



**City of Flowery Branch
City Council Meeting
Thursday, April 20, 2023, 6:00 PM
City of Flowery Branch City Hall
5410 Pine Street, Flowery Branch, GA 30542**



CALL WORK SESSION TO ORDER:

PLEDGE OF ALLEGIANCE:

ADOPTION OF AGENDA:

PUBLIC HEARING:

- A Public Hearing to Consider an Annexation and Rezoning Request submitted by Cook Communities.
[1b-Annexation Application.pdf](#)
[1a-Rezoning Application.pdf](#)
[2a-Rezoning Exhibit \(Parkers Place\).pdf](#)
[2b-Rezoning Exhibit \(Rendering\).pdf](#)
[3-Letter of Intent.pdf](#)
[4-Rezoning Analysis and Development Statistics \(Parkers Place\).pdf](#)
[5-Parker's Place \(Traffic Memo\).pdf](#)
- A Public Hearing to Consider a Rezoning Request for 7004 Lake Sterling Boulevard submitted by Matt Rains.
[Rezoning Matt Rains - SOTL.pdf](#)
- A Public Hearing to Consider a Variance Request submitted by Stanton E. Porter allowing Fuel Pumps to be Located in Front of the Primary Structure at 4603 Atlanta Highway.
[letter of intent.pdf](#)
[Thurmond Tanner Pkwy Retail Center Site Plan_6-24-22.pdf](#)
[signed variance app.pdf](#)
[Landscape plan.pdf](#)

NEW BUSINESS -WORK SESSION:

- Discuss Proposed Text Amendment Implementing Zoning Ordinance Changes.
[ARTICLE_33_FINAL.pdf](#)
[ARTICLE_34_FINAL.pdf](#)
[ARTICLE_37_FINAL.pdf](#)
[ARTICLE_38_FINAL.pdf](#)
[Article 6 ROUGH DRAFT.pdf](#)
[ARTICLE_8. ROUGH DRAFT.pdf](#)
[Article 10 ROUGH DRAFT.pdf](#)

DEPARTMENT REPORTS: - a. City Manager Report
b. City Clerk Report

- c. Community Relations Report
- d. Finance Department Report
- e. Planning Department Report
- f. Police Department Report
- g. Public Works & Utilities Report
- h. Attorney Report
- i. Council Report

ADJOURNMENT WORK SESSION:

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

PUBLIC COMMENTS: - Please limit to two minutes

CONSENT AGENDA:

- Consider April 6, 2023 City Council Meeting Minutes
[Unofficial April 6, 2023 City Council Meeting Minutes.pdf](#)
- Consider April 6, 2023 Executive Session Minutes

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: A Public Hearing to Consider an Annexation and Rezoning Request submitted by Cook Communities.

COUNCIL MEETING DATE: April 20, 2023

HISTORY:

Cook Communities submitted a similar request which was denied annexation by City Council on August 18, 2022.

FACTS AND ISSUES:

The request is to annex 14.27 +/- acres of land located at 5704 Jim Crow Road from Hall County into Flowery Branch rezoning it from Agricultural Residential to Planned Unit Development. Applicant wishes to construct an age restricted (55 and over), gated, private 49 unit townhomes community.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Public Hearing Only - no vote at this time.

SAMPLE MOTION:

No motion at this time.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

- [1b-Annexation Application.pdf](#)
- [1a-Rezoning Application.pdf](#)
- [2a-Rezoning Exhibit \(Parkers Place\).pdf](#)
- [2b-Rezoning Exhibit \(Rendering\).pdf](#)

- [3-Letter of Intent.pdf](#)
- [4-Rezoning Analysis and Development Statistics \(Parkers Place\).pdf](#)
- [5-Parker's Place \(Traffic Memo\).pdf](#)



ANNEXATION APPLICATION

Date: 2/13/2023

Address of Request:

5704 Jim Crow Road
Flowery Branch, GA 30542

Submitted to the City Clerk per The Flowery Branch Code of Ordinances;
Appendix C, "Zoning Ordinance", Article 44; Section 44.4 on

City Clerk Signature Shelia Cooper 2/23/2023

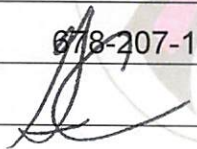
Applicant Information

Name: Cook Communities

Address: 3120 Frontage Road
Gainesville, GA 30504

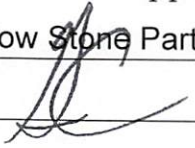
E-mail address: gcook@cook-residentail.com

Phone number: 678-207-1500

Signature: 

Property owner information (if different than the applicant)

Property owner (please print): Shadow Stone Partners, LLC

Signature of property owner: 



Property Information

Tax Map Number: 08100 001003A ,B,C,D

Current Zoning: AR3 Total Acres: 14.268

Is this property contiguous to the city-limits of Flowery Branch? Yes

Proposed City of Flowery Branch Zoning: PUD

Proposed City of Flowery Branch Character Area: Residential

Current Use: Residential

Per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 36; Does this property potentially require a **DRI** (Development of Regional Impact) study? No

Voting Rights Act Information

Resident Population: _____ Housing Units: _____ Other Buildings: _____

Race Population %: White _____ Black _____ Hispanic _____ Other _____

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

- Legal description
- Current survey of property
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)
- Zoning application
- Annexation ≥ 100 acres of land requires an official request to amend the character area and future land use map designation for the subject property
- Names and addresses of adjoining property owners
- Reasons for requesting annexation
- 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

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

N/A



REZONING APPLICATION

Date: 2/13/2023

Address of Request: 5704 Jim Crow Road
Flowery Branch, GA 30542

Tax Map # 08100 001003A, B, C, D Current Zoning: AR3

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

Currently a conforming use? No

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

Applicant Information

Name: Cook Communities

Address: 3120 Frontage Road
Gainesville, GA 30504

E-mail address: gcook@cook-residential.com

Phone number: 678-207-1500

Signature: 

Notary: 





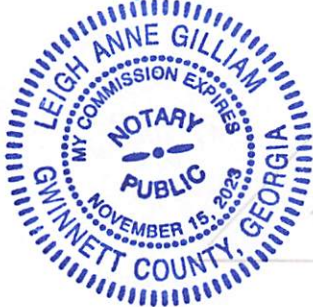
Property owner information (if different than the applicant)

Property owner (please print): Shadowstone Partners, LLC

Signature of property owner: _____

Notary:

Leigh Anne Gilliam



Property Information

Tax Map Number: 08100 001003A , B, C, D

Current Zoning: AR3 Total Acres: 14.268

Is this property located within the city-limits of Flowery Branch? No

Proposed City of Flowery Branch Zoning: PUD

Current Use: Residential

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

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

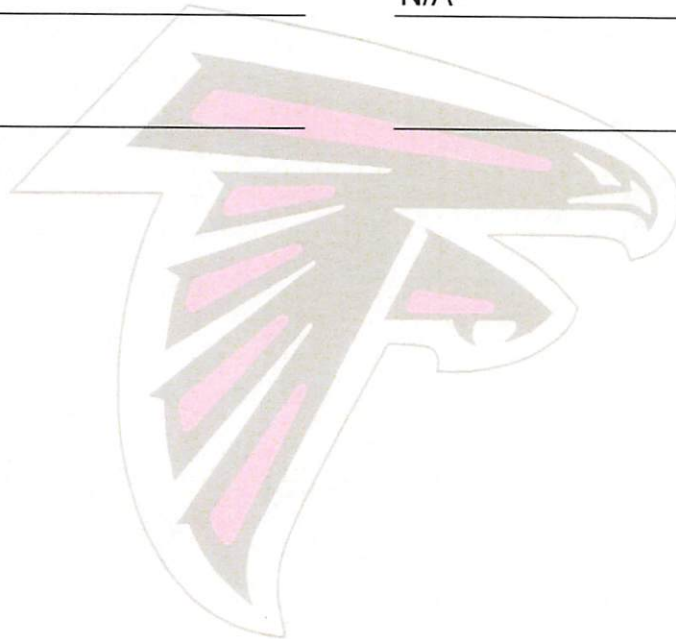
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Elected Officials Name

Amount of Description of Gift

N/A

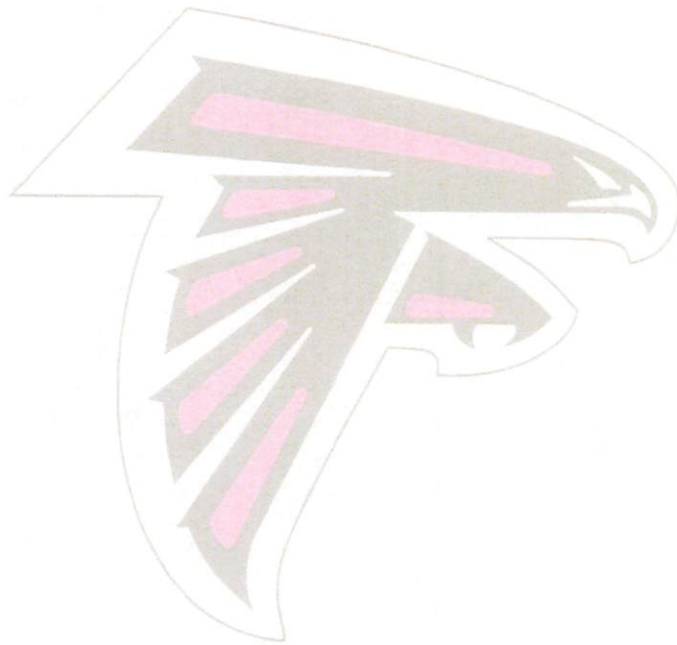
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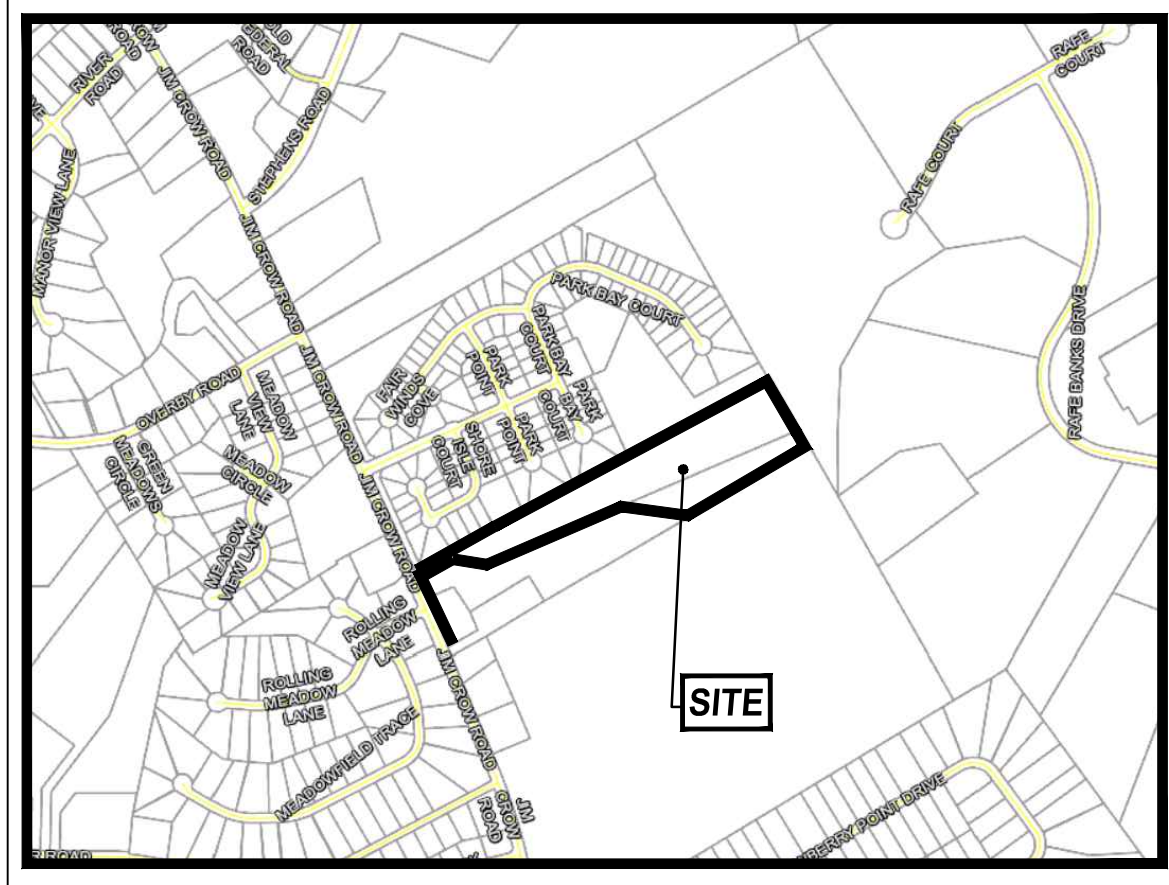


CITY STAFF ONLY

Application Received By: RJEA

Date: 2/24/2023 Total Fee: 1,000





VICINITY MAP
N.T.S.



PROPOSED WALKING TRAIL
N.T.S.



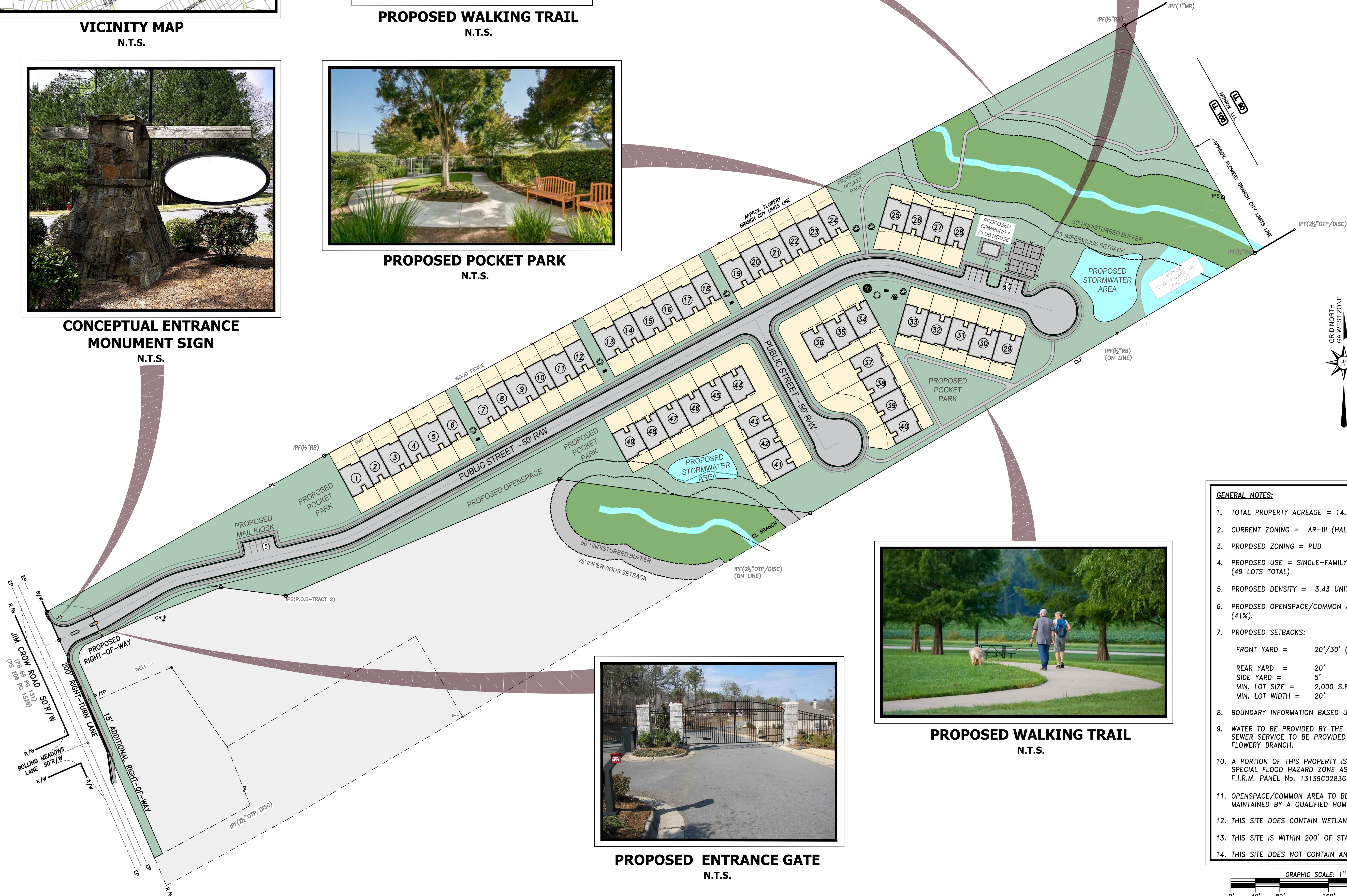
CONCEPTUAL ENTRANCE
MONUMENT SIGN
N.T.S.



PROPOSED POCKET PARK
N.T.S.



PROPOSED PICKLEBALL COURTS
N.T.S.

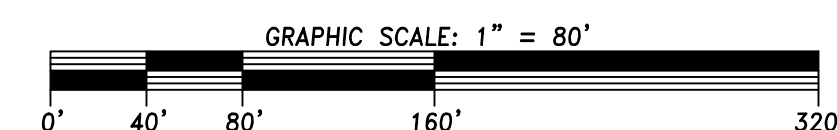


PROPOSED WALKING TRAIL
N.T.S.



PROPOSED ENTRANCE GATE
N.T.S.

- GENERAL NOTES:**
- TOTAL PROPERTY ACREAGE = 14.268 ACRES (TOTAL)
 - CURRENT ZONING = AR-III (HALL COUNTY)
 - PROPOSED ZONING = PUD
 - PROPOSED USE = SINGLE-FAMILY ATTACHED SUBDIVISION (49 LOTS TOTAL)
 - PROPOSED DENSITY = 3.43 UNITS/ACRE
 - PROPOSED OPENSACE/COMMON AREA = ±5.9 ACRES (41%).
 - PROPOSED SETBACKS:
FRONT YARD = 20'/30' (20' FROM PERIMETER & 30' FROM STREET)
REAR YARD = 20'
SIDE YARD = 5'
MIN. LOT SIZE = 2,000 S.F. (FEE SIMPLE)
MIN. LOT WIDTH = 20'
 - BOUNDARY INFORMATION BASED UPON DEED RESEARCH.
 - WATER TO BE PROVIDED BY THE CITY OF GAINESVILLE. SEWER SERVICE TO BE PROVIDED BY THE CITY OF FLOWERY BRANCH.
 - A PORTION OF THIS PROPERTY IS LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE AS PER HALL COUNTY F.I.R.M. PANEL No. 13139C0283G EFFECTIVE 4/4/2018.
 - OPENSACE/COMMON AREA TO BE DEEDED AND MAINTAINED BY A QUALIFIED HOMEOWNERS ASSOCIATION.
 - THIS SITE DOES CONTAIN WETLANDS.
 - THIS SITE IS WITHIN 200' OF STATE WATERS.
 - THIS SITE DOES NOT CONTAIN ANY KNOWN CEMETERIES.



COOK
3120 FRONTAGE ROAD
GAINESVILLE, GA 30504
(678) 207-1509
www.thecookandcompany.com
P.E.F. #007243

PREPARED FOR:
COOK COMMUNITIES
3120 FRONTAGE RD.
GAINESVILLE, GA 30504
24-HR. CONTACT:
GEOFF COOK
(678) 207-1509
PROJECT NAME:
FLOWERY BRANCH
JIM CROW ROAD
TRACT
TASK:
REZONING
EXHIBIT

PROJECT INFORMATION:
FLOWERY BRANCH TRACT
Project Name
21-017
Project Number
JIM CROW ROAD
Project Address
Land Lot No.(s)
District
HALL COUNTY, GEORGIA
County, State

PLAN REVISION		
No.	DATE	DESCRIPTION
1		
2		
3		
4		

G.S.W.C.C. LEVEL II CERTIFIED
DESIGN PROFESSIONAL
No. 0000013059
CONTACT:
C. LUKE PRESSLEY, P.E.
(678) 267-7153
luke@thecookandcompany.com

SHEET

1 of 1

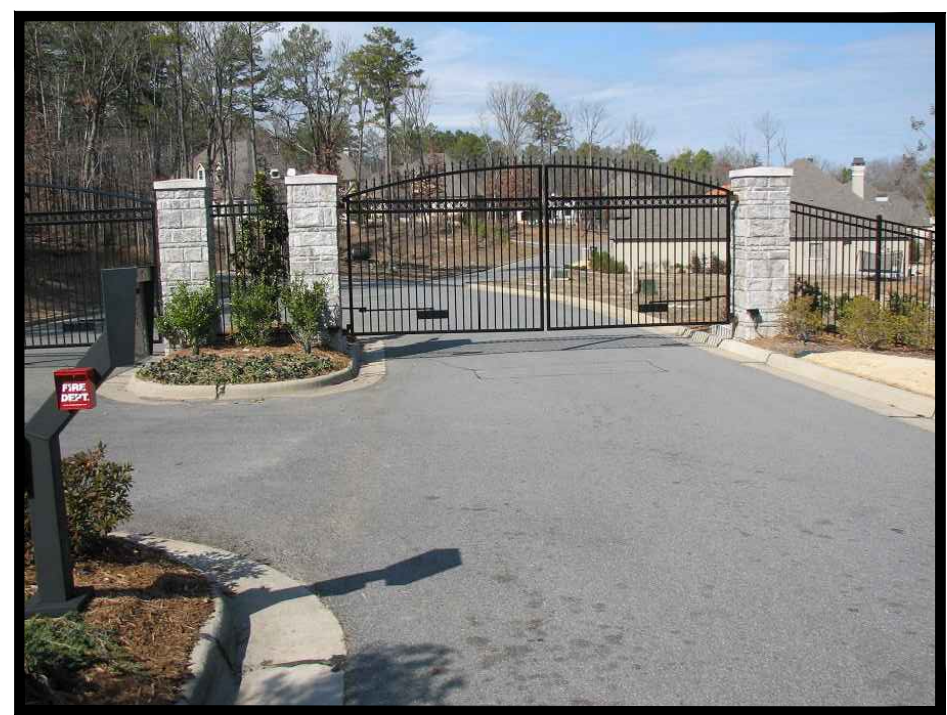
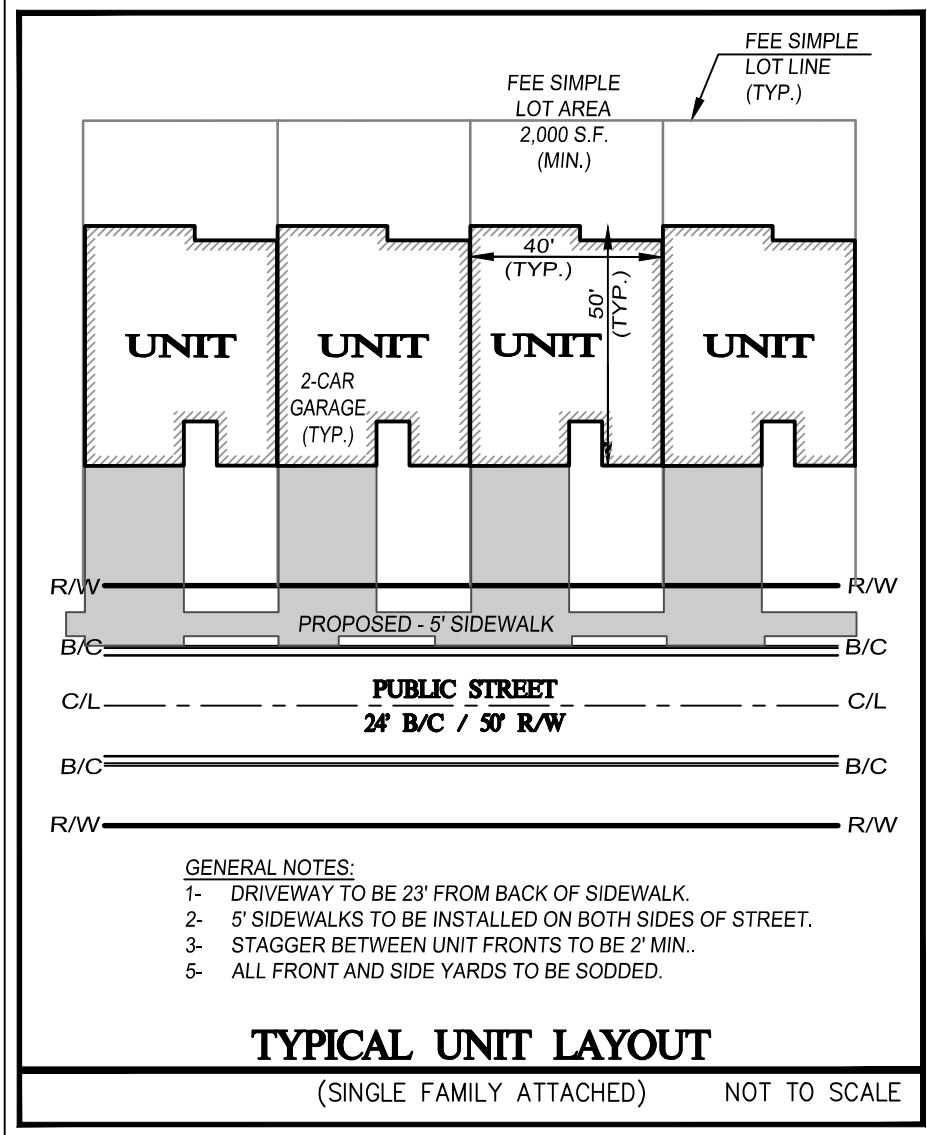
JWW DESIGN 3/22/22 DATE	AS SHOWN SCALE 21-017 PROJECT No.
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PROPOSED TOWNHOME
(FRONT)
N.T.S.



PROPOSED TOWNHOME
(FRONT-RIGHT)
N.T.S.



PROPOSED ENTRANCE GATE
N.T.S.

COOK
3120 FRONTAGE ROAD
GAINESVILLE, GA 30504
(678) 207-1509
www.thecookandcompany.com
P.E.F. #007243

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24-HR. CONTACT:
GEOFF COOK
(678) 207-1509
PROJECT NAME:
FLOWERY BRANCH
JIM CROW ROAD
TRACT
TASK:
REZONING
EXHIBIT

PROJECT INFORMATION:
FLOWERY BRANCH TRACT
Project Name
21-017
Project Number
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Project Address
Land Lot No.(s)
District
HALL COUNTY, GEORGIA
County, State

PLAN REVISION		
No.	DATE	DESCRIPTION
1		
2		
3		
4		

GEORGIA
REGISTERED
No. 36163
PROFESSIONAL
ENGINEER
LUKE PRESSLEY
"FOR REZONING ONLY"
G.S.W.C.C. LEVEL II CERTIFIED
DESIGN PROFESSIONAL
No. 0000013059
CONTACT:
C. LUKE PRESSLEY, P.E.
(678) 267-7153
luke@thecookandcompany.com

SHEET
1 of 1
O/LP
DESIGN
2/22/2022
DATE
AS SHOWN
SCALE
21-017
PROJECT No.



February 13th, 2023

City of Flowery Branch
5512 Main Street
Flowery Branch, GA 30542
(770) 967-6371

LETTER OF INTENT

Rezoning/Annexation for the Parker's Place at Lanier – Flowery Branch, GA
5704 Jim Crow Road – Flowery Branch, GA 30542
Tax Parcel No. 08100 001003A, 08100 001003B, 08100 001003C & 08100 001003D
L.L. 100 / 8th District
(Note: A copy of a combination Survey is included in this application for clarification – 14.27 Acres total)

Cook Communities submits this Letter of Intent and attached Application for the purpose of rezoning/annexing to the City of Flowery Branch's Planned Unit Development (PUD) Zoning Classification for the 14.27-acre tract located along Jim Crow Road, south of the existing Park Walk at Lanier Residential Development. The property currently lies in unincorporated Hall County and is adjacent to the Flowery Branch City Limits to the north. The subject property is currently zoned AR-III (Hall County) and contains one single family home and associated outbuilding. The intent is to annex the entire property shown on the combination/boundary survey into the City of Flowery Branch. All property included in this application is owned by Shadow Stone Partners, LLC. (See Rezoning Exhibit).

Cook Communities proposes to develop a distinctive and attractive single-family attached neighborhood with amenities. The neighborhood will consist of Forty-nine (49) 2-story attached cottage style homes and is proposed to be age-restricted for residents 55 and older. Each home will have 3 or 4-bedrooms and 2 or 3 bathrooms. The heated S.F. for the proposed units will be 1,550+ S.F. with a 2-Car Garage. The 2-Car garages will be located a minimum of 23' from the back of sidewalk as required. Additionally, the homes will include attractive architectural elements including shake and board and batten siding, stone/brick accents, a variety of unique garage doors and sodded yards. The proposed units are intended to meet the requirements of the recently adopted Ordinance 657 (Article 12 – Section 12.6). Attached to this letter of intent is a rendering of the proposed units for reference. These homes will meet the same quality and price point of homes in the surrounding area.



Amenities proposed for the development include a small community clubhouse, pickleball courts, sidewalks with connected walking trails, pocket parks and attractive landscaping. An exhibit and rendering of the proposed amenities are provided with this submittal for visual reference.

Access for the development will be provided along Jim Crow Road with a proposed right-turn (deceleration) lane provided at the entrance. The entrance will have an attractive monument-type sign with landscaping and will be gated. The provisions for water and sanitary sewer for the development will be provided by the City of Gainesville and the City of Flowery Branch.

The applicant and its representatives welcome the opportunity to meet with the City of Flowery Branch staff to answer any questions or concerns you may have. Cook Communities respectfully requests your approval of this application.

Respectfully,

A handwritten signature in black ink, appearing to be "K. Cook", written in a cursive style.

Cook Communities / Keith Cook



February 13th, 2023

City of Flowery Branch
5512 Main Street
Flowery Branch, GA 30542
(770) 967-6371

DEVELOPMENT STATISTIC AND ANALYSIS

Parker's Place at Lanier – Flowery Branch, GA
5704 Jim Crow Road – Flowery Branch, GA 30542
Tax Parcel No. 08100 001003A, 08100 001003B, 08100 001003C & 08100 001003D
L.L. 100 / 8th District
(Note: A copy of a combination Survey is included in this application for clarification – 14.27 Acres total)

Development Statistics

As part of this application, a site plan of the proposed development was submitted depicting the subdivision and typical fee simple building lots and proposed units for the neighborhood. The below information is meant to ensure all requested information is included.

- (a) Maximum Height of Proposed Homes – 35'
- (b) Minimum S.F. of proposed Homes –1,500 S.F.+ (Heated) (2-Story)
- (c) Color Renderings of Proposed Homes are included with this submittal
 - a. (See 2b-Rezoning Exhibit (Rendering).pdf)
- (d) The Proposed Building Materials for the homes are included
 - a. (See Letter of Intent)
- (e) Maximum of 49 Single-Family Attached Homes (Fee Simple Townhome Lots)
 - a. Minimum Lot Size = 2,000 S.F. (Min. Shown 3,500 S.F.)
 - b. Minimum 1,500+ S.F. Heated (2-Car Garage) – 2 Story
- (f) Proposed Overall Lot Coverage (Entire Project) = 30%
- (g) Proposed Landscaped Area
 - a. A minimum of 2 Trees per Lot (See Typical Lot Detail)
 - b. A minimum of 10' Landscape Buffer adjacent to existing neighborhood.
 - c. Pocket Parks and Walking Trails
 - d. Attractive Entrance Monument (Development will be Gated)



- (h) Parking will Include:
 - a. 2-Car with Driveway (23' From Back of Sidewalk)
 - b. 5 Spaces for Proposed Mail Kiosk
 - c. 10 Spaces at Proposed Clubhouse and Pickleball Courts
- (i) Will Provide as requested.

Development Analysis

The development being proposed by Cook Communities is in line with the City of Flowery Branch's 2041 Comprehensive Plan. While currently not specifically included (as it lies in Hall County), the adjacent neighborhood (Park Walk at Lanier) has a similar zoning to what is being requested. The 2041 Comprehensive Plan and Future Land use map targets this area as Suburban Residential, and the comprehensive plan suggests smaller lots may be appropriate in a PUD zoning district. Cook Communities feels this development generally meets the objectives of the PUD Zoning district when viewed as a small part of the overall community. While this development proposes only single-family attached homes, it provides the broader mix of residential housing types when viewed as a part of the surrounding neighborhoods. Jim Crow Road contains primarily single-family residential neighborhoods of varying densities from its intersection with McEver Road to its Termination at Lake Lanier. The Parker's Place at Lanier Development is similar to the recent development trend in the area. The adjacent neighborhood statistics are included in the additional material submitted as part of the application. No adverse effect is anticipated from the proposed development as it is inline with the surrounding uses as a single-family residential development. A deceleration lane is proposed at the entrance for cars traveling from McEver Road which will be the primary travel route. The subdivision will be gated. The existing use of the Subject Property is a single-family residence with undeveloped acreage. Gravity Sewer is available in the rear portion of the property and public water available along Jim Crow Road. The impact to local schools will be minimal as this will be an age-restricted 55+ community. This portion of Hall County and the City of Flowery Branch has seen significant development in recent years, with an increase in demand for housing of all types. Cook Communities feels this community will provide a housing option that is currently underrepresented in the city. The Parker's Place at Lanier development will meet all the state and City of Flowery Branch's requirements including environmental, erosion and stormwater requirements.

The applicant and its representatives welcome the opportunity to meet with the City of Flowery Branch staff to answer any questions or concerns you may have. Cook Communities respectfully requests your approval of this application.

Date: May 16, 2022

To: Whom it may concern; Hall County, GA

From: Chris Maddox, PE, PTOE; Southeastern Engineering, Inc. (SEI)

RE: Trip Generation Memo for Jim Crow Road Subdivision

CC: Luke Pressley, PE; Cook Development

There is a development with 49 single-family attached units proposed on the west side of Jim Crow Road north of Rolling Meadow Lane currently located in Hall County, GA. The development will be constructed on currently undeveloped land, and is proposed to be annexed into the City of Flowery Branch, GA. The site plan is attached in **Appendix A**. The development will be age restricted and accessed via one new road along Jim Crow Road north of Rolling Meadow Lane and south of Park Shore Cove. Southeastern Engineering, Inc (SEI) has reviewed the adjacent roadway network and development site to summarize the characteristics of the study area and provide information on estimated new trips generated by the development.

Jim Crow Road runs from McEver Road in the south and dead ends to the north, providing access to primarily single-family residential developments. Jim Crow Road is a two-lane undivided facility, with a posted speed limit of 45 MPH, and it is functionally classified as a minor collector. The intersection of Jim Crow Road and McEver Road is a signal-controlled intersection. GDOT'S TADA system was referenced for historical traffic volumes on the roadway and in 2018 Jim Crow Road had an Annual average daily traffic (AADT) volume of 1,590 vehicles per day. The GDOT TADA data sheet for Jim Crow Road is included in **Appendix B**.

The development is expected to generate approximately 181 new daily trips (91 entering and 90 exiting). In the AM peak period the development is expected to generate approximately 10 total trips (4 entering; 6 exiting), and in the PM peak period generate approximately 13 total trips (7 entering; 6 exiting). The vast majority of the trips entering and exiting are anticipated to be going to and from McEver Road in the south. The Trip Generation Report is included in **Appendix B**.

The new development street will be minor-street stop controlled at its intersection with Jim Crow Road. Due to the majority of traffic entering the development from the south via McEver Road a northbound right turn deceleration lane on Jim Crow Road would be beneficial at the new intersection. Crash history at the adjacent residential intersections, Rolling Meadow Lane and Park Shore Cove, was reviewed to see if any crash patterns exist in the area that may identify safety concerns for the new intersection. Per GDOT's Numetric crash data system there have been three crashes reported in the development area since 2015. Two of the three were single vehicles crashes and no injuries were recorded. The crash summary report is attached in **Appendix C**.

The proposed development matches the existing land uses along Jim Crow Road, and the surrounding area. Based on the characteristics of Jim Crow Road the additional daily and peak hour trips generated by the development are not anticipated to have a significant impact on the roadway's operations. The crash history does not show any anticipated safety issues at the site. Please let me know if we can be of any additional assistance during the review process, or if you have any questions. Thank you.

Sincerely,



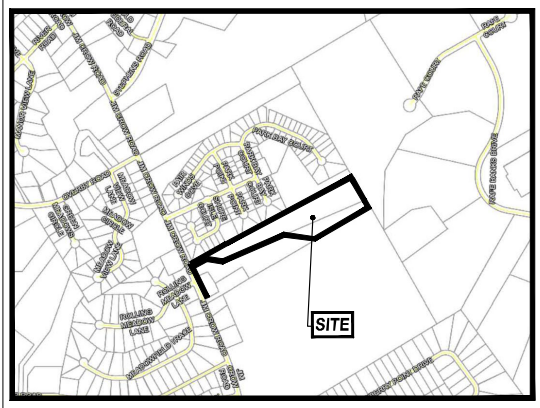
Chris Maddox, PE, PTOE
Traffic Engineering Division Manager

Appendices

- Appendix A
 - Concept Site Plan
- Appendix B
 - GDOT TADA Data Sheet
 - Trip Generation Report
- Appendix C
 - Crash Summary Report

Appendix A

Concept Site Plan



VICINITY MAP
N.T.S.



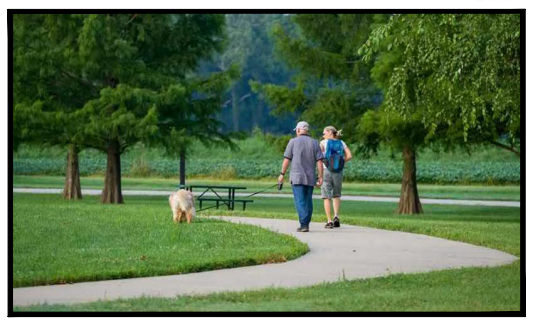
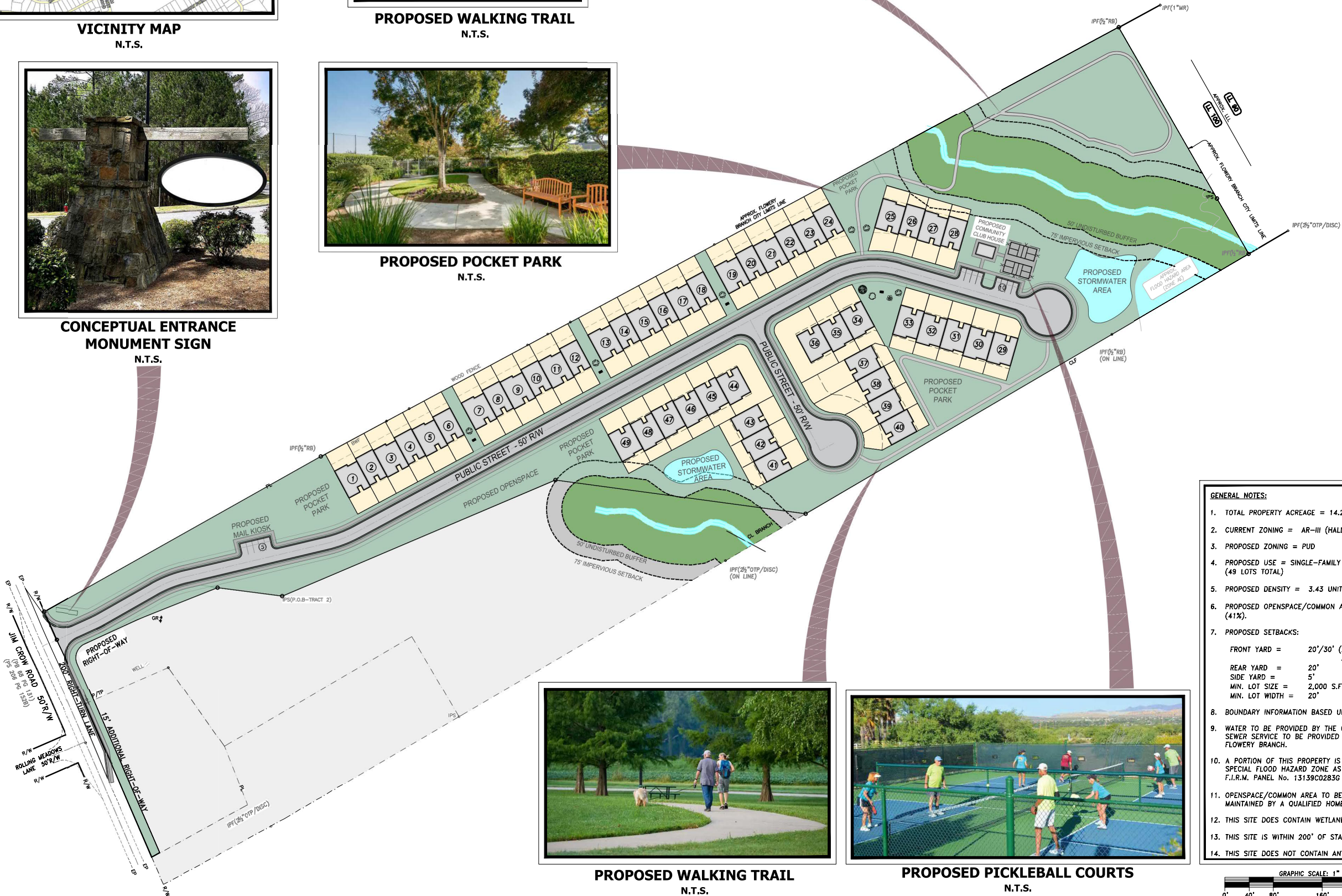
PROPOSED WALKING TRAIL
N.T.S.



CONCEPTUAL ENTRANCE
MONUMENT SIGN
N.T.S.



PROPOSED POCKET PARK
N.T.S.

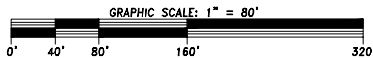


PROPOSED WALKING TRAIL
N.T.S.



PROPOSED PICKLEBALL COURTS
N.T.S.

- GENERAL NOTES:**
- TOTAL PROPERTY ACREAGE = 14.268 ACRES (TOTAL)
 - CURRENT ZONING = AR-III (HALL COUNTY)
 - PROPOSED ZONING = PUD
 - PROPOSED USE = SINGLE-FAMILY ATTACHED SUBDIVISION (49 LOTS TOTAL)
 - PROPOSED DENSITY = 3.43 UNITS/ACRE
 - PROPOSED OPENSACE/Common AREA = ±5.9 ACRES (41%).
 - PROPOSED SETBACKS:
FRONT YARD = 20'/30' (20' FROM PERIMETER & 30' FROM STREET)
REAR YARD = 20'
SIDE YARD = 5'
MIN. LOT SIZE = 2,000 S.F. (FEE SIMPLE)
MIN. LOT WIDTH = 20'
 - BOUNDARY INFORMATION BASED UPON DEED RESEARCH.
 - WATER TO BE PROVIDED BY THE CITY OF GAINESVILLE. SEWER SERVICE TO BE PROVIDED BY THE CITY OF FLOWERY BRANCH.
 - A PORTION OF THIS PROPERTY IS LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE AS PER HALL COUNTY F.I.R.M. PANEL No. 13139C0283G EFFECTIVE 4/4/2018.
 - OPENSACE/Common AREA TO BE DEEDED AND MAINTAINED BY A QUALIFIED HOMEOWNERS ASSOCIATION.
 - THIS SITE DOES CONTAIN WETLANDS.
 - THIS SITE IS WITHIN 200' OF STATE WATERS.
 - THIS SITE DOES NOT CONTAIN ANY KNOWN CEMETERIES.



COOK
3120 FRONTAGE ROAD
GAINESVILLE, GA 30504
(678) 207-1509
www.thecookandcompany.com
P.E.F. #007243

PREPARED FOR:
COOK COMMUNITIES
3120 FRONTAGE RD.
GAINESVILLE, GA 30504
24-HR. CONTACT:
GEOFF COOK
(678) 207-1509
PROJECT NAME:
FLOWERY BRANCH JIM CROW ROAD TRACT

TASK:
REZONING EXHIBIT

PROJECT INFORMATION:

Project Name	FLOWERY BRANCH TRACT
Project Number	21-017
Project Address	JIM CROW ROAD
Land Lot No.(s)	
District	HALL COUNTY, GEORGIA
County, State	

PLAN REVISION

No.	DATE	DESCRIPTION
1		
2		
3		
4		

G.S.W.C.C. LEVEL II CERTIFIED
DESIGN PROFESSIONAL
No. 0000013069

CONTACT:
C. LUKE PRESSLEY, P.E.
(878) 287-7153
luke@thecookandcompany.com

SHEET

JWW DESIGN	AS SHOWN SCALE
3/22/22 DATE	21-017 PROJECT No.

1 of 1

Appendix B

GDOT TADA Data Sheet

0000139_7387 - 139-7387

Description: CR 142900 BEG AT

County: Hall

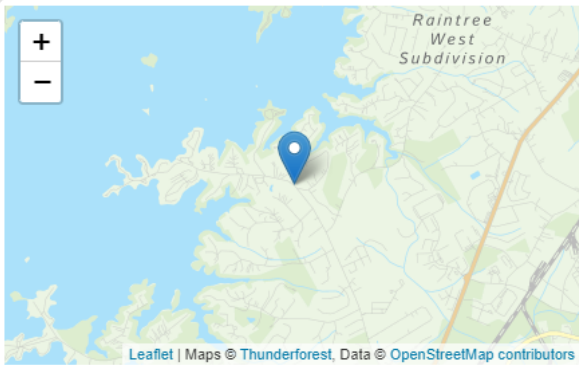
Route number: 00130205

LRS section: 1393130205

Functional class: 6U - Minor Collector (Urban)

Coordinates: 34.21993025, -83.93521186

Site Data



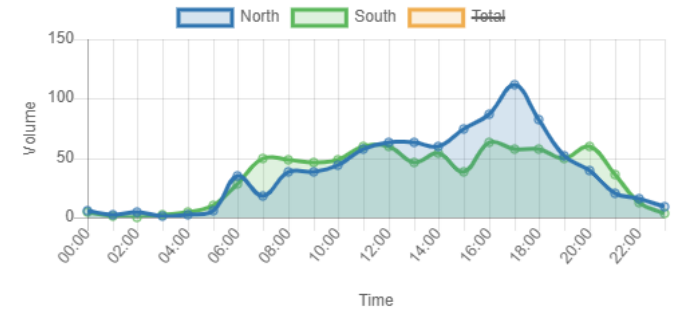
Count History

Year	Month	Count type	Duration	Count
2018	May	Volume	48 hours	1768
2015	August	Volume	32 hours	751
2011	September	Class	48 hours	1140

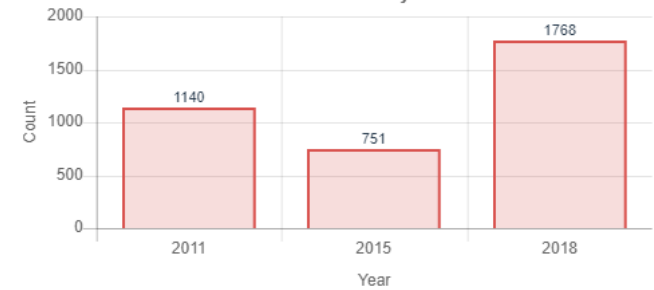
Annual Statistics

Data Item	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Statistics type	-	-	-	-	Estimated	Estimated	Estimated	Actual	Estimated	Estimated
AADT	1010	1010	1030	1030	1070	1100	1120	1590	1620	1510
K-Factor	-	-	-	-	-	-	-	0.126	0.126	0.126
D-Factor	-	-	-	-	-	-	-	0.710	0.710	0.710
Future AADT	-	-	-	-	-	2070	2000	2070	2700	2700

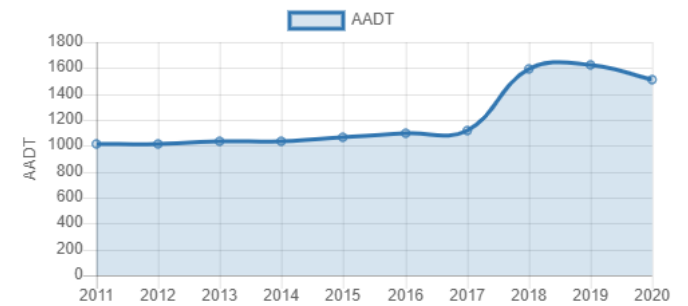
Average Hourly Volume



Count History



AADT Trend



Appendix B

Trip Generation Report

Trip Generation Summary

Alternative: Alternative 1

Phase:

Project: Jim Crow Road

Open Date: 5/16/2022

Analysis Date: 5/16/2022

ITE	Land Use	Weekday Average Daily Trips				Weekday AM Peak Hour of Adjacent Street Traffic				Weekday PM Peak Hour of Adjacent Street Traffic			
		★	Enter	Exit	Total	★	Enter	Exit	Total	★	Enter	Exit	Total
252	SENIOR ATTACHED 1		91	90	181		4	6	10		7	6	13
	49 Dwelling Units												
Unadjusted Volume			91	90	181		4	6	10		7	6	13
Internal Capture Trips			0	0	0		0	0	0		0	0	0
Pass-By Trips			0	0	0		0	0	0		0	0	0
Volume Added to Adjacent Streets			91	90	181		4	6	10		7	6	13

Total Weekday Average Daily Trips Internal Capture = 0 Percent

Total Weekday AM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent

Total Weekday PM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent

★ - Custom rate used for selected time period.

Source: Institute of Transportation Engineers, Trip Generation Manual 10th Edition

TRIP GENERATION 10, TRAFFICWARE, LLC

P. 1

Appendix C

Crash Summary Report

CRASH SUMMARY REPORT

Jim Crow Road

Created on May 16, 2022

Created by Chris Maddox

Data extents: May 10, 2018 to March 20, 2019



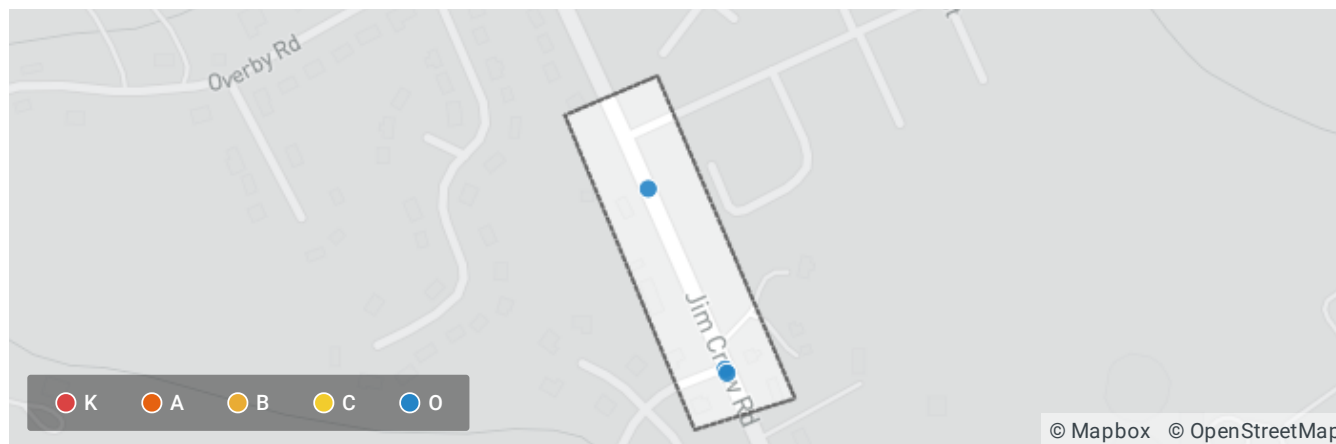
Applied Filters

Date and Time (Year)

≤≥

2015 - 2020

Shape: Polygon



Total Crashes

3

Fatal Crashes

0

GDOT Summary

Collisions Dataset

Total Crashes

3

100.00%

Distracted Driver (Suspected)

2

66.67%

Single Motor Vehicle Involved

2

66.67%

Intersection Related

1

33.33%

+ 7 more

0

0%

KABCO Severity

Collisions Dataset

(0) No Injury

3

100.00%

+ 5 more

0

0%

Date and Time (Year)

Collisions Dataset

2019

1

33.33%

2018

2

66.67%

+ 6 more

0

0%

Date and Time (Hour of Day)

Collisions Dataset

6 am - 8 am

1

33.33%

8 am - 10 am

1

33.33%

4 pm - 6 pm	1	33.33%
+ 9 more	0	0%
Manner of Collision (Crash Level)	Collisions Dataset	
Not a Collision with Motor Vehicle	2	66.67%
Rear End	1	33.33%
+ 7 more	0	0%
Location at Impact (Crash Level)	Collisions Dataset	
On Roadway - Non-Intersection	1	33.33%
On Roadway - Roadway Intersection	1	33.33%
On Shoulder	1	33.33%
+ 14 more	0	0%
Most Harmful Event (Crash Level)	Collisions Dataset	
Animal	1	33.33%
Mail Box	1	33.33%
Motor Vehicle in Motion	1	33.33%
+ 35 more	0	0%
Operator / Driver Contributing Factor	Collisions Dataset	
No Contributing Factors	2	66.67%
Following Too Close	1	33.33%
Other	1	33.33%
+ 40 more	0	0%
Area: County	Collisions Dataset	
Hall	3	100.00%
+ 158 more	0	0%
Area: District (Crash Level)	Collisions Dataset	
D1	3	100.00%
+ 6 more	0	0%
Safety Equipment (Crash Level)	Collisions Dataset	
Lap and Shoulder Belt Used	3	100.00%
+ 12 more	0	0%



REZONING APPLICATION

Date: 2/1/23

Address of Request: 7004 Lake Sterling Blvd
Flowerly Branch 30542

Tax Map # 15047 000104 Current Zoning: PUD

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

Currently a conforming use? YES

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

Applicant Information

Name: Matt Rains DBA SOTL LLC

Address: 7004 Lake Sterling Blvd

E-mail address: mattrains@pendrealty.com

Phone number: 404 991 0829

Signature: [Signature]

Notary:



[Signature]



Property owner information (if different than the applicant)

Property owner (please print): _____

Signature of property owner: _____

Notary:

Property Information

Tax Map Number: 15047 000 104

Current Zoning: PUD Total Acres: .46

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

Proposed City of Flowery Branch Zoning: PUD w/ condition change

Current Use: Office

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

NONE

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

NONE

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

NONE



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: Richard J. Atkinson

Date: _____ Total Fee: _____

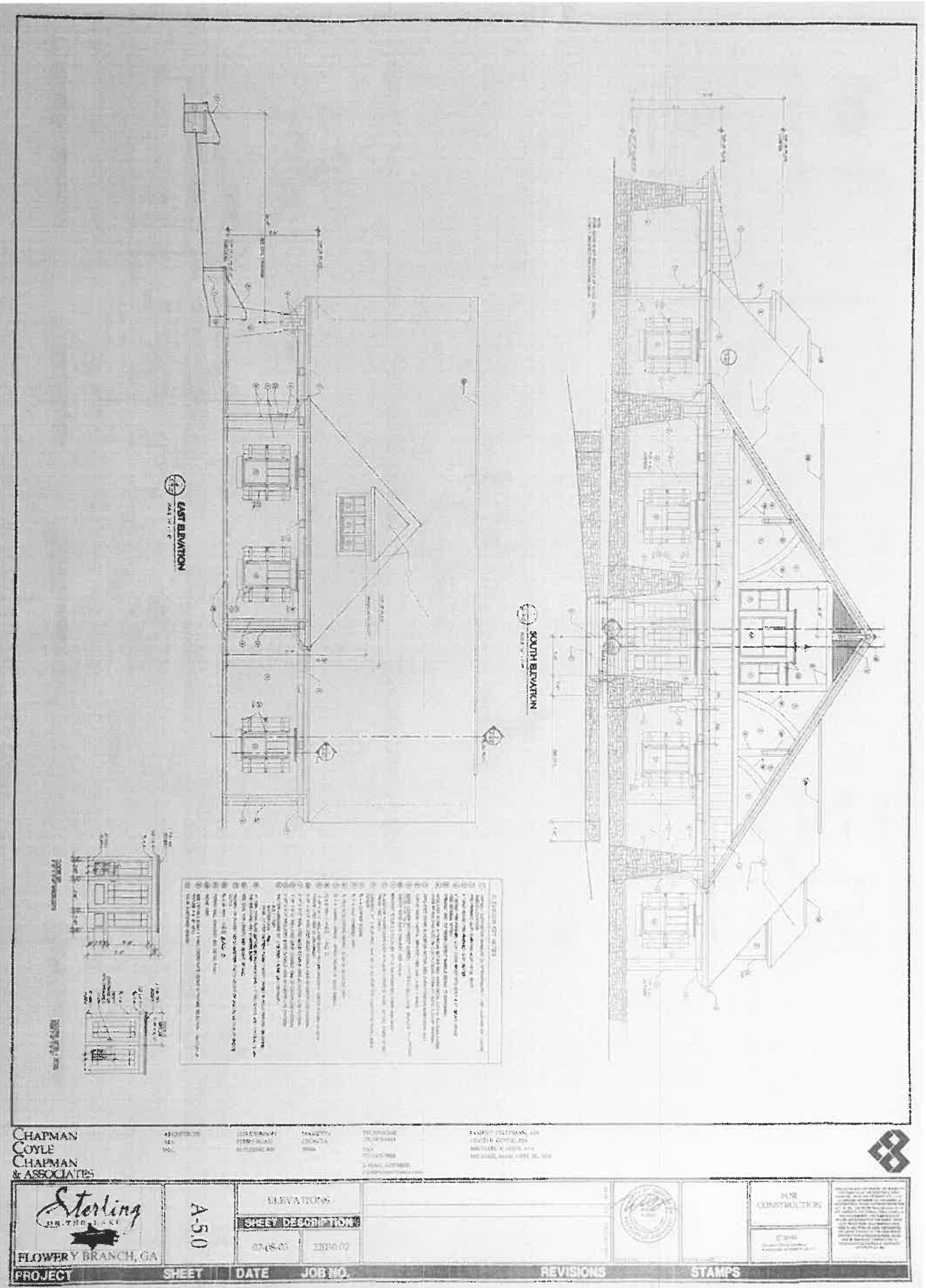


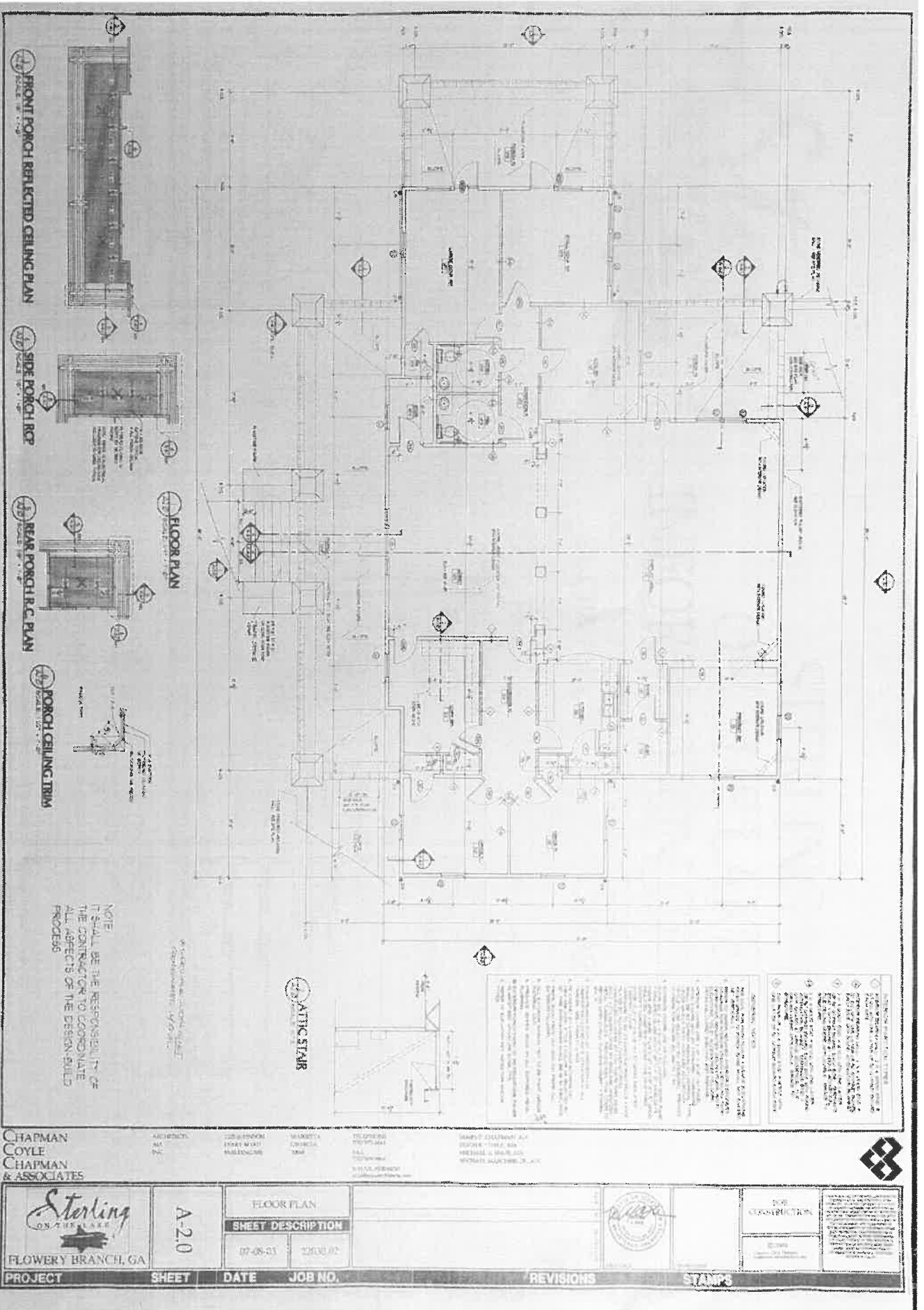
Flowery Branch

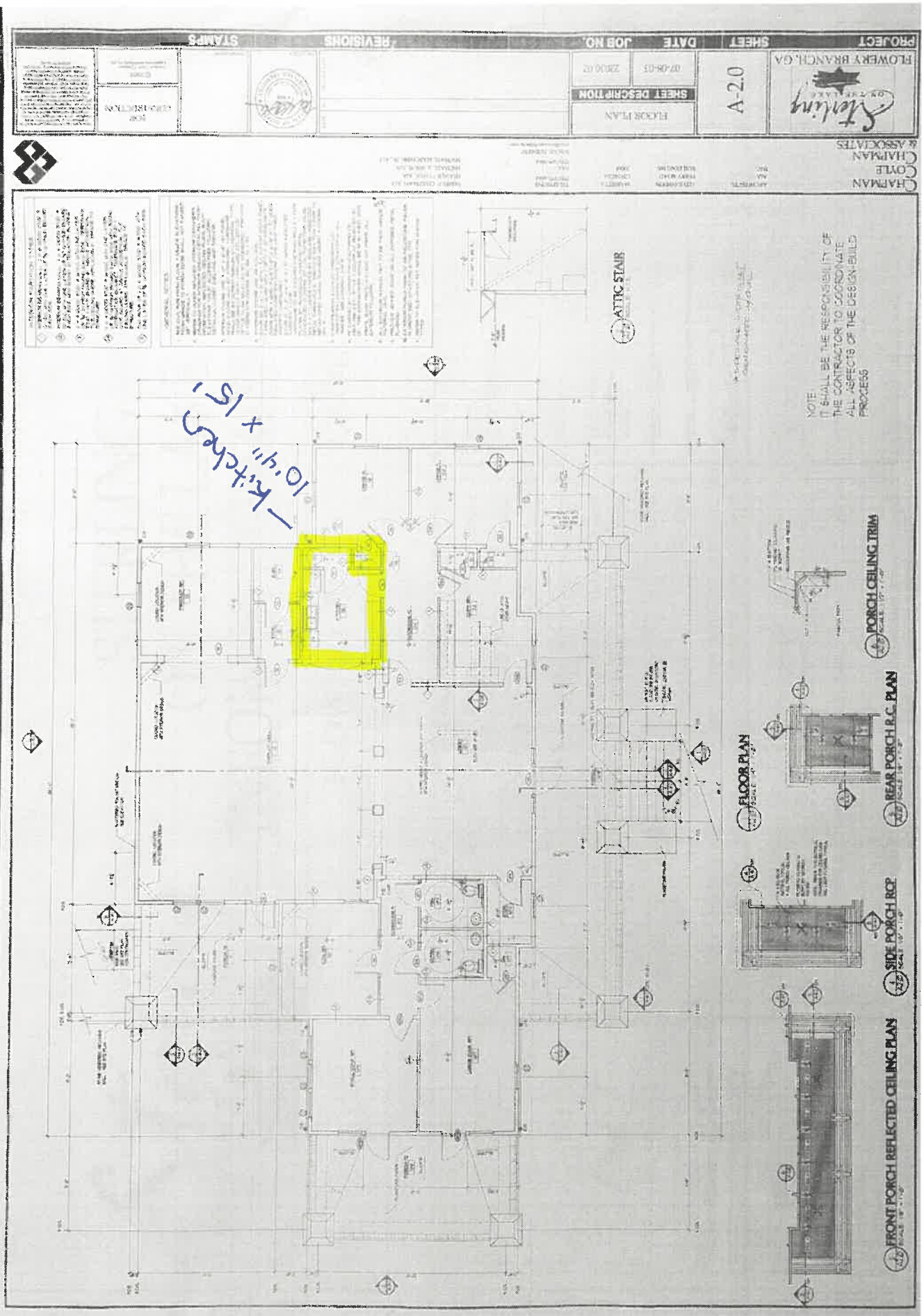
EXHIBIT "A" DESCRIPTION OF PROPERTY

All that tract or parcel of land lying and being in Flowery Branch GMD 1270, Hall County, Georgia, being Lot 1 as shown on that certain Boundary Survey for NNP-Looper Lake, LLC, being Sterling on the Lake Lot 1 (MHP), prepared by Rochester & Associates, Inc., containing the seal of Richard E. Millard, G.R.L.S. No. 3044, dated October 26, 2012, and recorded on February 13, 2013 in Plat Book 866, page 147, Hall County, Georgia land records; reference to said plat of survey and the record thereof being hereby made for a more complete description.

Initial: 







Adjoining Property
owner

Summary

Parcel Number 15047 000105
Location Address 7010 TREE HOUSE WAY
Legal Description STERLING ON THE LAKE MDL HM LT 2 & PT LT 122
 (Note: Not to be used on legal documents)
Class R3-Residential
 (Note: This is for tax purposes only. Not to be used for zoning.)
Zoning Note: Refer to map zoning layer for official zoning.
Tax District FLOWERY BRANCH (District 03)
Millage Rate 31.952
Acres 0.33
Neighborhood 05037 Sterling (05037)
Homestead Exemption No (S0-)
Landlot/District N/A

[View Map](#)



Owner

KEITH D DUNPHY
DUNPHY MICHELE A
 7010 TREE HOUSE WAY
 FLOWERY BRANCH, GA 30542

Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Residential	05037 Sterling	Square Feet	22,843	0	0	0.33	1

Residential Improvement Information

Style 1 Single Family Detached
Heated Square Feet 3186
Interior Walls Sheetrock
Exterior Walls Masonry/Siding
Foundation Full Part Finished Basement
Attic Square Feet 0
Basement Square Feet 1810 - 50% Finished
Year Built 2004
Roof Type Asphalt Shingle
Flooring Type Not Itemized
Heating Type Central Heat/AC
Number Of Rooms 10
Number Of Bedrooms 4
Number Of Full Bathrooms 4
Number Of Half Bathrooms 0
Number Of Plumbing Extras 9
Value \$429,600
Condition Average
Fireplaces\Appliances METAL FP 3

Accessory Information

Description	Year Built	Dimensions/Units	Identical Units	Value
Homesite - Average	2004	0x0 / 1	1	\$5,000

[What are Homesites?](#)

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
6/27/2011	6856 44	838 41	\$422,500	VALID IMPROVED PROPERTY	WH BUILDERS, LP	DUNPHY KEITH D
12/30/2003	4852 187	838 41	\$140,000	NOT MARKET VALUE	NNP-LOOPER LANE LLC	WH BUILDERS, LP
12/30/2003	4852 187	838 41	\$140,000		NNP-LOOPER LANE LLC	WH BUILDERS, LP

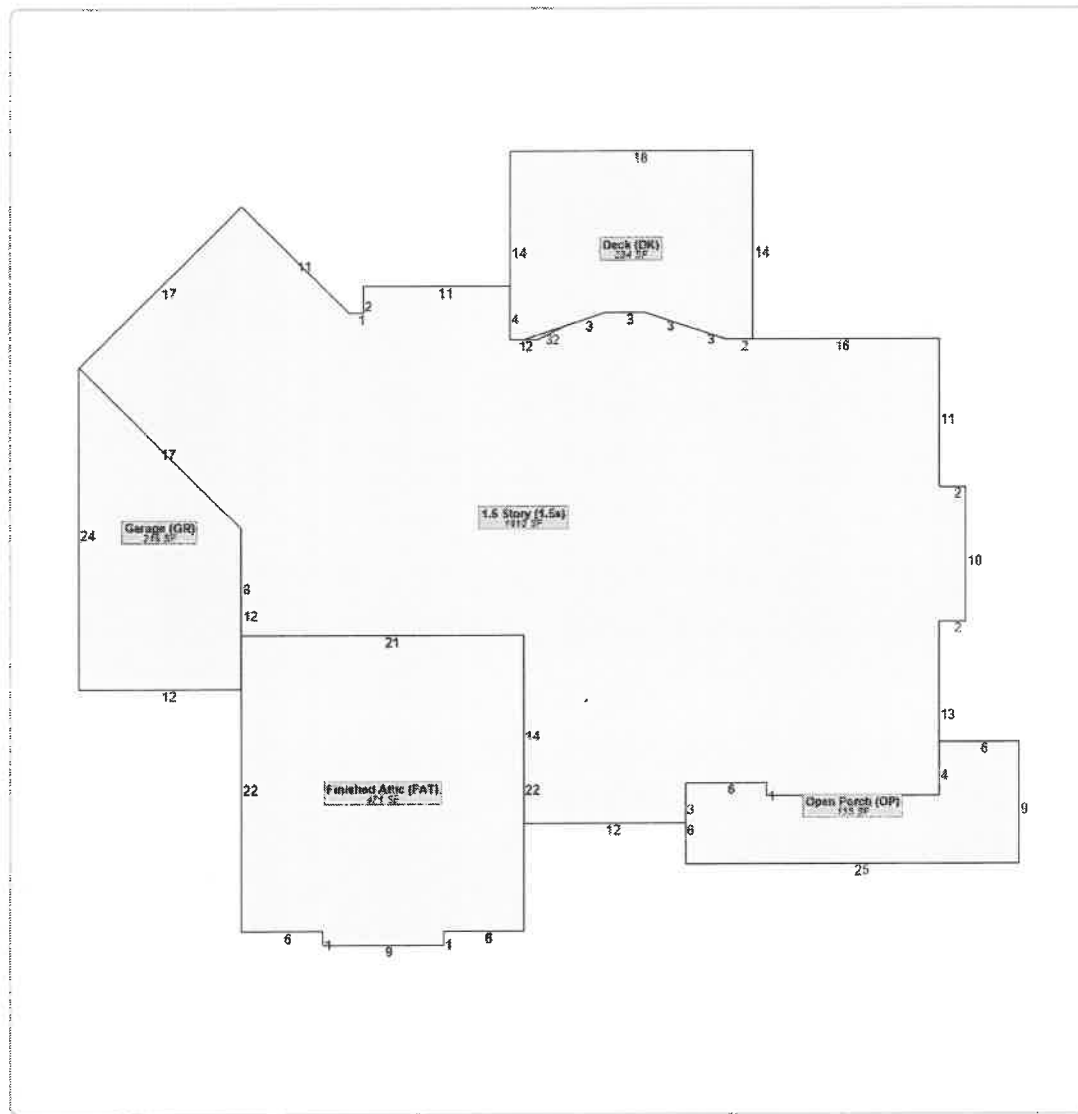
Valuation

	2022	2021	2020
Previous Value	\$475,100	\$446,300	\$452,100
Land Value	\$106,200	\$71,900	\$63,900
+ Improvement Value	\$429,600	\$398,200	\$377,400
+ Accessory Value	\$5,000	\$5,000	\$5,000
= Current Value	\$540,800	\$475,100	\$446,300

Assessment Notice
[2020 Assessment Notice \(PDF\)](#)
[2021 Assessment Notice \(PDF\)](#)
[2022 Assessment Notice \(PDF\)](#)
Tax Detail

Tax Type	Description	Asmt Pct	Cov Exempt	HS Exempt	Millage	Est Tax
2	NET COUNTY 120	0.4			4.636	\$1,002.86
3	SCHOOL140	0.4			16.485	\$3,566.04
5	NET INC FIRE 161	0.4			4.08	\$882.59
9	FLOWERY BRANCH M&O	0.4			3.264	\$706.07
27	EMERGENCY SERVICES	0.4			0.571	\$123.52
29	PARKS & LEISURE	0.4			0.364	\$78.74
32	SCHOOL BOND 145	0.4			0.5	\$108.16

Total Est Tax \$6,467.98
Photos**Sketches**



No data available for the following modules: Assessment Appeals Process, Linked Personal Property, Rural Land, Conservation Use Rural Land, Commercial Improvement Information, Mobile Homes, Prebill Mobile Homes, Permits.

NOTICE TO PROPERTY OWNERS AND OCCUPANTS: In accordance with Georgia law (OCGA 43-5-264.1) please be advised that the properties located in Hall County may be visited by our appraisal staff concerning an appeal filed, return filed, construction of new improvements or additions and/or conservation use applications or during the course of the normal property appraisal process. The Appraiser/Data Collector will have a photo identification badge and will be driving an appropriately marked vehicle. If

[User Privacy Policy](#)
[GDPR Privacy Notice](#)

Last Data Upload: 2/15/2023, 11:43:01 PM

Developed by
Schneider
 GEOSPATIAL

Version 2.3 2/16

7004 Lake Sterling Blvd, Flowery Branch GA, 30542
SOTL LLC
Owner - Matthew Rains
404-991-0829

Change of Zoning Request

Description of Request

The office building known as the "Information Center" inside Sterling on the Lake will remain an office space as it has been since its opening in 2004. The request we are asking is that the special use zoning be amended to add a "smoothie shop" or "shake shop" inside the kitchen of the building.

The kitchen inside the building is 10 foot 4 inches wide and 15 feet long. This kitchen has no cooking equipment and is simply equipped with a refrigerator, dish washer and 4 sinks as required by the Hall County Health Department.

A smoothie shop or a business of the same would be a great addition for the community of Sterling on the Lake and surrounding residents including the students at both Flowery Branch High School and Cherokee Bluff High School. The kitchen would not contain a seating area and it would be used as a small preparation kitchen that allowed residents of Flowery Branch a "pick up and go" experience. Much like the popular pick up option at Starbucks.

Please consider this as a benefit to the residents of Sterling on the Lake as they have pleaded for a "restaurant" inside their community but as that is not possible with the current structures in place, this is the next best option for everyone.

Reason for requesting change in special use zoning

Currently zoning does not allow for a small food prep/service establishment inside Sterling on the Lake. This small change to the specialty zoning would be an amazing addition for the residents of Sterling and the residents of Flowery Branch.

24. **Permitted Uses for the Information Center/Sales Office Site.** The Information Center/Sales Office (1.1 ± acre site) may be utilized for other non-residential uses, upon its discontinuance as an information center, but such uses shall be limited to the following:

Ordinance No. 239-D & 240-D
Page 17 of 27

- a. Office.
- b. Day care center (serving no more than 17 persons).
- c. Art gallery.
- d. Business service establishment, not exceeding 3,500 square feet of gross floor area (including; finance, insurance, and real estate establishment and not including bank).
- e. Museum.
- f. School for the arts.
- g. None of the above facilities may have drive-through facilities.

To whom it may concern,

I hereby authorize the City of Flowery Branch staff and/or City Council to inspect the subject property located at 7004 Lake Sterling Blvd, Flowery Branch, GA 30542 in specific regards to the special zoning change request submitted to the city of Flowery Branch.

Please contact Matt Rains at 404-991-0829 or by email at MattRains@PENDRealty.com

Thank you

Matt Rains
SOTL LLC

A handwritten signature in blue ink, appearing to read "Matt Rains", followed by a large, stylized flourish or checkmark.

2-14-23

Article 34.6

- a) Height of buildings will not change
- b) Square footage of buildings will not change
- c) No structures are proposed
- d) No material lists required
- e) No dwelling units
- f) No additional building area
- g) No change in landscaped area
- h) Currently 14 Parking Spaces
- i) No additional information required

Article 34.7

- a) The use change will be suitable for use inside a PUD community such as Sterling on the Lake
- b) The proposed change will not adversely affect existing use or usability of adjacent or nearby properties
- c) The change would allow a reasonable economic use for the community of Sterling on the Lake and the area of Flowery Branch
- d) The change would not put a strain on any existing streets, transportation, utilities or schools.
- e) The proposal is in conformity with the intent of the comprehensive zoning plan.
- f) No existing or changing conditions noted
- g) Existing zoning attached.
- h) Value of the property would neither increase nor decrease with the proposed special zoning change.
- i) No value changes to the adjacent or adjoining properties based on the proposed special zoning change request.
- j) No creation of an isolated zoning district would be requested or required.
- k) No effects of the zoning district map.
- l) No impact change on the environment.
- m) The change in special use zoning requested will not the purpose of the overall zoning scheme.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: A Public Hearing to Consider a Variance Request submitted by Stanton E. Porter allowing Fuel Pumps to be Located in Front of the Primary Structure at 4603 Atlanta Highway.

COUNCIL MEETING DATE: April 20, 2023

HISTORY:

FACTS AND ISSUES:

Applicant wished relief from Article 10, section 10.9 (f) of the zoning ordinance which requires fuel pumps to be located behind the primary structure.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

No action at this time - public hearing only.

SAMPLE MOTION:

No motion at this time

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

- [letter of intent.pdf](#)
- [Thurmond Tanner Pkwy Retail Center Site Plan_6-24-22.pdf](#)
- [signed variance app.pdf](#)
- [Landscape plan.pdf](#)

STANTONPORTER LAW

Winder:
73 Church Street
P.O. Box 88
Winder, Georgia 30680
470.997.2010
stanton@stantonporter.com

Athens:
2005 South Milledge Avenue
Suite 101
Athens, Georgia 30606
(By Appointment Only)

February 9, 2023

City of Flowery Branch
5410 Pine Street
Flowery Branch, Georgia 30542

Re: Variance Application for Flowery Branch Development

Greetings:

This variance application concerns a variance necessary for the development of one tract of land located at 4603 Atlanta Highway. The end product will be a convenience store with fuel pumps as shown on the included concept plan. The variance needed is as follows:

1. *Section 10.9(f) Activity Centers Including Automobile-Related Establishments:* The code requires that a convenience store should locate fuel pumps behind the principal structure in order to screen the pumps from the street. It further provides that if the fuel pumps are not located in the rear of the primary structure, then landscaping should be required. **(Since there will be two entrances, a variance is needed to allow for the gas pumps to be placed in front of the convenience store as shown on the concept plan).**

Regarding the factors that the Board should consider, the following is provided:

1. The variance requested is the minimum variance that will make possible the proposed use of the property.
2. There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property due to its size and shape that are not applicable to other properties in the same district. The Planning Director's own emails agree that it isn't possible to comply with the code at this site with a variance. I have included said emails.
3. This variance request would not adversely affect the existing use or usability of adjacent or nearby property.
4. This variance request will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

The denial of this variance, will result in substantial monetary damage to the owner. Pursuant to the email correspondence with the City, the property owner was informed that a variance would not be needed for the subject property only to be informed later that a variance application

will be required. Furthermore, the denial of this request will violate the owner's rights of due process and equal protection, procedural and substantive, and violation of Article I, Section I, Paragraphs 1 and 2, and Article I, Section III, Paragraph 1 of the Georgia Constitution and the Fifth and Fourteenth Amendments to the United States Constitution. Denial of the variance request will destroy owner's property rights without first paying just compensation. A denial of this application would constitute an arbitrary and capricious act by the City of Flowery Branch without any rational basis therefor, constituting an abuse of discretion. A refusal to grant the variance for the subject property so as to permit the only feasible economic use of the property would be unconstitutional and would discriminate in an arbitrary and capricious and unreasonable manner between the owner and owners' of similarly situated property. This application meets the prescribed test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning as an expression of the government's police power.

For the foregoing reasons, the applicant and owner respectfully request that this variance be approved.

Sincerely,

Stanton Porter Law, LLC

By: _____

Stanton E. Porter

Meghan Wyatt

From: HH <hhamirani@gmail.com>
Sent: Friday, December 16, 2022 4:19 PM
To: Stanton Porter
Subject: Fwd: FW: proposed site at Atlanta Hwy and Thrumond Tanner Pkwy
Attachments: Thurmond Tanner Pkwy Retail Center Site Plan_6-24-22.pdf

----- Forwarded message -----

From: Jon Evans <jevans@evansdg.com>
Date: Mon, Dec 12, 2022 at 3:55 PM
Subject: FW: proposed site at Atlanta Hwy and Thrumond Tanner Pkwy
To: HH <hhamirani@gmail.com>

Husein,

In our coordination with Rich Atkinson with the City of Flowery Branch to submit this project in for review he responded below. This is contrary to the email (scroll down further in this email chain) and meeting I had with him in July. He is now saying either apply for variance or change layout to have pumps in the front. I have called him to discuss further, but got his voicemail.

Jon M. Evans, P.E.

Evans Design Group, Inc.

4755 Summer Song Court

Buford, GA 30519

678-207-6830

From: Richard Atkinson <rich@flowerybranchga.org>
Sent: Thursday, December 8, 2022 10:52 AM
To: Ryder Amthor <ramthor@evansdg.com>
Subject: Re: proposed site at Atlanta Hwy and Thrumond Tanner Pkwy

Good Morning

Our city attorney has informed me that the practice of allowing the pumps to be installed in front of the primary structure is not legal without a variance. Having two entrances does not matter. He just overturned my decision last week on another case. Sorry, but I am no longer allowed to approve the plan as shown. You will need to adjust the plan or apply for a variance.

Rich Atkinson

Director of Planning & Community Development

5410 Pine Street

P.O Box 757

Flowery Branch, GA 30542

(770) 967.6378

From: Ryder Amthor <ramthor@evansdg.com>
Sent: Wednesday, December 7, 2022 4:42 PM
To: Richard Atkinson <rich@flowerybranchga.org>
Cc: Jon Evans <jevans@evansdg.com>
Subject: RE: proposed site at Atlanta Hwy and Thrumond Tanner Pkwy

CAUTION: This email originated from outside of the City of Flowery Branch, GA email system. Maintain caution when opening external links/attachments

Rich,

Can you let me know what the LDP submittal requirements and process are?

Thanks,

Ryder Amthor

Evans Design Group, Inc.

678-548-6629

4755 Summer Song Court

Buford, GA 30519

From: Jon Evans <jevans@evansdg.com>

Sent: Wednesday, December 7, 2022 4:28 PM

To: Ryder Amthor <ramthor@evansdg.com>

Subject: FW: proposed site at Atlanta Hwy and Thrumond Tanner Pkwy

Jon M. Evans, P.E.

Evans Design Group, Inc.

4755 Summer Song Court

Buford, GA 30519

678-207-6830

From: Richard Atkinson <rich@flowerybranchga.org>

Sent: Wednesday, July 6, 2022 3:27 PM

To: Jon Evans <jevans@evansdg.com>

Subject: RE: proposed site at Atlanta Hwy and Thrumond Tanner Pkwy

5410 Pine Street

Sent from Mail for Windows

From: Jon Evans
Sent: Wednesday, July 6, 2022 3:17 PM
To: Richard Atkinson
Subject: RE: proposed site at Atlanta Hwy and Thrumond Tanner Pkwy

2:00 works for me. Can you confirm your address to meet?

Jon M. Evans, P.E.

Evans Design Group, Inc.

4755 Summer Song Court

Buford, GA 30519

678-207-6830

From: Richard Atkinson <rich@flowerybranchga.org>
Sent: Wednesday, July 6, 2022 3:05 PM
To: Jon Evans <jevans@evansdg.com>
Subject: Re: proposed site at Atlanta Hwy and Thrumond Tanner Pkwy

I can do 2:00 or 2:30.

Get Outlook for iOS

From: Jon Evans <jevans@evansdg.com>
Sent: Wednesday, July 6, 2022 2:59:23 PM
To: Richard Atkinson <rich@flowerybranchga.org>
Subject: FW: proposed site at Atlanta Hwy and Thrumond Tanner Pkwy

Rich,

Did you have a few minutes tomorrow we could meet and look at this?

Jon M. Evans, P.E.

Evans Design Group, Inc.

4755 Summer Song Court

Buford, GA 30519

678-207-6830

From: Jon Evans

Sent: Wednesday, July 6, 2022 8:54 AM

To: Richard Atkinson <rich@flowerybranchga.org>

Subject: RE: proposed site at Atlanta Hwy and Thrumond Tanner Pkwy

Rich,

I can meet tomorrow to discuss this. What time is good for you?

Thank you,

Jon M. Evans, P.E.

Evans Design Group, Inc.

4755 Summer Song Court

Buford, GA 30519

678-207-6830

From: Richard Atkinson <rich@flowerybranchga.org>
Sent: Tuesday, July 5, 2022 3:06 PM
To: Jon Evans <jevans@evansdg.com>
Subject: Re: proposed site at Atlanta Hwy and Thrumond Tanner Pkwy

John

Normally yes, BUT because of the two entrances the intent of locating the pumps behind the primary structure (which is to shield the pumps from view) is unattainable on this site. Therefore, you have to landscape /berm as much as possible to screen the pumps from Thurmon Tanner and Atlanta Highway. I'm behind on some ordinances and staff reports but we can discuss or meet this Thursday if that would be easier.

Thanks,

Rich

Rich Atkinson

Director of Planning & Community Development

5410 Pine Street

P.O Box 757

Flowery Branch, GA 30542

(770) 967.6378

From: Jon Evans <jevans@evansdg.com>
Sent: Tuesday, July 5, 2022 3:00 PM
To: Richard Atkinson <rich@flowerybranchga.org>
Subject: RE: proposed site at Atlanta Hwy and Thrumond Tanner Pkwy

Rich,

So from what you are saying below, if the owner wanted to keep the pumps in front of the building, he would have to apply for a variance?

Thanks,

Jon M. Evans, P.E.

Evans Design Group, Inc.

4755 Summer Song Court

Buford, GA 30519

678-207-6830

From: Richard Atkinson <rich@flowerybranchga.org>

Sent: Tuesday, July 5, 2022 2:17 PM

To: Jon Evans <jevans@evansdg.com>

Subject: Re: proposed site at Atlanta Hwy and Thrumond Tanner Pkwy

With two entrances you cannot screen the pumps with the primary structure - you will see them from either Atlanta Highway or Thurmon Tanner - so you will need to landscape appropriately. The ordinance that is officially adopted states that they shall be located behind the primary structure - but I don't think it would make any difference here and would not meet the intent of the requirement. Sorry for any confusion.

Rich Atkinson

Director of Planning & Community Development

5410 Pine Street

P.O Box 757

Flowery Branch, GA 30542

(770) 967.6378

From: Jon Evans <jevans@evansdg.com>

Sent: Tuesday, July 5, 2022 1:56 PM

To: Richard Atkinson <rich@flowerybranchga.org>

Subject: RE: proposed site at Atlanta Hwy and Thrumond Tanner Pkwy

Rich,

In the attached version of this part your ordinance (from 12-22-2020) the 10.9(f) reads differently. In this newer version, than the 2018 version you sent me, it states "Convenience stores should be located in the rear of the building for effective screening. But goes on to say "however, if fuel pumps are not located in the rear of the building, then additional landscaping should be required. So is this a matter of just designing additional landscaping in the front if pumps stay in front of the store? Or would it require a variance to keep pumps in front of the building? it seems that since it says should then goes on to mention the extra landscaping that it is a case by case decision by maybe yourself or others in your department to allow pumps to be in front of the building. Please advise.

Thank you,

Jon M. Evans, P.E.

Evans Design Group, Inc.

4755 Summer Song Court

Buford, GA 30519

678-207-6830

From: Richard Atkinson <rich@flowerybranchga.org>

Sent: Thursday, June 30, 2022 4:17 PM

To: Jon Evans <jevans@evansdg.com>

Subject: Re: proposed site at Atlanta Hwy and Thrumond Tanner Pkwy

Hey Jon

Take a look at the attached. I think you can make the argument that you are unable to meet the pumps behind the primary structure requirement as you have two entrances, but you would need to provide heavy landscaping to attempt to shield the pumps. There are some other requirements you should review before a formal submittal. If you have any questions let me know. I will be out of the office until Tuesday.

Enjoy your 4th!

Rich

Rich Atkinson

Director of Planning & Community Development

5410 Pine Street

P.O Box 757

Flowery Branch, GA 30542

(770) 967.6378

From: Richard Atkinson <rich@flowerybranchga.org>

Sent: Monday, June 27, 2022 9:19 AM

To: Jon Evans <jevans@evansdg.com>

Subject: RE: proposed site at Atlanta Hwy and Thrumond Tanner Pkwy

Hey John

Yes, I will take a look this week.

Thanks,

Rich

Rich Atkinson

Director of Planning & Community Development



From: Jon Evans

Sent: Friday, June 24, 2022 1:35 PM

To: Richard Atkinson

Subject: proposed site at Atlanta Hwy and Thrumond Tanner Pkwy

Rich,

Could you please look over the attached proposed site plan for this property and provide feedback on the proposed layout and any other important information you may be able to share?

Thank you,

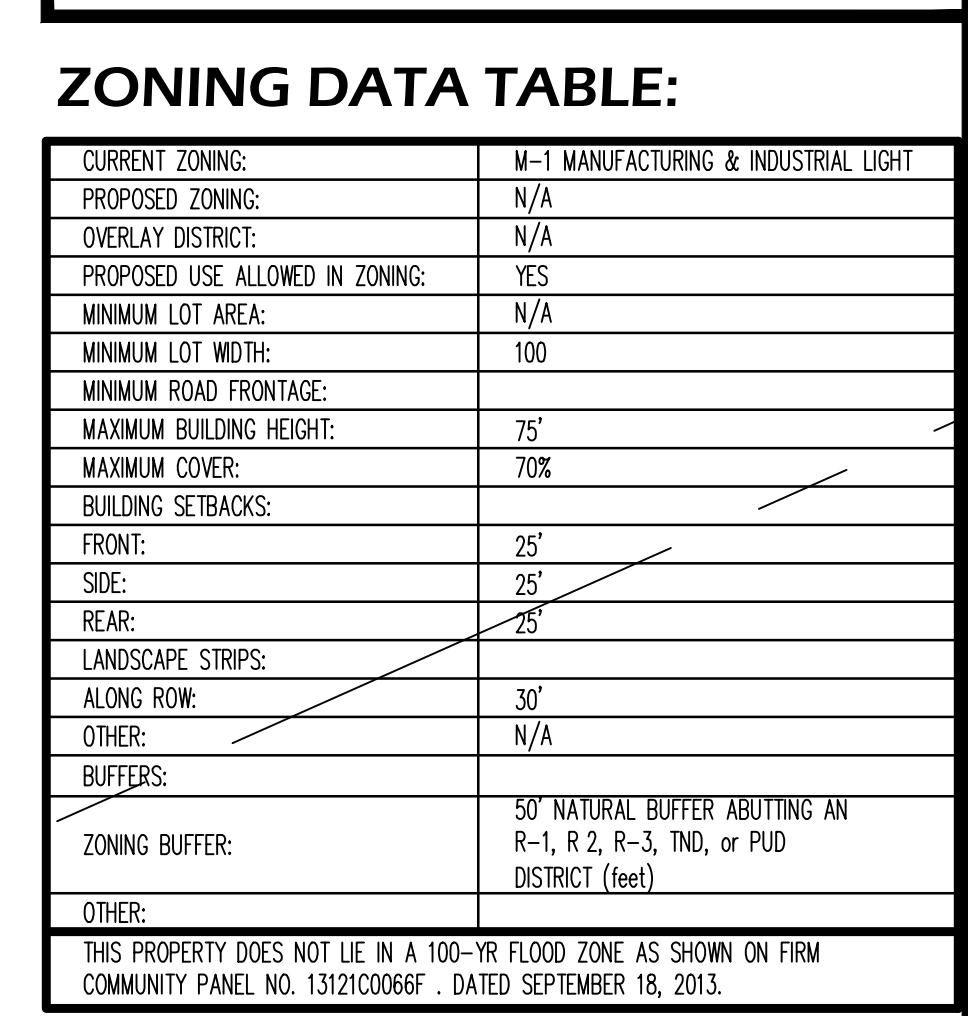
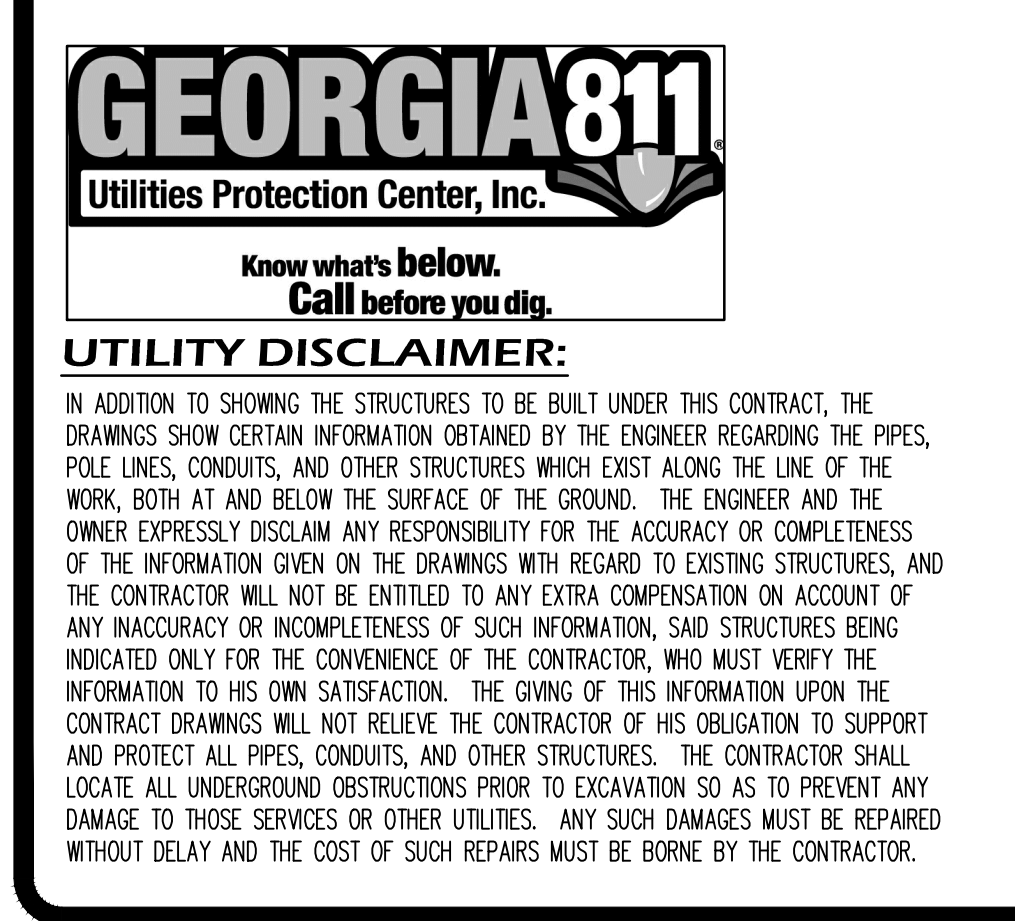
Jon M. Evans, P.E.

Evans Design Group, Inc.

4755 Summer Song Court

Buford, GA 30519

678-207-6830



KING REQUIREMENTS:			
REQUIREMENT:	REQUIRED MAXIMUM	REQUIRED MINIMUM	TOTAL PARKING
INCE STORE & RETAIL SPACE			
SPACE PER 200 S.F. (MIN) SPACE PER 150 S.F. (MAX)	(4,500 S.F.) 30	23	23*
SPACE PER 275 S.F. (MIN) SPACE PER 250 S.F. (MAX)	(1,290 S.F.) 6	5	5
T 1 SPACE PER 125 S.F. (MIN) T 1 SPACE PER 75 S.F. (MAX)	(1,290 S.F.) 18	11	11
TOTAL	54	39	39*

* INCLUDES 2 A.D.A. SPACES (2 REQUIRED)

NAME
ADDRESS

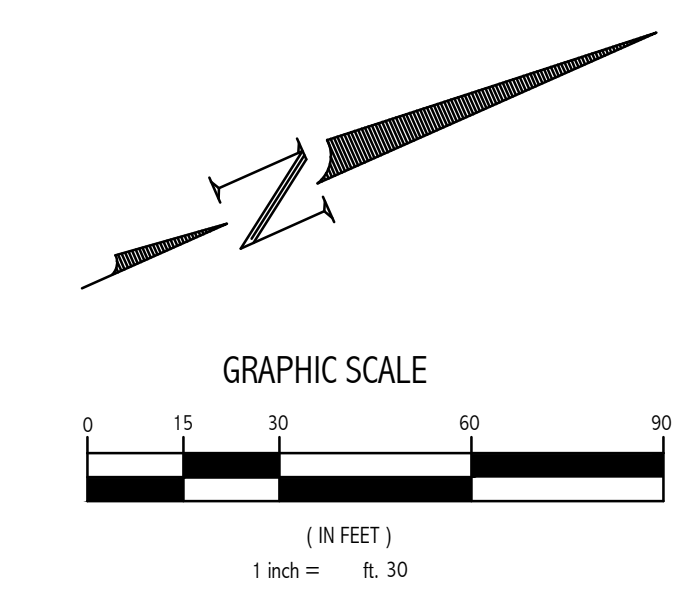
PHONE
EMAIL

24-HR CONTACT:

NAME
PHONE
EMAIL

ENGINEER:

EVANS DESIGN GROUP, INC
4755 SUMMER SONG COURT
BUFORD, GA 30519
678.207.6830 (Ph)
CONTACT: JON M. EVANS, P.E.



 Design Group, Inc. Civil Engineering / Site Planning Land Development Services 4755 Summer Song Court Buford, GA 30519 (Ph) 678.207.6830 jevans@evansdsg.com																																			
 GSWCC LEVEL II CERT. # 10877																																			
PROJECT NAME FLOWERY BRANCH C-STORE & RETAIL																																			
<u>4603 ATLANTA HWY</u> <u>L.L. 92, 8th DIST.</u> <u>CITY OF FLOWERY</u> <u>BRANCH, GEORGIA</u>																																			
DATE: 6/16/22																																			
DESIGN BY	DRAWN BY	CHECKED BY																																	
JME	JME	JME																																	
☒ Not Released For Construction ☐ Released For Construction																																			
<u>OWNER/DEVELOPER</u>																																			
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REVISIONS <table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 5%;"> </td><td style="width: 15%;"> </td><td style="width: 80%;"> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></table>																																			
JOB NUMBER: 22-029																																			
SHEET TITLE SITE PLAN C-4																																			



VARIANCE APPLICATION

Address of Request:

4603 Atlanta Highway, Flowery Branch, Georgia 30542

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:

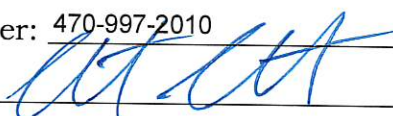
The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare. Additionally, the special circumstances are not the result of the actions of the applicant and the variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed.

Applicant: Stanton E. Porter

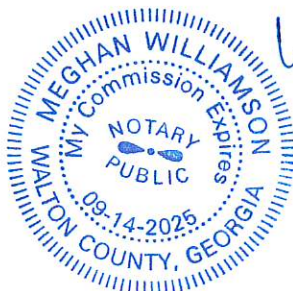
Address: P.O. Box 88, Winder, Georgia 30680

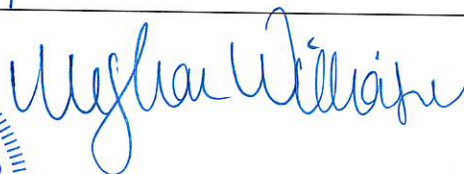
E-mail address: stanton@stantonporter.com

Phone number: 470-997-2010

Signature: 

Notary Seal:







Property owner information (if different than the applicant)

Property owner (please print): 1618 Land Holdings, LLC

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

None.

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

None.

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

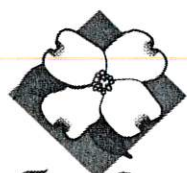
None.

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



Flowery Branch

PLANT LIST:				
QTY	SYM	BOTANICAL NAME	COMMON NAME	%TOTAL SIZE
CANOPY TREES				
5	Ar	Acer rubrum	Red Maple	31.3 3"
6	Up	Ulmus parvifolia 'Athena'	Athena Chinese Elm	37.5 3"
5	Zs	Zelkova serrata	Japanese Zelkova	31.3 3"
16	TREE TOTALS			

PARKING LOT TREES:

ONE (1) TREE FOR EACH 10 PARKING SPACES

39 PROPOSED PARKING SPACES

4 TREES REQUIRED

4 TREES PROVIDED

30' LANDSCAPE STRIP:

ONE (1) TREE FOR EACH 40 LINEAR FEET OF LANDSCAPE STRIP

320.0 L.F. ALONG THURMON TANNER PARKWAY

EXCLUDING BUFFERS AND DRIVEWAYS

8 TREES REQUIRED

8 TREES PROVIDED

160.0 L.F. ALONG ATLANTA HIGHWAY

EXCLUDING BUFFERS AND DRIVEWAYS

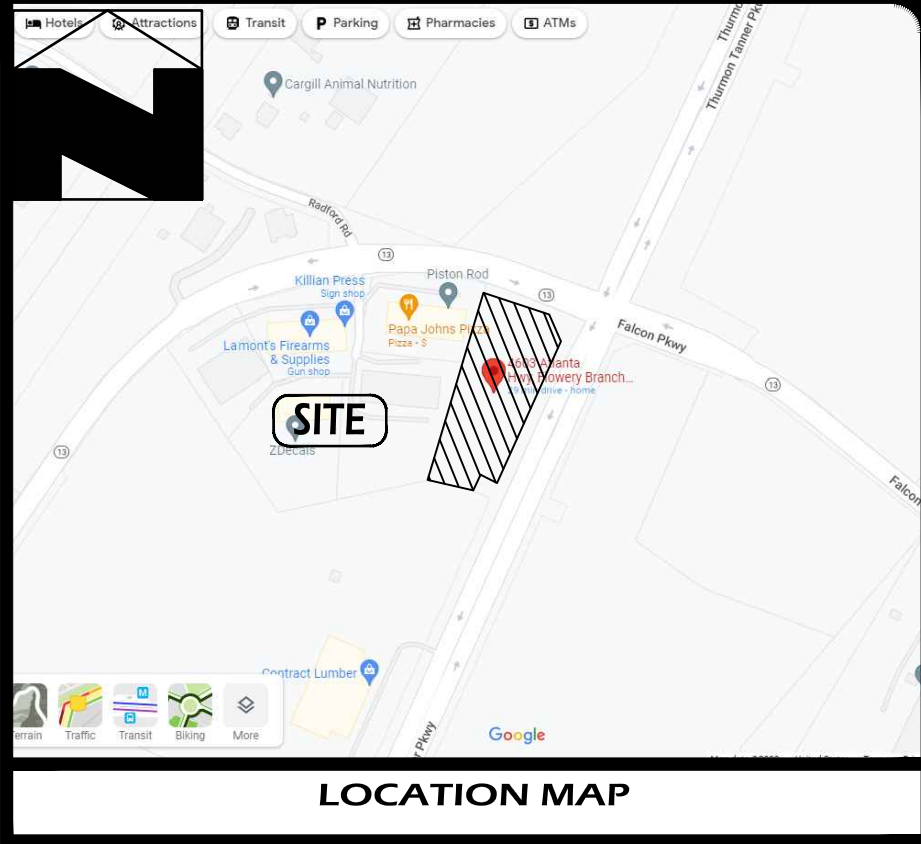
4 TREES REQUIRED

5 TREES PROVIDED

N/F
ELIZABETH FAYE GREENWAY
DB-7780 PG-527
DB-5076 PG-428
PARCEL ID: 08092 001024
4611 ELK RIDGE CT
ZONED M-1

N/F
HUTCH LLC
DB-8075 PG-788
PARCEL ID: 08092 001024
4605 ELK RIDGE CT
ZONED M-1

APPROXIMATE LOCATION
PER P.B.-845, PG-3
UNABLE TO RECOVER
FORCE MAIN



Evans Design Group, Inc.
Civil Engineering /
Site Planning /
Land Development Services
4755 Summer Song Court
Buford, GA 30519
(Ph) 678.207.6830
jevans@evansdg.com

REGISTERED
NO. 28681
PROFESSIONAL
ENGINEER
JON M. EVANS
12-22-22
CSWCC LEVEL II CERT. # 10877

PROJECT NAME
**FLOWERY
BRANCH
C-STORE &
RETAIL**

**4603 ATLANTA HWY
I.I. 92, 8th DIST.
CITY OF FLOWERY
BRANCH, GEORGIA**

DATE:
6/16/22

DESIGN BY: JME
DRAWN BY: JME
CHECKED BY: JME

☒ Not Released For Construction
☐ Released For Construction

OWNER/DEVELOPER

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OTHER THAN THAT SPECIFICALLY INDICATED
HEREIN WITHOUT WRITTEN PERMISSION
FROM AND DUE COMPENSATION TO EVANS
DESIGN GROUP, INC.

REVISIONS	
1	12-22-22
FIRST SUBMITTAL	

JOB NUMBER:
22-029

SHEET TITLE
**LANDSCAPE
PLAN
C-11**

GEORGIA811
Utilities Protection Center, Inc.
Know what's below.
Call before you dig.

UTILITY DISCLAIMER:

IN ADDITION TO SHOWING THE STRUCTURES TO BE BUILT UNDER THIS CONTRACT, THE DRAWINGS SHOW CERTAIN INFORMATION OBTAINED BY THE ENGINEER REGARDING THE PIPES, POLE LINES, CONDUITS, AND OTHER STRUCTURES WHICH EXIST ALONG THE LINE OF THE WORK, BOTH AT AND BELOW THE SURFACE OF THE GROUND. THE ENGINEER AND THE OWNER EXPRESSLY DISCLAIM ANY RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF THE INFORMATION GIVEN ON THE DRAWINGS WITH REGARD TO EXISTING STRUCTURES, AND THE CONTRACTOR WILL NOT BE ENTITLED TO ANY EXTRA COMPENSATION ON ACCOUNT OF ANY INACCURACY OR INCOMPLETENESS OF SUCH INFORMATION, SAID STRUCTURES BEING INDICATED ONLY FOR THE CONVENIENCE OF THE CONTRACTOR, WHO MUST VERIFY THE INFORMATION TO HIS OWN SATISFACTION. THE GIVING OF THIS INFORMATION UPON THE CONTRACT DRAWINGS WILL NOT RELIEVE THE CONTRACTOR OF HIS OBLIGATION TO SUPPORT AND PROTECT ALL PIPES, CONDUITS, AND OTHER STRUCTURES. THE CONTRACTOR SHALL LOCATE ALL UNDERGROUND OBSTRUCTIONS PRIOR TO EXCAVATION SO AS TO PREVENT ANY DAMAGE TO THOSE SERVICES OR OTHER UTILITIES. ANY SUCH DAMAGES MUST BE REPAIRED WITHOUT DELAY AND THE COST OF SUCH REPAIRS MUST BE BORNE BY THE CONTRACTOR.

PLANT LEGEND:

- Athena Chinese Elm
- Japanese Zelkova
- Red Maple

OWNER/DEVELOPER:

1618 LAND HOLDINGS LLC
1550 N BROWN RD SUITE 130,
LAWRENCEVILLE, GA 30043
LEAH CRUZ

24-HR CONTACT:

YUSUF ALI
770.617.4527

ENGINEER:

EVANS DESIGN GROUP, INC
4755 SUMMER SONG COURT
BUFORD, GA 30519
678.207.6830 (Ph)
CONTACT: JON M. EVANS, P.E.

GRAPHIC SCALE
0 15 30 60 90
(IN FEET)
1 inch = ft. 30



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Discuss Proposed Text Amendment Implementing Zoning Ordinance Changes.

COUNCIL MEETING DATE: April 20, 2023

HISTORY:

City Council requested certain changes and updates to the current zoning ordinance to better present the standards and expectations of the City's vision for responsible development. The proposed changes will then be included in the City's Unified Development Code which is slated for adoption in the summer of 2024. Additionally, there are legal updates that need to be adopted regarding advertising time lines for rezonings, conditional use permits, and variances.

FACTS AND ISSUES:

Articles 6, 8, and 10 are rough drafts of the proposed changes. They will be updated prior to the public hearing and vote currently scheduled for May 4.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

No action at this time.

SAMPLE MOTION:

No motion - discussion only.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

- [ARTICLE_33._FINAL.pdf](#)
- [ARTICLE_34._FINAL.pdf](#)

- ARTICLE_37_FINAL.pdf
- ARTICLE_38_FINAL.pdf
- Article 6 ROUGH DRAFT.pdf
- ARTICLE_8. ROUGH DRAFT.pdf
- Article 10 ROUGH DRAFT.pdf

ARTICLE 33. - TEXT AMENDMENTS

Sec. 33.1. - Authority to Amend.

The City Council may from time to time amend any regulation pertaining to any zoning district; or may amend any other Article or Section of this Zoning Ordinance.

Sec. 33.2. - Initiation of Proposals for Text Amendments.

An application to amend the text of this Zoning Ordinance may be initiated by:

- (a) The City Council; or
- (b) The Director of Planning and Community Development.

Sec. 33.3. - Notice of Public Hearing.

At least fifteen (15) but not more than forty-five (45) days prior to the date of the public hearing before the City Council, the City shall cause to be published within a newspaper of general circulation within the city a notice of the public hearing before City Council. The notice shall state the time, place, and purpose of the public hearing.

Sec. 33.4. - Public Hearing.

The City Council shall hold a public hearing on all text amendments in accordance with the public hearing procedures specified in Article 35 of this zoning ordinance.

Sec. 33.5. - Decision.

- (a) Within a period ninety (90) calendar days from the date of the public hearing held by the City Council on any such application(s), the City Council shall render a decision on the application(s).
- (b) The City Council may approve or disapprove the proposed text amendment as written, or it may approve modifications of the text amendment as originally proposed.
- (c) In rendering a decision on any such application, the City Council shall consider all information supplied by the Director of Planning and Community Development and the standards under Sec. 33.6 below.

(Ord. No. [581](#), § 1(Exh. A), 8-1-2019)

Sec. 33.6. - Standards for Text Amendments.

The City Council shall consider the following standards in considering any proposal that would result in a change to the text of this Zoning Ordinance, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:

- (a) Is the proposed amendment consistent with the purpose of this Zoning Ordinance as stated under Article 1?
- (b) Does the proposed amendment further or is it compatible with the purpose and intent of the Comprehensive Plan?
- (c) Is the proposed amendment required to adequately address new or changing conditions or to properly implement the Comprehensive Plan?
- (d) Does the proposed amendment reasonably promote the public health, safety, morality or general welfare?

Copies of the standards for review, as outlined above, shall be printed and available for distribution to the general public at the public hearing held by the City Council.

Sec. 33.11. – Special Public Notice and Hearing Requirements for Text Amendments Pertaining to Single-Family Zoning Classifications and Multifamily Uses.

The procedures set forth in O.C.G.A. § 36-66-4(h)(1) shall apply:

- (a) Where a text amendment proposes to revise one or more zoning classifications or definitions related to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning; or
- (b) To any zoning decisions that provide for the abolition of all single-family residential zoning classifications within the territorial boundaries of a local government, or that result in the rezoning of all property zoned for single-family residential uses within the territorial boundaries of a local government to multifamily residential uses of property.

This Section shall not apply to zoning decisions for the rezoning of property from a single-family residential use of property to a multifamily residential use of property when the rezoning is initiated by the owner or authorized agent of the owner of such property.

Sec. 33.12. - Incorporation Clause.

This Article is intended to comply with the provisions of the Georgia Zoning Procedures Act, O.C.G.A. § 36-66-1 et seq., which Act is incorporated by reference in its entirety into this ordinance. Where any provision of this Article is in conflict with any provision of the Act, the Act shall control. Or where this Article is incomplete in having failed to incorporate a provision necessarily required for the implementation of the Act, such provision of the Act, so as to meet the mandate of the Act, shall be fully complied with.

ARTICLE 34. - REZONING AND CONDITIONAL USE APPLICATIONS^[9]

Footnotes:

--- (9) ---

Editor's note— [Ord. No. 348-18](#), § 1 (Exh. A), adopted Sept. 6, 2018, repealed former Art. 34, §§ 34.1—34.21, and enacted a new Art. 34 as set out herein. Former Art. 34 pertained to similar subject matter and derived from Ord. No. 348-11, § 26, 11-18-2010.

Sec. 34.1. - Authority to Amend.

City Council may from time to time amend the boundaries of any zoning district established in this Zoning Ordinance, and it may consider upon application the approval, conditional approval, or denial of conditional use applications.

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Sec. 34.2. - Initiation of Proposals for Rezoning.

An application to amend the official zoning map of the City, thus changing the boundaries of a zoning district, may be initiated by:

- (a) City Council; or
- (b) Any person, firm, corporation or agency, provided said individual, firm, corporation or agency is the owner or owner's agent of the property for which an amendment is sought.

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Sec. 34.3. - Initiation of Conditional Use Applications.

An application for conditional use may be initiated by any person, firm, corporation or agency, provided said individual, firm, corporation or agency is the owner or owner's agent of the property for which the conditional use is sought.

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Sec. 34.4. - Application Requirements.

Applications to amend the official zoning map of this zoning ordinance or for a conditional use shall require submittal of an application requirements specified in this Section. The Director of Planning and Community Development may waive the application fee and certain application requirements specified in this Section when an application for amendment of the official zoning map is initiated by City Council or authorized by the City Manager.

- (a) Application fee as specified by this ordinance or established by resolution of the City Council;
- (b) Application form furnished by the Director of Planning and Community Development, including signed and notarized signature of property owner;
- (c) Legal description of the property;
- (d) Survey plat of the property;
- (e) Letter of intent describing the proposed use of the property or other action requested;

- (f) Site plan of the property at an appropriate engineering scale showing the proposed use and relevant information regarding proposed improvements;
- (g) Statistics regarding the proposed development;
- (h) Written analysis of how the proposed action compares to decision criteria specified for deciding on the subject type of application;
- (i) Description of any special conditions voluntarily made a part of the request; and
- (j) Other information as may be required by the Director of Planning and Community Development.

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Sec. 34.5. - Site Plan Requirements.

Applications described in this Article shall include a site plan, which shall at minimum include on the site plan information specified in this Section.

- (a) Existing and proposed buildings and structures;
- (b) Parking and internal circulation;
- (c) Proposed landscaping;
- (d) Buffers, where required; and
- (e) Other information as may be required by the Director of Planning and Community Development.

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Sec. 34.6. - Development Statistics Required.

Applications described in this Article shall submit development statistics and specifications shall at minimum include on the site plan or in written form the information specified in this Section.

- (a) Maximum and proposed height of any structure;
- (b) Maximum and proposed gross square footage of the building area (nonresidential only);
- (c) Color renderings of any proposed structures;
- (d) Material list (with percentages) of any proposed structures;
- (e) Maximum and proposed number of dwelling units and minimum and proposed square footage of heated floor area for any dwelling unit (residential only);
- (f) Maximum and proposed lot coverage of building area (square feet and percent);
- (g) Minimum and proposed square footage of landscaped area (square feet and percent);
- (h) Minimum, maximum and proposed number of parking spaces; and
- (i) Other dimensional information as may be required by the Director of Planning and Community Development.

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

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 the Director of Planning and Community Development in making recommendations and by the City Council in the decision-making process.

- (a) The existing land uses and zoning classification of nearby property;
- (b) The suitability of the subject property for the zoned purposes;
- (c) The extent to which the property values of the subject property are diminished by the particular zoning restrictions;
- (d) The extent to which the diminution of property values of the subject property promotes the health, safety, morals or general welfare of the public;
- (e) The relative gain to the public, as compared to the hardship imposed upon the individual property owner;
- (f) The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property;
- (g) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- (h) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.
- (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.
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the future development map.
- (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.

Copies of the standards for rendering a zoning decision, as outlined above, shall be printed and available for distribution to the general public at the public hearing held by the City Council for each variance application.

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Sec. 34.8. - Application Compliance and Completeness.

- (a) No application described in this Article shall be processed by the Director of Planning and Community Development unless it complies with the procedural requirements of this Article and is found to be complete with regard to application materials, payment of fees, supportive materials, and any other application requirements specified by this Article.
- (b) If an application described and regulated by this Article does not comply with all provisions of this Article, the Director of Planning and Community Development shall reject the application and refuse to process it.
- (c) In cases where more than one application (rezoning, conditional use, variance) pertaining to a particular piece of property is filed simultaneously, the applicant must prepare separate applications

and meet all application requirements for each application filed; provided, however, that the Director of Planning and Community Development may waive separate site plan, fees, and the letter of intent filing requirements when they would be unnecessarily duplicative.

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Sec. 34.9. - Administrative Processing of Applications.

The Director of Planning and Community Development is hereby authorized to establish administrative deadlines for the receipt of applications specified in this Article. Upon a finding by the Director of Planning and Community Development that an application is complete and complies with the requirements of this Article, including deadlines, the application shall be marked received and approved for initiation, and the date of such consideration shall be indicated in the file of the application.

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Sec. 34.10. - Concurrent Consideration of Applications.

- (a) *Concurrent Conditional Use Applications.* In cases where an applicant is proposing a rezoning (i.e., amendment to the official zoning map), and where the applicant files an application to obtain a conditional use at the same time of filing a rezoning application, the two applications shall be processed simultaneously and shall be heard at the same public hearing before the City Council. However, the conditional use application shall not be considered until the rezoning application is approved (which may be the same public hearing or meeting), since the conditional use would not otherwise be permitted without the rezoning.
- (b) *Concurrent Variance Applications.* In cases where an applicant is proposing a rezoning (i.e., amendment to the official zoning map), and where the applicant files an application to obtain a variance or seek conditions at the same time of filing a rezoning application, the two applications shall be processed simultaneously and shall be heard at the same public hearing before the City Council. However, the variance application shall not be considered until the rezoning application is approved (which may be the same public hearing or meeting), since the variance would not otherwise be permitted without the rezoning.

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Sec. 34.11. - Investigations and Recommendation.

- (a) Within a reasonable period of time after acceptance of a complete application, the Director of Planning and Community Development may send the application out for review by internal municipal departments and external agencies as may be appropriate (i.e., inter-agency review). Such internal municipal agencies should include the police department and public works/utilities department. External agencies may include but are not limited to the Hall County Board of Education; Georgia Regional Transportation Authority, Georgia Department of Transportation; Georgia Mountains Regional Development Center, adjacent local governments, and various departments of Hall County Government.
- (b) Any written comments received in a timely manner shall be submitted to City Council for consideration, and any such comments shall become an official public record.
- (c) With respect to each rezoning or conditional use application, and any concurrent variances filed, the Director of Planning and Community Development may investigate and make a recommendation

regarding any or all of the relevant matters concerning the application. Any such investigation and recommendation shall if in writing be made available to the applicant and City Council and shall become an official public record.

- (d) Copies of the Director of Planning and Community Development's findings and recommendations maybe provided to the applicant prior to the public hearing and shall be available upon request to interested members of the public prior to or at public hearing on the matter.

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Sec. 34.12. - Notice of Public Hearing.

- (a) The City Council shall hold a hearing on each application involving an amendment to the official zoning map, application for conditional use, or concurrent application as described under Sec. 34.10.
- (b) At least thirty (30) but not more than forty-five (45) days prior to the date of the public hearing before City Council, the city shall cause to be published within a newspaper of general circulation within the City a notice of the public hearing before City Council, on each application that is the subject of this Article. The notice shall state the time, place, and purpose of the public hearing.
- (c) If the application is for the rezoning of property and the rezoning is initiated by a party other than the local government, then the notice shall include the location of the property, the present zoning classification, and the proposed zoning classification of the property in addition to the information required under subsection (b) above.
- (d) Notice of said scheduled public hearing required under this Section shall also be provided by first class mail to the owner of the property that is the subject of the proposed action. This notice shall be mailed via USPS Certified Mail at least thirty (30) days prior to the public hearing and shall state the time, place, and purpose of the public hearing.

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Sec. 34.13. - Public Notice Sign.

- (a) For all applications involving an amendment to the official zoning map, application for conditional use, or application for a concurrent variance, the Director of Planning and Community Development shall cause to have posted in a conspicuous location on said property one (1) or more sign(s).
- (b) The public notice sign shall be erected not less than thirty (30) calendar days prior to the public hearing before the City Council pertaining to said application. Each public notice sign shall state the time, place, and purpose of the public hearing and the location of the property.
- (c) Each public notice sign pertaining to an amendment to the official zoning map shall state the present zoning classification and the proposed zoning classification of the property.
- (d) Each public notice sign pertaining to a conditional use shall state the existing or proposed zoning classification and the proposed use of the property.
- (d) Each public notice sign pertaining to a concurrent variance shall state the proposed zoning classification and the type of variance applied for. ([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Sec. 34.14. - Special Notice Requirements for Halfway Houses and Related Uses.

This section is adopted pursuant to the specific requirements of the State Zoning Procedures Law. When a proposed zoning map amendment or conditional use application relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug

dependency, a duly noticed public hearing shall be held by City Council on the proposed action in accordance with the procedures and requirements established in this zoning ordinance. In addition, the following requirements shall apply.

- (a) Such public hearing before the City Council shall be held at least six (6) months but not more than nine (9) months prior to the date of final action on the application.
- (b) All published or posted notices of the public hearing shall include a prominent statement that the proposed zoning map amendment or conditional use relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency.
- (c) The published notice shall be at least six (6) column inches in size and shall not be located in the classified advertising section of the newspaper.

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Sec. 34.15. - Public Hearing.

City Council shall hold a public hearing on all rezoning and conditional use applications in accordance with the public hearing procedures specified in Article 35 of this zoning ordinance.

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Sec. 34.16. - Decision.

- (a) Within a period of ninety (90) calendar days from the date of the public hearing on any such application(s) described in this Article, City Council render a decision on the application(s) and shall adopt findings of fact supporting their decision.
- (b) City Council may approve or disapprove the proposed rezoning or conditional use as applied for, or it may approve modifications of the application as originally proposed, and it may place conditions of approval on the application. Such modifications of the application or conditions of approval shall be included in the motion for approval.
- (c) In rendering a decision on any such application, City Council shall consider all information supplied by the applicant and Director of Planning and Community Development in addition to the criteria under Sec. 34.7 of this Article.
- (d) The applicant shall be informed in writing of the City Council's decision and the findings of fact regarding the decision in accordance with Sec. 34.20.

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#) ; Ord. No. [581](#), § 1 (Exh. A), 8-1-2019)

Sec. 34.17. - Withdrawal of Application.

Any application described in this Article may be withdrawn at any time at the discretion of the person or agency initiating such a request, upon written notice to the Director of Planning and Community Development.

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Sec. 34.18. - Refunds When Application is Withdrawn.

- (a) When any application described in this Article is initiated by a party other than City Council, and said application is withdrawn within ten (10) calendar days from the date of approval for initiation by the Director of Planning and Community Development, one half (1/2) of the entire application fee paid by the applicant shall be refunded to the applicant. The Administrator shall refund that portion of the application fee within thirty (30) calendar days of the date of withdrawal of the application.
- (b) No portion of a required application fee shall be refunded on any application withdrawn by an applicant later than ten (10) calendar days from the date of approval for initiation by the Director of Planning and Community Development.

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Sec. 34.19. - Limitations on the Frequency of Filing Applications.

- (a) No application regulated by this Article and affecting the same or any portion of property which was denied by the City Council shall be accepted for filing by a property owner until twelve (12) months shall have elapsed from the date of denial.
- (b) The same or any portion of property previously considered in a zoning map amendment or conditional use application which was denied by City Council may not again be initiated until the expiration of at least six (6) months immediately following denial.

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Sec. 34.20. - Notice of Action.

The Director of Planning and Community Development shall notify the applicant in writing of the action taken by City Council, including the findings of fact regarding the action, within five (5) working days from the date City Council took action on said application. Notice shall be sent by regular mail. Failure to receive the written decision within five (5) working days shall not constitute a procedural error on the part of the City, nor affect the decision of the City Council in any manner. ([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Sec. 34.21. - Incorporation Clause.

This Article is intended to comply with the provisions of the Georgia Zoning Procedures Act, O.C.G.A. § 36-66-1 et seq., which Act is incorporated by reference in its entirety into this ordinance. Where any provision of this Article is in conflict with any provision of the Act, the Act shall control. Or where this Article is incomplete in having failed to incorporate a provision necessarily required for the implementation of the Act, such provision of the Act, so as to meet the mandate of the Act, shall be fully complied with.

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

ARTICLE 37. - VARIANCES

Sec. 37.1. - Authority to Grant Variances.

The City Council shall have the power to authorize upon application in specific cases such variances from the terms of this zoning ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this zoning ordinance will in an individual case result in practical difficulty or unnecessary hardship, so that the spirit of this zoning ordinance shall be observed, public safety and welfare secured, and substantial justice done.

The City Council may upon application consider the approval, conditional approval, or denial of variances, subject to the requirements of this Article. In granting a variance, the City Council may impose such requirements and conditions with respect to the location, construction, maintenance and operation of any use or building, in addition to those expressly set forth in this zoning ordinance, as may be deemed necessary for the protection of adjacent properties and the public interest.

Sec. 37.2. - Initiation of Variance Applications.

An application for variance may be initiated by any person, firm, corporation or agency, provided said individual, firm, corporation or agency is the owner or owner's agent of the property for which the variance is sought.

Sec. 37.3. - Application Requirements.

Applications for variance shall require submittal of an application requirements specified in this Section.

- (a) Application fee as specified by this ordinance or established by resolution of the City Council;
- (b) Application form furnished by the Director of Planning and Community Development, including signed and notarized signature of property owner;
- (c) Legal description of the property;
- (d) Survey plat of the property;
- (e) Letter of intent describing the proposed use of the property or other action requested;
- (f) Site plan of the property at an appropriate engineering scale showing the proposed use and relevant information regarding proposed improvements;
- (g) Statistics regarding the proposed development;
- (h) Written analysis of how the proposed action compares to decision criteria specified for deciding on the subject type of application;
- (i) Description of any special conditions voluntarily made a part of the request; and
- (j) Other information as may be required by the Director of Planning and Community Development.

Sec. 37.4. - Site Plan Requirements.

Applications for variance shall include a site plan, which shall at minimum include on the site plan information specified in this Section. The Director of Planning and Community Development may waive one or more of the requirements of this Section in individual cases when he/she determines that one or more elements of the required information specified in this Section are not essential to the review process.

- (a) Existing and proposed buildings and structures;
- (b) Other information as may be required by the Director of Planning and Community Development to describe and/or graphically depict the requested variance.

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;
- (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 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.

Copies of the standards for rendering quasi-judicial decisions, as outlined above, shall be printed and available for distribution to the general public at the public hearing held by the City Council for each variance application.

Sec. 37.6. - Application Compliance and Completeness.

- (a) No variance application shall be processed by the Director of Planning and Community Development unless it complies with the procedural requirements of this Article and is found to be complete with regard to application materials, payment of fees, supportive materials, and any other application requirements specified by this Article.
- (b) If the variance application does not comply with all application submittal requirements of this Article, the Director of Planning and Community Development shall reject the application and refuse to process it.
- (c) In cases where more than one application (rezoning, conditional use, variance) pertaining to a particular piece of property is filed simultaneously, the applicant must prepare separate applications and meet all application requirements for each application filed; provided, however, that the Director of Planning and Community Development may waive separate site plan or letter of intent filing requirements when they would be unnecessarily duplicative.

Sec. 37.7. - Administrative Processing of Applications.

The Director of Planning and Community Development is hereby authorized to establish administrative deadlines for the receipt of variance applications. Upon a finding by the Director of Planning and Community Development that a variance application is complete and complies with the requirements of this Article, including deadlines, the application shall be marked received and approved for initiation, and the date of such consideration shall be indicated in the file of the application.

Sec. 37.8. - Concurrent Variance Application.

In cases where an applicant is proposing a rezoning (i.e., amendment to the official zoning map) and/or conditional use, and where the applicant files an application to obtain a variance or seek conditions at the same time of filing a rezoning or conditional use application, the two applications shall be processed simultaneously and shall be heard at the same public hearing before the City Council. However, the variance application shall not be considered until the rezoning or conditional use application is approved (which may be the same public hearing or meeting), since the variance would not otherwise be permitted without the rezoning or conditional use.

Sec. 37.9. - Investigations and Recommendation.

- (a) Within a reasonable period of time after acceptance of a complete application, the Director of Planning and Community Development may send the application out for review by internal municipal departments and external agencies as may be appropriate (i.e., inter-agency review). Such internal municipal agencies should include the police department and public works/utilities department. External agencies may include but are not limited to the Hall County Board of Education; Georgia Regional Transportation Authority, Georgia Department of Transportation; Georgia Mountains Regional Development Center, adjacent local governments, and various departments of Hall County Government.
- (b) Any written comments received in a timely manner shall be submitted to the City Council for consideration, and any such comments shall become an official public record.
- (c) The Director of Planning and Community Development may investigate and make a recommendation regarding any or all of the relevant matters concerning the application. Any such investigation and recommendation shall if in writing be made available to the applicant and City Council prior to the public hearing held by the City Council and shall become an official public record.
- (d) Copies of the Director of Planning and Community Development's findings and recommendations shall be provided to the applicant prior to the public hearing and shall be available upon request to interested members of the public prior to or at public hearing on the matter.

Sec. 37.10. - Notice of Public Hearing.

- (a) The City Council shall hold a hearing on each variance application.
- (b) At least thirty (30) but not more than forty-five (45) days prior to the date of the public hearing before the City Council, the City shall cause to be published within a newspaper of general circulation within the city a notice of the public hearing before City Council, on the variance application. The notice shall state the time, place, and purpose of the public hearing.
- (c) Notice of said scheduled public hearing shall also be provided by first class mail to the owner of the property that is subject to the proposed variance. This notification letter shall be mailed using the USPS Certificate of Mailing at least thirty (30) days prior to the public hearing and shall state the time, place, and purpose of the public hearing.

Sec. 37.11. - Public Notice Sign.

- (a) For all variance applications the Director of Planning and Community Development shall cause to have posted in a conspicuous location on said property one (1) or more sign(s).
- (b) The public notice sign for a proposed variance shall be erected not less than thirty (30) calendar days prior to the public hearing before City Council pertaining to said application. Each public notice sign shall state the time, place, and purpose of the public hearing before City Council, the location of the property, and the section or section(s) of the Zoning Ordinance from which a variance is sought.
- (c)
- (d) The public notice sign pertaining to a concurrent variance application as described in Sec. 37.08 above shall be erected not less than thirty (30) calendar days prior to the public hearing before City Council and shall state the time, place and purpose of the hearing, in addition to the present zoning

classification of the subject property, the proposed zoning classification and/or conditional use, and the section or sections of the Zoning Ordinance from which a variance is sought.

Sec. 37.12. - Public Hearing.

The City Council shall hold a public hearing on all variance applications in accordance with the public hearing procedures specified in Article 35 of this zoning ordinance.

Sec. 37.13. - Decision.

- (a) Within a period of ninety (90) calendar days from the date of the public hearing held by the City Council on any variance application, the City Council shall render a decision on the application and shall adopt findings of fact supporting their decision.
- (b) The City Council may approve or disapprove the variance as applied for, or it may approve modifications of the application as originally proposed, and it may place conditions of approval on the application. Such modifications of the application or conditions of approval shall be included in the motion approving the variance.
- (c) In rendering a decision and preparing its findings of fact on any such application, the City Council shall consider all information supplied by the applicant and Director of Planning and Community Development in addition to the criteria and requirements under Sec.37.5 of this Article.
- (d) The applicant shall be informed in writing of the City Council's decision and the findings of fact regarding the decision, which shall be sent by regular mail within five (5) working days of the date of the decision. Failure to receive the written decision within five (5) working days shall not constitute a procedural error on the part of the City, nor affect the decision of the City Council in any manner.

(Ord. No. [581](#), § 1(Exh. A), 8-1-2019)

Sec. 37.14. - Withdrawal of Application.

A variance application may be withdrawn at any time at the discretion of the person or agency initiating such a request, upon written notice to the Director of Planning and Community Development.

Sec. 37.15. - Refunds When Application is Withdrawn.

- (a) When a variance application is withdrawn within ten (10) calendar days from the date of approval for initiation by the Director of Planning and Community Development, one half (½) of the entire application fee paid by the applicant shall be refunded to the applicant. The Administrator shall refund that portion of the application fee within thirty (30) calendar days of the date of withdrawal of the application.
- (b) No portion of a required application fee shall be refunded on any application withdrawn by an applicant later than ten (10) calendar days from the date of approval for initiation by the Director of Planning and Community Development.

Sec. 37.16. - Limitations on the Frequency of Filing Applications.

No variance application affecting the same or any portion of property which was denied by the City Council shall be accepted for filing by a property owner until twelve (12) months shall have elapsed from the date said application was denied by City Council.

Sec. 37.17. - Notice of Action.

The Director of Planning and Community Development shall notify the applicant of the action taken by the City Council on the application no later than five (5) working days from the date the City Council took action on said application.

ARTICLE 38. - ADMINISTRATIVE VARIANCES^[10]

Footnotes:

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Editor's note— [Ord. No. 348-18](#), § 1 (Exh. A), adopted Sept. 6, 2018, repealed former Art. 38, §§ 38.1—38.12, and enacted a new Art. 38 as set out herein. Former Art. 38 pertained to similar subject matter and derived from Ord. No. 348-14, § 1, 3-16-2017.

Sec. 38.1. - Authority.

The Director of Planning and Community Development shall have the power to authorize upon application in specific cases such administrative variances from the terms of this zoning ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this zoning ordinance will in an individual case result in practical difficulty or unnecessary hardship, so that the spirit of this zoning ordinance shall be observed, public safety and welfare secured, and substantial justice done.

The Director of Planning and Community Development may upon application consider the approval, conditional approval, or denial of administrative variances, subject to the requirements of this Article. In granting an administrative variance, the Director of Planning and Community Development may impose such requirements and conditions with respect to the location, construction, maintenance and operation of any use or building, in addition to those expressly set forth in this zoning ordinance, as may be deemed necessary for the protection of adjacent properties and the public interest.

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Sec. 38.2. - Provisions that May Be Administratively Varied.

The following provisions of this zoning ordinance may be administratively varied by the Director of Planning and Community Development, subject to the specific limitations of this Section:

- (a) Front building setback for a principal building, reduction not to exceed seven (7) feet.
- (b) Side building setback for a principal building, reduction not to exceed three (3) feet.
- (c) Rear building setback for a principal building, reduction not to exceed five (5) feet.
- (d) Setback for an accessory building, reduction not to exceed two (2) feet.
- (e) Maximum height of a building, not to exceed five (5) feet above the applicable maximum.
- (f) Landscape strip minimum widths, reduction not to exceed twenty percent (20%) of the minimum required width. For example, if the minimum landscape strip width is ten feet (10'), the Director of Planning and Community Development may authorize a reduction to no less than eight feet (8'). The Director of Planning and Community Development may also authorize an average width of landscape strip rather than a minimum.
- (g) Parking above the maximum or twenty percent (20%) below the minimum required as specified in Table 21.3, on a case-by-case basis based upon the scale and impacts of the request, for good cause shown, as provided in Section 21.18 of this zoning ordinance.
- (h) The maximum height of fences and walls, not to exceed a 2-foot increase.

- (i) Certain dimensional requirements of the TND zoning district, as specified in Table 7.2 of this zoning ordinance, may be administratively varied by the Director of Planning and Community Development, for one or more lots for detached, single-family dwellings only, as follows:
 - 1. The required minimum lot size of 6,700 square feet may be reduced to 6,000 square feet (and the corresponding maximum density may be increased from 6.5 to 7.26 dwelling units per acre);
 - 2. The required minimum lot width of forty-five (45) feet may be reduced to forty (40) feet;
 - 3. The minimum lot depth may be reduced from eighty (80) feet to seventy (70) feet.

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Sec. 38.3. - Initiation of Administrative Variance Applications.

An application for variance may be initiated by any person, firm, corporation or agency, provided said individual, firm, corporation or agency is the owner or owner's agent of the property for which the administrative variance is sought.

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Sec. 38.4. - Application Requirements.

Applications for administrative variance shall require submittal of an application requirements specified in this Section.

- (a) Application fee as specified by this ordinance or established by resolution of the City Council;
- (b) Application form furnished by the Director of Planning and Community Development, including signed and notarized signature of property owner;
- (c) Legal description of the property;
- (d) Survey plat of the property;
- (e) Letter of intent describing the proposed use of the property or other action requested;
- (f) Site plan of the property at an appropriate engineering scale showing the proposed use and relevant information regarding proposed improvements;
- (g) Statistics regarding the proposed development;
- (h) Written analysis of how the proposed action compares to decision criteria specified for deciding on the subject type of application;
- (i) Description of any special conditions voluntarily made a part of the request; and
- (j) Other information as may be required by the Director of Planning and Community Development.

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Sec. 38.5. - Site Plan Requirements.

Applications for administrative variance shall include a site plan, which shall at minimum include on the site plan information specified in this Section. The Director of Planning and Community Development may waive one or more of the requirements of this Section in individual cases when he/she determines that one or more elements of the required information specified in this Section are not essential to the review process.

- (a) Existing and proposed buildings and structures;
- (b) Other information as may be required by the Director of Planning and Community Development to describe and/or graphically depict the requested administrative variance.

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Sec. 38.6. - Application Compliance and Completeness.

- (a) No administrative variance application shall be processed by the Director of Planning and Community Development unless it complies with the procedural requirements of this Article and is found to be complete with regard to application materials, payment of fees, supportive materials, and any other application requirements specified by this Article.
- (b) If the variance application does not comply with all application submittal requirements of this Article, the Director of Planning and Community Development shall reject the application and refuse to process it.

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Sec. 38.7. - Criteria for Granting Variances.

Any applicant requesting consideration of an administrative variance shall provide a written justification that one or more of the following condition(s) exist. The Director of Planning and Community Development shall not approve an administrative variance application unless it shall have adopted findings that the 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 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.

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Sec. 38.8. - Procedures.

Administrative variance applications shall be considered and processed in accordance with the requirements of this Section.

- (a) Director of Planning and Community Development shall review all completed applications, as described under Sec. 38.6.
- (b) . At least thirty (30) but not more than forty-five (45) days prior to the date the Director of Planning and Community Development considers an administrative variance for approval, the City shall cause to be published within a newspaper of general circulation within the city a notice stating the time, place, and purpose. Notice shall also be provided by first class mail to the owner of the property that is subject to the proposed administrative variance. This notification letter shall include the same information as the published notice and shall be mailed using the USPS Certificate of Mailing at least thirty (30) days prior to consideration by the Director.
- (c) The Director of Planning and Community Development shall render a final decision on any application for administrative variance on or before ten (10) days following the published date of consideration for approval.
- (d) The applicant shall be informed in writing of the Director's decision and the findings of fact supporting the decision, which shall be sent by regular mail within five (5) working days of the date of the decision. Failure to receive the written decision within five (5) working days shall not constitute a procedural error on the part of the City, nor affect the decision of the Director in any manner.

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Sec. 38.9. - Withdrawal of Application.

An administrative variance application may be withdrawn at any time at the discretion of the person or agency initiating such a request, upon written notice to the Director of Planning and Community Development. No refunds of the application fee shall be provided in the case of a withdrawal.

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Sec. 38.10. - Limitations on the Frequency of Filing Applications.

No variance application affecting the same or any portion of property which was denied by the City Council shall be accepted for filing by a property owner until twelve (12) months shall have elapsed from the date said application was denied by City Council.

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Sec. 38.11. - Appeal.

- (a) *Denial.* The Director of Planning and Community Development's denial of an administrative variance shall not be appealed as an administrative determination by the subject property owner, but any applicant denied an administrative variance may file an application for variance with the City Council pursuant to Article 37 of this zoning ordinance.
- (b) *Approval.* The Director of Planning and Community Development's approval of an administrative variance may be appealed as an administrative decision, but only if there is alleged to be an error in the administration or enforcement of this zoning ordinance. If such appeal is filed it shall be processed and considered in accordance with Article 39 of this zoning ordinance. When the administrative variance application was approved by the Director of Planning and Community Development with conditions, and in the case of the subject property owner finds such conditions are not acceptable, the

applicant shall not be authorized to file an appeal of the administrative decision but may file an application for variance with the City Council pursuant to Article 37 of this zoning ordinance.

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Sec. 38.12. - Records.

The Director of Planning and Community Development shall keep public records of all administrative variances applied for and granted pursuant to this Article.

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

ARTICLE 6
AGRICULTURAL AND CONVENTIONAL
RESIDENTIAL ZONING DISTRICTS

ARTICLE 6. - AGRICULTURAL AND CONVENTIONAL RESIDENTIAL ZONING DISTRICT

Sec. 6.1. - A, Agricultural District.

- (a) *Purpose and Description.* The Agricultural District is established to maintain those areas within the City of Flowery Branch that are not intended to convert to urban or suburban development in the short term.
- (b) *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."
- (c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts."
- (d) *Design Requirements.* See Articles 10, 12 and 40 of this Zoning Ordinance.

Sec. 6.2. – R-1, Residential, Detached Single Family, Low-Density District.

- (a) *Purpose and Description.* This zoning district is established to accommodate single-family residences at low suburban densities and to protect the future development of land in accordance with the comprehensive plan. This district consists predominantly of detached single-family dwellings (site built or modular) and is "" intended to implement the "suburban residential" character area established in the comprehensive plan. The regulations that apply to the R-1 district are designed to encourage the formation and continuance of a stable, healthy, and attractive living environment for its residents.
- (b) *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."
- (c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts."
- (d) *Design Requirements.* See Articles 10, 12 and 40 of this Zoning Ordinance.

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

- (a) *Purpose and Description.* This zoning district is established to accommodate single-family residences at moderate suburban densities and to protect the future development of land in accordance with the comprehensive plan. This district consists of detached single-family dwellings (site built or modular) and is intended to implement the "suburban residential" character area established in the comprehensive plan. The regulations that apply to the R-2 district are designed to encourage the formation and continuance of a stable, healthy, and attractive living environment for its residents.
- (b) *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."
- (c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts."
- (d) *Design Requirements.* See Articles 10, 12 and 40 of this Zoning Ordinance.

Sec. 6.4. R-3, Residential, Detached Single-Family High-Density District

- (a) *Purpose and Description.* This zoning district is established to accommodate single-family residences at higher densities and to protect the future development of land in accordance with the comprehensive plan. This district consists of detached single-family dwellings (site built or modular) and is intended to implement the "suburban residential" character area established in the comprehensive plan. The regulations that apply to the R-3 district are designed to encourage the formation and continuance of a stable, healthy, and attractive living environment for its residents.

- (b) *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."
- (c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts."
- (d) *Design Requirements.* See Articles 10, 12 and 40 of this Zoning Ordinance.

Sec. 6.5. R-4, Residential Multi-Family District

- (a) *Purpose and Description.* This zoning district is established to accommodate multi-family residences and to protect the future development of land in accordance with the comprehensive plan. This district consists of multi-family dwellings and is intended to implement the "urban density community" character area established in the comprehensive plan. The regulations that apply to the R-4 district are designed to encourage the formation and continuance of a stable, healthy, and attractive living environment for its residents.
- (b) *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."
- (c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts."
- (d) *Design Requirements.* See Articles 10, 12 and 40 of this Zoning Ordinance.

Sec. 6.5. - MHP, Manufactured Home Park District.

- (a) *Purpose and Description.* This zoning district is intended exclusively for the placement of manufactured homes in manufactured home parks and for the development of land in accordance with the comprehensive plan. This district is also intended to implement the "urban density community" character area established in the comprehensive plan, as it pertains to existing manufactured home park use. The regulations that apply to the MHP district are designed to encourage the formation and continuance of a stable, healthy, and attractive living environment for its residents.
- (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."
- (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 specifications for manufactured home spaces shall be as designated on an approved site plan.
- (e) *Limitations on Rezoning.* There shall be no rezoning to the MHP zoning district, unless it is contiguous to an existing MHP zoning district, or unless it is designated MHP at the time of annexation into the city limits.
- (f) *Design Requirements.* See Articles 10 and 40 of this Zoning Ordinance.

Article 6, Agricultural and Conventional Residential Zoning Districts (Amended through Ord. 348-18)
Zoning Ordinance City of Flowery Branch, GA

Table 6.1
Permitted and Conditional Uses in
Agricultural and Conventional Residential Zoning Districts
(P = Permitted Use C = Conditional Use X = Prohibited)

Use	A	R-1	R-2	R-3	R-4	MHP
Accessory apartment, attached	X	X	C	C	X	X
Accessory apartment, detached	X	C	C	C	X	X
Accessory building, structure, or use	P	P	P	P	X	P
Agriculture, production of field crops, fruits, nuts, and vegetables	P	P	X	X	X	X
Agriculture, raising of poultry or livestock	P	C	X	X	X	X
Cemetery	P	C	C	X	X	X
Church, temple, synagogue, or place of worship, including specified accessory uses (see Sec. 14.3) (Ord. 348-11)	C	C	C	C	C	C
Club or lodge, nonprofit, sponsored by a civic or similar organization	C	C	C	C	X	X
Community recreation	C	C	C	C	C	C
Conservation areas and passive recreational facilities	P	P	P	P	P	P
Conservation subdivision	C	C	P	P	X	P
Construction field office (temporary use)	X	X	P	P	P	P
Dwelling, single-family detached, fee-simple	P	P	P	P	X	X
Dwellings, single-family detached, condominium	X	X	X	X	X	X
Dwelling, townhouse (single-family attached, fee-simple)	X	X	X	X	P	X
Dwelling, two-family (duplex)	X	X	X	X	P	X
Dwelling, multi-family (apartment, attached residential condominium)	X	X	X	X	P	X
Garden, non-commercial, accessory to single-family detached dwelling	P	P	P	X	X	X
Golf course	P	P	P	X	X	X
Greenhouse, non-commercial, accessory to single-family detached dwelling	P	P	P	C	X	X
Guest house (accessory building/use)	P	P	P	P	X	X
Home occupation (Office Use Only)	P	P	P	P	P	P
Horse stables, non-commercial, as accessory to single-family residential use	P	C	X	X	X	X
Institutional residential living and care facility, serving no more than 17 persons	X	X	X	X	X	X
Institutional residential living and care facility, serving 18 persons or more	X	X	X	X	X	X
Leasing or sales office for a subdivision or residential development (accessory or principal use)	P	P	P	P	P	P
Manufactured home, Class A	C	X	X	C	X	P

Article 6, Agricultural and Conventional Residential Zoning Districts (Amended through Ord. 348-18)
Zoning Ordinance City of Flowery Branch, GA

Use	A	R-1	R-2	R-3	R-4	
Model home for single-family subdivision or townhomes (temporary)	P	P	P	P	p	X
Public or semi-public use	P	P	P	P	P	X
School, private, elementary, middle, or high (Ord. 348-11)	C	C	X	X	X	X
School, public	P	X	X	X	X	X
School, special	C	X	X	X	X	X
Yard sale	P	P	P	P	P	X

Table 6.2
Dimensional Requirements for Agricultural and
Conventional Residential Zoning Districts

Requirement (measurement unit)	A	R-1	R-2	R-3	R-4	MHP
Maximum height (feet)	75	35	35	45	45	35
Maximum height (number of stories)	3	3	3	3	4	1
Maximum density (units per acre)	0.333	2.18	3	6	8	8
Minimum lot size for detached single-family dwelling (square feet) (1)	130,680	20,000	15,000	7,500	N/A	10,000
Minimum lot size for two-family dwelling (square feet) (1)	N/A	N/A	N/A	N/A	N/A	N/A
Minimum lot size for other uses (square feet) (1)	130,680	43,560	15,000	15,000	15,000	10,000
Minimum lot width (feet)	200	90	75	50	N/A	50
Minimum heated floor area per dwelling unit (square feet)	1,500	2,200	1,800	1,200	600	1,000
Minimum heated floor area per dwelling unit (square feet)	750	1,100	900	750	600	1,000
Minimum front yard setback from lot line, all principal buildings (feet)	80	35	25	25	0	25
Minimum side setback, interior lot line, all principal buildings (feet)	25	25	15	10	10	20
Minimum side setback, corner lot, all principal buildings (feet)	60	35	25	25	25	20
Minimum rear setback, all principal buildings (feet)	35	25	20	20	20	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	50
Minimum width of natural buffer abutting R-1, R-2, or R-3 district (feet)	None	None	None	40	40	40
Minimum landscape strip required along right-of-ways for any nonresidential use if permitted (width in feet)	15	15	10	20	10	10
Minimum landscape strip required along right-of-ways for any apartment or condominium (multi-family residential) use (width in feet)	N/A	N/A	N/A	20	N/A	N/A
Minimum landscape strip required along side property lines for any	5	5	5	5	5	5

Article 6, Agricultural and Conventional Residential Zoning Districts (Amended through Ord. 348-18)
Zoning Ordinance City of Flowery Branch, GA

nonresidential use if permitted (width in feet)						
Maximum coverage of principal and accessory buildings (percent of lot)	25	25	35	40	50	50
Minimum landscaped open space, all principal uses except detached, single-family residential lots (percent)	20	20	15	15	10 20 Note 1	15

(1) Where on on-site sewage system is used, minimum lot size requirements of the Hall County
Environmental Health Department shall be required and may exceed these minimums.

Note 1.

For buildings are 2 floors or lower: 10%

For buildings are 3 floors or higher: 20%

ARTICLE 8. - PUD, PLANNED UNIT DEVELOPMENT DISTRICT

Sec. 8.1. - Description and Intent.

This zoning district is intended to implement certain residential and mixed-use developments in a way that meets objectives that cannot necessarily be accomplished by conventional residential zoning districts. It is specifically intended to primarily implement the "suburban residential" character area established in the comprehensive plan but may also be used to implement the "urban density community", "mixed use – neighborhood", and "activity center" character areas.

Sec. 8.2. - Objectives.

The Planned Unit Development District is intended to meet the following objectives:

- (a) Allow and encourage more unique, flexible, creative, and imaginative arrangements and mixes of land uses in site planning and development than are permitted through conventional land use requirements.
- (b) Encourage a broader mix of residential housing types, including detached and attached dwellings, than would normally be constructed in conventional subdivisions.
- (c) Allow and encourage the development of tracts of land as single developments that are planned neighborhoods or communities, including civic and semi-public uses (e.g., schools, playgrounds, meeting halls, etc.) that help to make up a community.
- (d) Preserve the natural amenities of the land through maintenance of conservation areas and open spaces within developments.
- (e) Provide for the more efficient use of land through clustering and other flexible, innovative development arrangements that will result in smaller networks of utilities and streets and thereby lower development and housing costs.
- (f) Provide a more desirable living environment than would be possible through the strict application of conventional residential zoning requirements.
- (g) Establish application requirements that are more rigorous than rezoning applications and conditional use permits but no more onerous than necessary to enable thorough analyses.
- (h) Ensure that the design of building forms is interrelated and architecturally harmonious.

Sec. 8.3. - Character.

Design of detached single-family neighborhoods and residential communities in the PUD district may follow principles of conventional suburban subdivision design which typically include curvilinear streets with some cul-de-sacs. However, PUD districts are intended to differ from conventional subdivisions in that they provide greater pedestrian access and interconnections between and among units of the neighborhood. In addition, neotraditional development or conservation subdivision design principles are particularly encouraged when this district is applied to urban and suburban areas, respectively. This district is primarily envisioned to apply to urban and suburban areas with sanitary sewer and public water service, though it may be used to provide for imaginative site arrangements in rural areas at exurban/rural densities.

Chart 8.1 Permitted Uses

Dwelling, single-family detached, fee simple
Dwelling, townhome, single-family attached
Dwelling, two-family, duplexes

Dwelling, multi-family, apartment, attached residential condominium
Home Occupation (office Use Only)
Commercial uses as allowed per the Neighborhood Shopping District (except for convenience store with or without gas pumps)

Chart 8.2 Dimensional Requirements

Requirement (measurement unit)	PUD
Maximum density (units per acre)	8
Minimum lot width, single-family detached (feet)	50
Minimum heated floor area per dwelling unit (square feet)	700
Minimum width of natural buffer abutting R-1, R-2, or R-3 district (feet)	None
Minimum landscape strip required along right-of-ways for any nonresidential use if permitted (width in feet)	15
Minimum landscape strip required along right-of-ways for any apartment or condominium (multi-family residential) use (width in feet)	5
Minimum landscape strip required alongside property lines for any nonresidential use if permitted (width in feet)	5
Minimum landscaped open space	See Article 10

Sec.8.6 Land Use

- (a) For vertical mix-used developments, ground-floor residential uses are prohibited from fronting on the street. Residential use shall not exceed 80% but over 60% of the gross building area. Upper- and Lower-level windows shall be designed to overlook streets and open spaces.
- (b) For horizontal mixed-use developments, the portion of residential use shall not exceed 75% but over 45% of the gross building area.

Sec. 8.5. - Design Review.

Design review and approval shall be required, except in the following instances:

- (a) For uses that have been lawfully established on a lot of record that existed on the effective date of this zoning ordinance, no design review shall be required.
- (b) For uses that are a part of a previously approved PUD, and which have no architectural elevations on record with the Zoning Administrator that were made a part of the development application and have been approved by the Governing Body, design review and approval shall be required.

An applicant must apply for design review and approval at the time of rezoning to PUD. Major revisions to development plan approval shall also require design review and approval. The Zoning Administrator may authorize minor revisions to development plan approval and the erection of accessory buildings and structures via design review and approval (See Article 40 of this zoning ordinance).

Sec. 8.7. - Design Requirements

The following requirements are a part of the rezoning approval process. Substantial deviation from, or inconsistency with, the guidelines in this Section shall be grounds for denial of a rezoning to the PUD district.

- (a) Open spaces. Open spaces such as town greens and public squares, within developed portions of the development, should be located and designed to add to the visual amenities of the development. Greens and squares should be spatially defined and distributed throughout the development so that no lot is more than a walking distance of 1,350 feet from a green, square, park or open space. Greens and squares should not be less than 8,000 square feet in area. A mix of peripheral as well as internal green space should be provided. If two PUDs are developed next to each other, there should be contiguous open space between the two PUDs. Also, see Article 10.22 of the Zoning Ordinance.
- (b) Greenspace. Preserve patches of high-quality habitat, as large and circular as possible, feathered at the edges, and connected by wildlife corridors. When continuous greenspace corridors cannot be provided or must be broken up for road access or other valid reasons, patches should be retained as "stepping stones" for wildlife corridors.
- (c) Sidewalks
 - 1. Sidewalks shall be provided adjacent to all roadways unless waived as a condition of zoning and shall meet the design and location standards required in this Ordinance.
 - 2. Sidewalks shall be located 2 feet from the back of curb or as may be required by the Director or City Council.
 - 3. All new sidewalks shall match and provide a smooth transition to any existing sidewalks with no steps.
 - 4. When feasible, sidewalks shall be constructed of concrete and shall be a minimum of 5 feet in width and 4 inches thick. Control joints shall be provided every 10 feet.
 - 5. Outdoor dining furniture located on public sidewalks within the historic downtown shall be of quality design and workmanship and made of metal in black or a color approved by the director of Community Development Department.

(d) Outdoor Activities Space

Refer to 10.22 Open Space Requirements

(e) Additional:

- 1. When the development exceeds 35 residential units, it shall offer outdoor activities space such as neighborhood pocket park(s). Pedestrian-friendly paving should be used.

Placement:

-
- Outdoor activities space should be designed at a location well connected with most residential.
 - Those semi-public use should be located adjacent to outdoor activities space.
 - Sidewalk should be constructed over 8 feet but not exceed 15 feet.

2. Buffer Yard

- An enhanced landscape area of not less than 3% of the total property shall be provided. This area shall consist of accent plant materials including a minimum of 10% shrubs and 15% annuals or perennials. This area should also achieve 75% coverage within 3 years of planting while following nursery recommended spacing.
- Bioswale or any storm water retention solution should be considered as part of landscaping design.
- Fountains, drinking fountains, sculptures or other public art, decorative hardscape feature are encouraged.
- Underground sprinkle system is required.
- Parking area and sidewalk should be illuminated.
- Natural green space should be located to ensure maximum exposure to sunlight.

3. Parking

- Automobile parking, PTV parking, and bicycle parking shall be provided.

4. Amenities

- Outdoor furniture like benches should be provided 1 for every 100 linear feet of sidewalk. It is encouraged to use creative outdoor table set, designer benches, or swing set as outdoor furniture enrichment.
- Trash and recycling cans should be provided 1 for every 100 linear feet of sidewalk.
- Recreational facilities, dog run/exercise areas and health/fitness facilities should be considered.

* See also Article 10 of this Zoning Ordinance.

10.21. Residential Street Design Requirements

10.21.1 General Landscaping Standards for Streets

The following is a list of general landscaping standards for all street landscaping. A full, detailed plan for the entire community must be submitted and approved as part of the land disturbance/civil plans.

1. Landscape Area grading and slopes shall not exceed 5:1 for turf areas and 4:1 for planting areas. If Landscape Area grading or slopes exceed these ratios, a retaining wall shall be required. All retaining walls over 4 feet in height shall be reviewed and approved by the City.
2. The minimum planting size for a tree shall be 15-gallon, with one-third (1/3) of all trees being 24" box or larger.
3. All street trees shall be selected from the approved City list (see XXXX)
4. Street Trees shall be located every 25' on center spacing.
5. Secondary Trees or Accent Trees shall occur in informal groupings of three or five trees of the same species, planted between the sidewalk and adjacent land use property line. Mixed massings of flowering trees and evergreen species are encouraged.
6. Street Trees and Secondary Trees or Accent trees shall be a combination of deciduous and evergreen trees for purposes of screening and creating seasonal change. A minimum of 30% of the Street Trees and Secondary or Accent trees on a particular street shall be evergreen species.
7. All trees planted within 10 feet of a street, sidewalk, paved trail, walkway or plaza element shall be separated by a tree root barrier to prevent damage to public improvements and private property. The tree root barrier shall be installed at time of planting of the tree.
8. A minimum distance of 10' is required between the center of a tree and all light standards.
- 9.. Shrub plantings adjacent to walls and fences shall be group massings, layered to provide visual interest. Variety in height is encouraged. Multiple rows of layered plantings are encouraged where space is adequate.
10. All shrub planting (i.e. small, medium, large) along any Landscape Corridor and intersections containing entry monuments shall be a minimum of 5-gallon in size. When shrubs are planted to serve as a hedge or screen, the shrub shall be planted at a spacing relative to the plant species' mature width (a shrub with a four-foot-wide mature width shall be planted at four feet on center). Plants that are not commercially available in a 5-gallon size, may be substituted with a 1-gallon size.
11. When a particular size plant is specified across large sections of the proposed landscape plan, (i.e. medium shrub), the landscape architect shall use alternating groupings of plants to achieve a planting design that has different genus and species along the entire streetscape. This shall be done to prevent a monolithic plant palette extending along the street.
12. All groundcover planting shall be 1-gallon or grown in flats of up to 64 plants. Root cuttings from plants shall not be located greater than 12 inches on center spacing. Containerized 1-gallon groundcover plants shall not be located greater than 3' on center spacing.
13. Groundcover plantings shall be located between all separated sidewalks and back of curb/right-of-way ("ROW") along all publicly maintained Landscape Corridors, or as determined by the City.
14. A 3" layer of walk-on type bark mulch shall be located in all planter areas around trees, shrubs and groundcover within all Landscape Corridors.

15. Locations of colored concrete enhanced paving shall be submitted and evaluated at the entitlement stage of each development project.
16. All bulbouts shall be planted in a combination of shrubs and groundcover, and/or concrete paving as applicable to adjacent land use.
17. All tree grates shall be located at back of curb. Tree guards shall not be installed.

10.21.2 Specific Residential Street Landscaping Requirements

1. Primary Residential Street

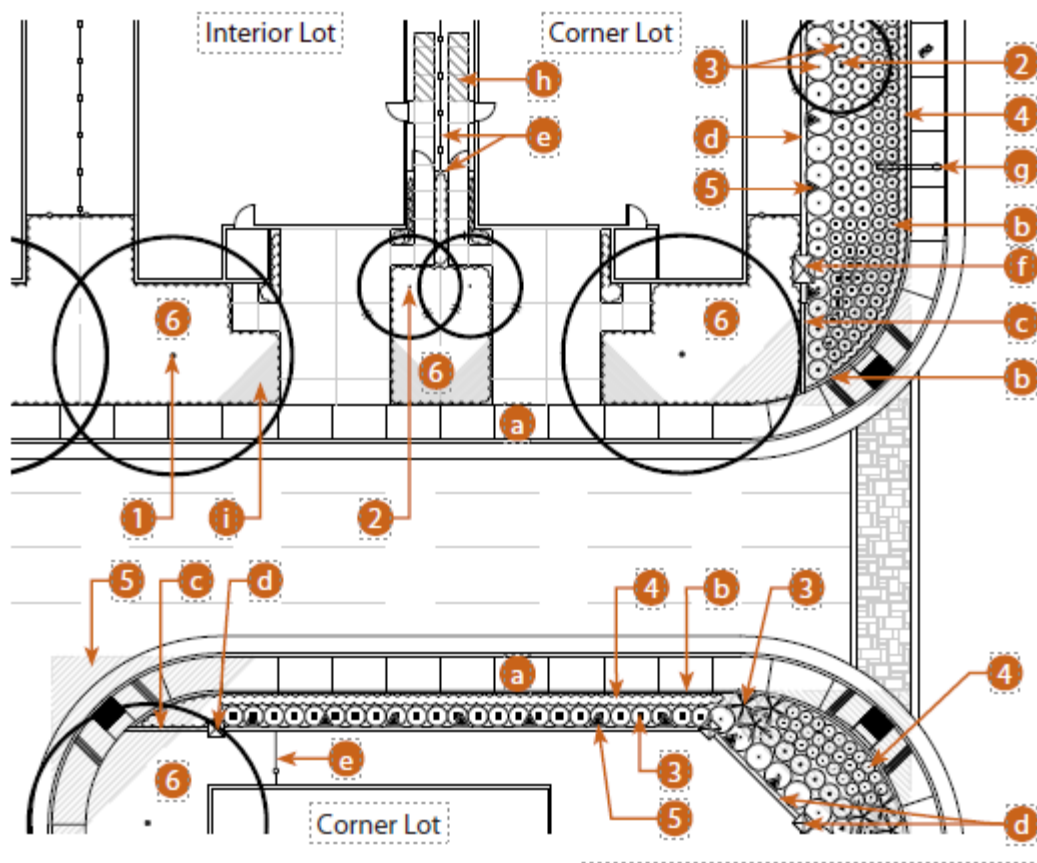
Primary Residential Streets provide access into and through the neighborhoods. When single-family residential houses back onto the street, a Community Wall is required at the property line and an additional 8' Landscape Area shall be required to provide screening of the Community Wall. In this application, all landscape improvements including the 8' Landscape Area and the landscaping within the separated sidewalk shall be considered public improvements and shall comply with all City requirements. When single-family residential houses fronts the street, the entire Landscape Area on that side of the street shall be private landscaping designed to the City's satisfaction and maintained by the landowner.

2. Local Residential Street

Local residential streets provide access into and through neighborhoods. Only residential houses will front a local residential street. Therefore, all landscape improvements shall be private landscaping designed to the City's satisfaction and maintained by the landowner.

3. Corner Lot Landscaping Requirements

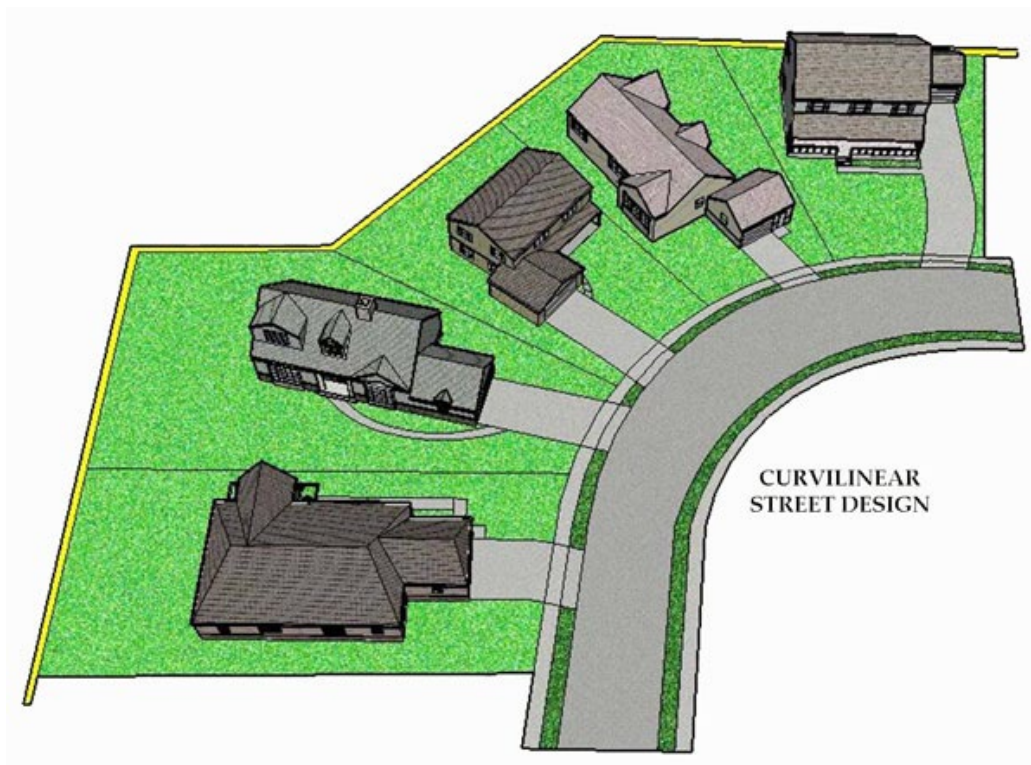
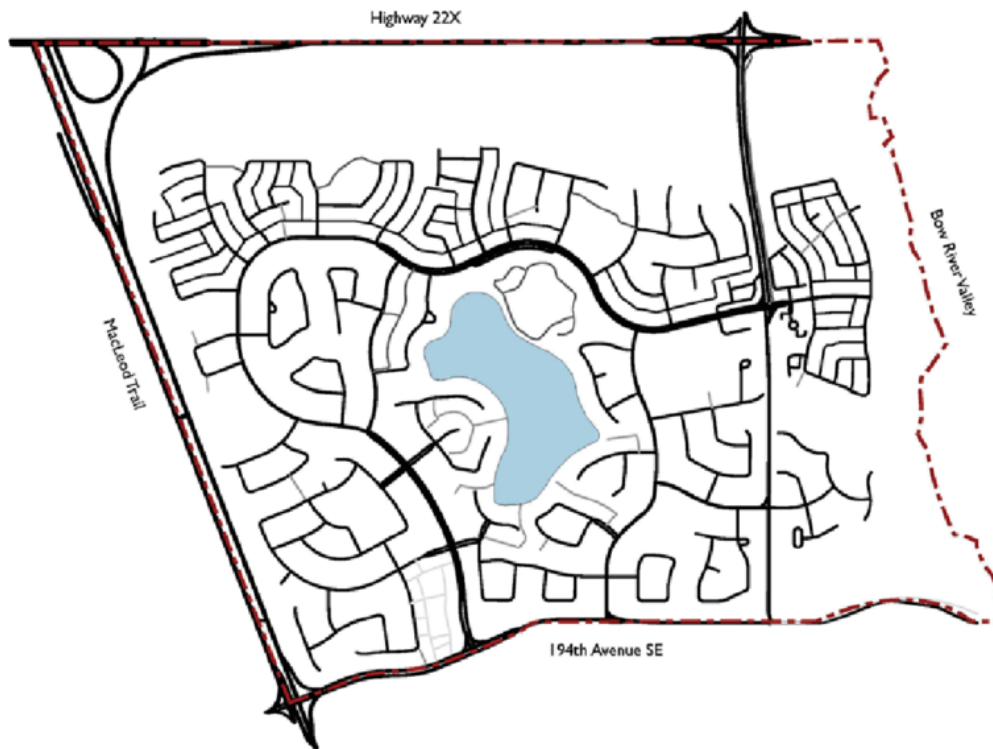
Residential corner lots are a critical component to the overall theme of a community. The individual residential unit improvements specified in this section are outside of the ROW for each associated street. Therefore, all landscape improvements shall be private landscaping designed to the City's satisfaction and maintained by the landowner. The standards in this chapter regarding corner lot landscaping are the minimum requirements. The builder/designer may deviate from the planting design as long as the design consistency is preserved throughout the community. Any deviation to the planting design shall be approved by the City.



- | | | |
|---|--|--|
| <ul style="list-style-type: none"> 1. Primary Street Tree 2. Secondary Street Tree or Accent Tree 3. Large & Medium Shrub 4. Small & Groundcover 5. Vine 6. Residential Unit Front Yard Landscaping | <ul style="list-style-type: none"> a. Concrete Sidewalk b. Concrete Curb c. Edging for Residential Lots d. Community Wall with Community Pilaster or Residential Wood Fence e. Residential Wood Fence | <ul style="list-style-type: none"> f. Neighborhood Entry Monument (Optional) g. Primary Streetlight h. Trash Receptacle Storage Area i. Visibility Control Area, j. Tree Root Barrier (not shown) |
|---|--|--|

10.21.3 Residential Street Design Requirements

All new residential streets shall be curvilinear. All streets more than five hundred (500) feet in length shall have at least twenty-five feet of lateral deviation from a straight course.



10.22 Open Space Requirements

Defined. Open space is the horizontal outdoor area of a site reserved to provide separation, resource protection, scenic enjoyment, recreation, or amenity. It includes two types: civic space and amenity space.

Minimum Requirements

Uses	Open Space minimum required percentage
Non-Residential (Sites Under 5 Acres)	Amenity Space + Civic Space: 15% min.
Non-Residential (Sites Over 5 Acres)	Civic Space: 10% min Amenity Space: 5% min
Residential (density of 8 units/acre or less:	Civic Space: 10% min Amenity Space: 5% min
Residential (density of 8 or more units/acre):	Civic Space: 10% min+ 1% for each 1 unit/acre over 8 units/acre Amenity Space: 5% min

- New developments with a mix of residential and non-residential uses shall satisfy both requirements independently.

Development

- Restaurants with one or more exterior walls shall be subject to the following additional requirements:
 1. An outdoor dining area equal to at least 10% of the restaurant floor area shall be provided. When the outdoor dining area conforms to Sec. xxx it may be counted towards amenity space requirements.
 2. When the restaurant abuts a public street (including across an intervening parking lot) the required outdoor dining area shall be located along the portion of the façade facing such public street.
 3. The Director of Community Development has the authority to authorize the required outdoor dining to be placed in locations other than required by "b" above when:
 - a. There is insufficient area between the restaurant and the street to accommodate all the required outdoor dining; or
 - b. There are other unique circumstances not created by the applicant than render this requirement unfeasible.
- Civic Space. Civic space is the portion of open space for public use defined by the combination of certain physical constants including the relationships among their intended use, their size, their landscaping, and their adjacent buildings. Above-ground cistern design and appearance shall require approval by the Director of Community Development.
 1. Park. An open space available for structured or unstructured recreation. A park may be independent of surrounding buildings at its edges. Its landscape may consist of paths and trails, meadows and lawns, water bodies, runoff reduction measures such as bioretention areas, swales, cisterns, and woodlands. Recreation fields and courts may also be included. The minimum size for a park is one acre.
 2. Square. An open space available for unstructured recreation and civic purposes. A square is spatially defined by building or streets at its edges. Its landscape must consist of paths and trees and may also include runoff reduction measures such as bioretention areas and cisterns, lawns and non-asphalt paved surfaces. The minimum size for a square is one-half acre.
 3. Plaza. An open space, available for civic purposes and commercial activities. A plaza must be spatially defined by building or streets at its edges. Its landscape must consist primarily of non-asphalt paved surfaces and trees, and may include runoff reduction

measures such as bioretention areas and cisterns. The minimum size for a plaza is one-quarter acre.

4. **Pocket Park.** An open space, available for unstructured recreation. A pocket park may be spatially defined by buildings or streets at its edges. Its landscape must consist of lawn and trees and may include runoff reduction measures such as bioretention areas and cisterns. There is no minimum size for pockets parks.
 5. **Playground.** An open space designed and equipped for the recreation of children. A playground must be fenced and may include an open shelter. Playgrounds must be interspersed within residential areas, may be placed within a block, and may be included in parks and greens. There is no minimum size for playgrounds. Playgrounds may include runoff reduction measures such as bioretention and underground detention.
 6. **Performance Venues.** An open space available for outdoor performance. Performance venues typically include a stage surrounded by formal or informal seating on at least one side. Performance venues may have a combination of landscaped and hardscaped areas. The minimum size for a performance area is one-half acre.
 7. **Multi-Use Trails with Potential Connections to Offsite Trails.** A linear open space consisting of a conforming multi-use trail that includes a connection to existing or proposed off-site trails. There is no minimum size for this type of open space.
 8. **Park Overlooks.** An open space primarily intended for the viewing of parks and other open spaces. Park overlooks must include seating. There is no minimum size for park overlooks.
- **Amenity space.** Amenity space is the covered or uncovered, but unenclosed, outdoor areas of at least 100 square feet each for use by the occupants, invitees and guests of the development and specifically excluding Civic Spaces and required sidewalks. Amenity spaces may include, but are not limited to:
 1. Rooftop decks
 2. Balconies (min. 6' x 8')
 3. Patios and porches
 4. Outdoor dining areas;
 5. Pool areas;
 6. Tennis courts, basketball courts, and similar uses;
 7. Yards, lawns, and flower gardens;
 8. Community gardens;
 9. Hardscape areas improved for pedestrian enjoyment;
 10. Wooded areas; and
 11. Runoff reduction measures such as bioretention areas and cisterns.Each amenity area approved must be available and accessible as exterior space appropriately improved for pedestrian amenity or for aesthetic appeal, subject to approved by Director of Community Development. Above-ground cistern design and appearance shall also require approval by the Director.
 - Open space requirement may be met using existing and/or new open space, subject to approval of the Director of Community Development.
 - Open space may be privately, or publicly owned. Private open space is open space that is owned by a corporation, individual, or homeowners' association. Public open space is open space owned by a governmental agency.
 - Wetlands, lakes, ponds, streams, rivers, flood zones, and stream buffers may only be considered open space when located within one of the eight types of civic spaces identified in Sec. 2.10.C or within an amenity space that conforms Sec. 2.10.10.D, unless part of an approved stormwater management plan for the site that includes runoff reduction measures.
 - No required buffer may be used to satisfy open space requirements, except for stream buffers that are improved with trails and other authorized amenities.
 - Stormwater management facilities for the site may be used to satisfy open space requirements if they meet this Chapter's definition of open space. Open space credit may be given at the discretion of the Director of Community Development.

- No areas used for vehicles, except for incidental service, maintenance, or emergency actions, may be used to satisfy open space requirements.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider April 6, 2023 City Council Meeting Minutes

COUNCIL MEETING DATE: April 20, 2023

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: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Unofficial April 6, 2023 City Council Meeting Minutes.pdf](#)



**City of Flowery Branch
City Council meeting
Thursday, April 6, 2023, 6:00 PM
City of Flowery Branch City Hall
5410 Pine Street, Flowery Branch, GA 30542**



CALL WORK SESSION TO ORDER:

Mayor Asbridge called the council meeting to order at 6:01 p.m.

Present: Mayor Asbridge and Council Members Joe Anglin, Oliver McClellan, Joseph Mezzanotte and Chris Mundy

Also present were City Manager Tonya Parrish, City Clerk Shelia Cooper, Assistant City Clerk Nancy Rodriguez, Planning Director Rich Atkinson, Public Works and Utilities Director Bill Whidden, Finance Director Matt Hamby, Deputy Police Chief Todd Templeton, and City Attorney Karen Thomas.

Absent: Council Member William McDaniel

PLEDGE OF ALLEGIANCE:

Mayor Asbridge led the Pledge of Allegiance.

ADOPTION OF AGENDA:

There was a motion made to approve the agenda as presented.

MOTION: Joe Anglin

SECOND: Joseph Mezzanotte

AYES: Joe Anglin, Oliver McClellan, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

NEW BUSINESS -WORK SESSION:

Consider Resolution 23-006, A Proposed Ninety-Day Moratorium on the acceptance of any applications or requests for Annexation, Rezoning, or Conditional Use Permits.

Planning Director Atkinson presented Resolution 23-006, a proposed ninety-day moratorium on the acceptance of any applications or requests for annexation, rezoning or conditional use permits. The purpose of the resolution is to look at our current zoning ordinance and make changes as necessary.

Council held a discussion with Director Atkinson regarding Resolution 23-006.

Task Order with ESG Engineering for Design Services for a New Roadway Roundabout at the Intersection of McEver Road and Gaines Ferry Road.

City Manager Parrish presented a Task Order with ESG Engineering for design services for a new roadway roundabout at the intersection of McEver Road and Gaines Ferry Road. The task order is for \$150,000 and would come out of our local resources fund.

Council held a discussion with City Manager Parrish regarding the roadway roundabout and the design concept.

Change Order to Archer Western Contract for the Project, “Interim Improvements – Wastewater Treatment Plant”

City Manager Parrish presented a Change Order to Archer Western contract for the project, “Interim Improvements – Wastewater Treatment Plant.” During a recent major storm event, the area above the existing aeration header (buried) was inundated with storm water. As city operators inspected the flooded area during the event, major air leaks were noticed throughout the area between the blower house and the treatment process showing that the aged pipeline is no longer operating properly. The original pipeline materials are not typical for this type of use and therefore further investment in the existing pipe is not recommended. A new stainless steel aerial pipeline will be constructed and will have a considerably longer service life than the original buried iron pipeline.

Council held a discussion with City Manager Parrish and Pavel Mayfield from Archer Western regarding the change order to the Archer Western Contract.

Establishment of an Investment Portal through Multi-Bank Securities, INC. (MBS) and eConnect Direct.

Finance Director Matt Hamby had a discussion regarding establishing an investment portal through Multi-Bank Securities, Inc. (MBS) and eConnect Direct. In this current rising rate environment, it is prudent that the City explore different options to invest idle cash to maximize its return. To ensure City funds are generating a maximum return, City staff looked at several options to help invest idle cash in accordance with the City’s Investment Policy. It was determined that Multi-Bank Securities, Inc. (MBS) and eConnect Direct provide the best option. MBS will help us invest idle cash in a ladder approach to ensure liquidity is available and the eConnect Direct portal will allow us to manage these investments. All investments will be in accordance with the City’s Investment Policy and there will be no cost to the City for this portal or management service. The finance department will provide updates of investment earnings on a quarterly basis to Council.

Council held a discussion with Director Hamby regarding establishing an investment portal.

DEPARTMENT REPORTS:

City Manager Report:

City Manager Parrish gave an update on the new businesses on Main Street. She updated the paving on Main Street has been temporarily put on hold due to the paving machine being broken. The paving on Main Street will resume as soon as repairs are made to the machine. She also advised that Railroad Avenue will be a one-way street in front of the Depot, once the paving is complete. Finally, the parking area on the side of Antebellum has angled parking spaces but that will be changed to be parallel parking spaces in the near future.

Finance Department Report:

Director Hamby updated the finance department is working on the final review stages of the budget.

Public Works & Utilities Report:

Director Whidden reported the sewer plant is going great with only some small tweaks needed to be worked out. He thanked Pavel Mayfield of Archer Western for his help at the sewer plant. He also reported the water tower is up but there is final work to do on the inside of the tower. The old water tank will be taken down once the new tank is operating. This process will take several more months before final completion.

Council Report:

Council Member Anglin reported the vacant lot on the corner of Church Street and Chestnut Street looks nice.

ADJOURNMENT WORK SESSION:

Mayor Asbridge adjourned the work session at 6:33 p.m.

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

Mayor Asbridge called the voting session to order at 6:33 p.m.

PUBLIC COMMENTS:

Charles Mull, 5918 Mitchell Street, Flowery Branch, Georgia 30542

Mr. Mull wanted to express his gratitude to the City for the improvement of the outside smell around the City. He suggested commissioning a local artist to paint the new water tower and expressed his desire to keep the Flowery Branch logo on the water tank.

CONSENT AGENDA:

- Consider March 16, 2023 City Council Meeting Minutes
- Consider March 16, 2023 Executive Session Minutes
- Consider March 2023 Per Diem for Mayor Asbridge

There was a motion made to approve the consent agenda as presented.

MOTION: Chris Mundy

SECOND: Oliver McClellan

AYES: Joe Anglin, Oliver McClellan, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

NEW BUSINESS - VOTING SESSION:

Consider Resolution 23-006, A Proposed Ninety-Day Moratorium on the acceptance of any applications or requests for Annexation, Rezoning, or Conditional Use Permits.

There was a motion made to approve Resolution 23-006, a proposed ninety-day moratorium on the acceptance of any application or requests for annexation, rezoning, or conditional use permits.

MOTION: Joe Anglin

SECOND: Chris Mundy

AYES: Joe Anglin, Oliver McClellan, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

Task Order with ESG Engineering for Design Services for a New Roadway Roundabout at the Intersection of McEver Road and Gaines Ferry Road.

There was a motion made to approve Task Order with ESG Engineering for design services for a new roadway roundabout at the intersection of McEver Road and Gaines Ferry Road in an amount not to exceed \$150,000.

MOTION: Oliver McClellan

SECOND: Joe Anglin

AYES: Joe Anglin, Oliver McClellan, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

Change Order to Archer Western Contract for the Project, “Interim Improvements – Wastewater Treatment Plant”

There was a motion made to approve the change order to the Archer Western Contract for the project, “Interim Improvements – Wastewater Treatment Plant” in an amount not to exceed \$79,926.52.

MOTION: Oliver McClellan
SECOND: Chris Mundy
AYES: Joe Anglin, Oliver McClellan, Joseph Mezzanotte, Chris Mundy
NAYS: None
Motion carried

Establishment of an Investment Portal through Multi-Bank Securities, INC. (MBS) and eConnect Direct

There was a motion made to approve authorizing the City Manager and Finance Director to sign all necessary documents for an investment portal through Multi-Bank Securities, Inc. (MBS) and eConnect Direct.

MOTION: Chris Mundy
SECOND: Oliver McClellan
AYES: Joe Anglin, Oliver McClellan, Joseph Mezzanotte, Chris Mundy
NAYS: None
Motion carried

EXECUTIVE SESSION:

There was a motion made to enter executive session for matters related to the acquisition/disposition of real estate, for matter related to certain personnel issues, and for matters related to pending or potential litigation at 6:38 p.m.

MOTION: Joe Anglin
SECOND: Chris Mundy
AYES: Joe Anglin, Oliver McClellan, Joseph Mezzanotte, Chris Mundy
NAYS: None
Motion carried

There was a motion made to exit executive session at 7:59 p.m.

MOTION: Joe Anglin
SECOND: Oliver McClellan
AYES: Joe Anglin, Oliver McClellan, Joseph Mezzanotte, Chris Mundy
NAYS: None
Motion carried

ADJOURNMENT:

There was a motion made to adjourn at 8:00 p.m.

MOTION: Oliver McClellan

SECOND: Joe Anglin

AYES: Joe Anglin, Oliver McClellan, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

Edward R. Asbridge, Mayor

Date

Shelia Cooper, City Clerk



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider April 6, 2023 Executive Session Minutes

COUNCIL MEETING DATE: April 20, 2023

HISTORY:

FACTS AND ISSUES:

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AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

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