
- \$60 admin fee for new service applications – The administrative cost of establishing an account and turning on the water meter.
- \$60 cut off fee – The administrative cost of closing an account and turning off the water meter. This applies to all accounts 30 days past due.
- \$30.00 Return Check Fee – A fee will be charged on checks or bank drafts returned for any reason, and water service may be subject to disconnect.
- \$30 turn-on fee – This fee is charged to turn the water service on for existing connections.
- Sewer Inspection Fee – TBD
- Water Inspection Fee – TBD

Section 13. Debt Collections. Accounts that are not fully paid after 90 days shall be turned over to a collection agency for processing. An additional service fee of may be applied to cover the cost of collection agency.

Section 13. Repeal of Conflicting Resolutions. Any part of any prior resolutions in conflict with the terms of this Resolution, are hereby repealed to the extent of the conflict; but it is hereby provided, that any resolution, ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof and shall be legally construed to be in favor of upholding this Resolution on behalf of the City of Flowery Branch.

Section 14. Severability. If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Resolution shall be declared invalid or unconstitutional by any court or competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstance shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid, or the application of the Resolution to other circumstances no so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Flowery Branch to provide for separate and divisible parts, and it does hereby adopt all parts hereof as may not be held invalid for any reason.

Section 15. Brochure and Other Guides Conflicts. The City of Flowery Branch provides brochures and guides to assist customers on the rates, fees and charges of the Flowery Branch water and wastewater systems. If any information from these documents conflict with the latest Council approved ordinance, the ordinance shall prevail.

Section 15. Effective Date. This Resolution shall become effective the date of August 20, 2020 once it is adopted by the Council of the City of Flowery Branch.

SO, RESOLVED this 20th day of August 2020.


James Miller, Mayor

ATTEST:


Vickie Short, City Clerk

APPROVED AS TO FORM:


Ron Bennett, City Attorney



	Capacity	Method	SDC		Fire Ongoing Annual	SDC	Irrigation	Comments
			Inside	Outside				
			Water	Water				
Tampa FI	21-50	1" meter	7000	8750	3950			
Birmingham AL Water Works	4	meter size	16450		none	407	1000	Water and Sewer SDC
Athens GA	3/4"	meter size	1600		none	60		Fire annual based on 4" meter
Sacramento CA	3/4"	meter size	1741		none		1741	Specifically do not charge fire
PBC	4"	meter size	100200		23160			
Clayton County Water Authority	3/4"	meter size	1600		2500	180		residential shown, commercial is 6000 regardless of size
Lexington County SC	3/4"	meter size	2250		1000			fire based on per inch of main
Marietta GA Power/Waster	2"	meter size	3000		2200		3000	
Dekalb County GA	6"	meter size	18750		18750			larger meters fire is higher