



**City of Flowery Branch
City Council Meeting
Thursday, May 1, 2025, 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:

AWARDS & RECOGNITIONS:

PUBLIC HEARING:

- Consideration of an Appeal to an Administrative Decision for a Property Located at 6482 McEver Road.
[Application Packet.pdf](#)
[Comments Planning & Engineering.pdf](#)
[Executive Summary Appeal to a decision.pdf](#)
[Signed ECP FB Meeting Notice 3.26.2025.pdf](#)
[2025-01-30 - Preliminary Plat-1 Submittal - 24287.00.pdf](#)
[24287.00-BNDY.pdf](#)
[FB Director Response to Edge Plat Appeal 4 3 25.pdf](#)

UNFINISHED BUSINESS - WORK SESSION:

NEW BUSINESS -WORK SESSION:

- SPLOST IX - Discussion about Projects
[Initial categories - SPLOST IX.pdf](#)
- Consider Recommendation to Approve Grant Award from Firehouse Subs Public Safety Foundation
[Executive Summary - Firehouse Subs Grant Award.pdf](#)
- Consider Resolution No. 25-003 Subscribing to Certain Ethics Principles and Pledging to Conduct the Affairs of the City Council of Flowery Branch, Georgia Accordingly.
[ES - Resolution 25-003 City of Ethics 5-1-25.pdf](#)
[Resolution 25-003 City of Ethics TB 4 22 25.pdf](#)
[ARTICLE_III.___CODE_OF_ETHICS 4 22 25.pdf](#)
- Consider a Contract with ESG Engineering, Inc., for Professional Engineering Services for the Design and Construction Administration of a Drinking Water Well Construction Project for the City.
[Executive Summary - Groundwater Wells #4 and #5 \(ESG\).pdf](#)
[2025.03_-_Task_Order_-_FB_Wells__4__5__ESG_TB.pdf](#)
- Consider a Construction Contract for a Storm Drainage Repairs/Rehabilitation Project to a Responsible, Responsive Bidder.
[Executive Summary - Recommendation of Award Summit Lake.pdf](#)

[Summit Lake - Bid Tabulation 03.27.2025.pdf](#)
[00621 - NOTICE OF AWARD Summit Lake.pdf](#)

- Consider CivicPlus Agenda and Meeting Management Master Service Agreement
[Executive Summary CivicPlus Agenda & Minutes Software Consideration.pdf](#)
[Flowery Branch - GA - CivicPlus AMM SOW \(FINAL\).pdf](#)
[AMM Select Pro-Premium Package.pdf](#)

DEPARTMENT REPORTS:

- a. City Manager Report
- b. City Clerk Report
- c. Department of Fun Report
- d. Finance Department Report
- e. Human Resources Report
- f. Planning Department Report
- g. Police Department Report
- h. Public Works & Utilities Report
- i. Attorney Report
- j. Council Report

ADJOURNMENT WORK SESSION:

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

PUBLIC COMMENTS:

Please limit to two minutes

CONSENT AGENDA:

- Consider March 20, 2025 City Council Meeting Minutes
[Unofficial March 20, 2025 City Council Meeting Minutes.pdf](#)
- Consider April 3, 2025 City Council Meeting Minutes
[Unofficial April 3, 2025 City Council Meeting Minutes.pdf](#)
- Consider April 2025 Per Diem for Mayor Asbridge
[Mayor Asbridge April 2025 Per Diem.pdf](#)
- Consider March 2025 Per Diem for Council Member McClellan
[Council Member McClellan March 2025 Per Diem.pdf](#)
- Consider March 2025 Per Diem for Council Member Mezzanotte
[Council Member Mezzanotte March 2025 Per Diem.pdf](#)
- Consider April 2025 Per Diem for Council Member Mezzanotte
[Council Member Mezzanotte April 2025 Per Diem.pdf](#)

UNFINISHED BUSINESS - VOTING SESSION:

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[AMM Select Pro-Premium Package.pdf](#)

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: Consideration of an Appeal to an Administrative Decision for a Property Located at 6482 McEver Road.

COUNCIL MEETING DATE: May 1, 2025

HISTORY:

FACTS AND ISSUES:

The applicant is appealing a decision by the Planning Director not allowing attached townhomes in Highway Business Zoning

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

- [Application Packet.pdf](#)
- [Comments Planning & Engineering.pdf](#)
- [Executive Summary Appeal to a decision.pdf](#)
- [Signed ECP FB Meeting Notice 3.26.2025.pdf](#)
- [2025-01-30 - Preliminary Plat-1 Submittal - 24287.00.pdf](#)
- [24287.00-BNDY.pdf](#)
- [FB Director Response to Edge Plat Appeal 4 3 25.pdf](#)



APPEAL OF ADMINISTRATIVE DECISION

City Provided Permit #

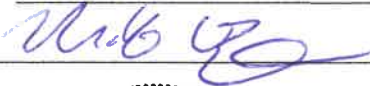
Date: March 3, 2025

Applicant: Edge City Properties, Inc.

Address: 4280 Dove Pt, Duluth GA 30096

E-mail address: mdye@EdgeCP.com

Phone number: 770-814-4500

Signature: 

Notary Seal:



Address of Request:

6483 McEver Road, Flowery Branch GA 30542

Per Article 39; Section 39.1: Persons may appeal to City Council for relief when aggrieved by an action or an interpretation of the Zoning Administrator made under this zoning ordinance. All such requests for relief shall be taken as an appeal to City Council.



Date of Official Action taken by the Zoning Administrator February 24, 2025

Per Article 39; Section 39.2: Application of appeal must be submitted within 30 days of the initial action of the Zoning Administrator.

What action was taken?

See attached supporting letter and the exhibits to the letter

Why was this action or decision incorrect in your opinion (please attach additional pages as needed)?

See attached supporting letter and the exhibits to the letter

Per Article 39; Section 39.3 (d): The Zoning Administrator may ask for additional information as needed.

Per Article 39; Section 39.6: The City Clerk shall notify the applicant of City Council's decisions within 5 days after such decision is rendered.

CITY STAFF ONLY

Permit Accepted By: _____

Date: _____ Total Fee: _____

WILSON BROCK & IRBY, L.L.C.

ATTORNEYS AT LAW

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March 6, 2025

VIA HAND DELIVERY

City of Flowery Branch, Georgia
Attn: Chris McCrary, Planning & Community Development Director
5512 Main Street
Flowery Branch, Georgia 30542

Re: Appeal from February 24, 2025 Reviewer Comments, as clarified on February 25, 2025 (“**Decision**”) for February 3, 2025 Preliminary Plat Application (“**Plat Application**”)
Property: Approximately 16.09 acres, 6482 McEver Road, Flowery Branch, Georgia
Parcel Number 08140 000218 (“**Property**”)
Owner: Sarkar Development Group, Inc. (“**Sarkar**”)
Applicant: Edge City Properties, Inc. (“**Edge**”)

Dear Mr. McCrary:

This correspondence is written on behalf of Sarkar, the owner of the Property, and Edge, applicant for the Plat Application. On or about February 3, 2025, Sarkar and Edge submitted the Plat Application to the City of Flowery Branch, Georgia (“**City**”) to develop the Property with a mixed-use development consisting of eighty-eight (88) single family attached units and three (3) commercial/retail buildings of approximately 9,000 square feet each (“**Project**”). The Project is allowed by right under the City’s Zoning Ordinance.

On or about February 24, 2025, the Decision was issued with regard to the Plat Application. Specifically, Preliminary Plat Review Checklist Item Number 3 states in pertinent part: “HB is defined in the code as allowing for **commercial** uses. Thus, the ‘mixed use’ within HB allows for different types of land uses that are **permissible commercial uses within HB**, planned as a unified complimentary whole” (emphasis in original). After seeking clarification on this issue, Edge received further communication stating the City’s position that the HB zoning district only authorizes commercial uses and that “dwelling townhome attached is not an allowed use in HB under the Purpose and Description and it is labeled a prohibited use under table 9.1” (referenced above and hereinafter as the “**Decision**”).¹

¹ This Appeal pertains to the Decision insofar as its finding that the townhome residential portion of the mixed-use Project sought with the Plat Application is not allowed on the Property. Within the Decision, other comments were made to Preliminary Plat Review Checklist item numbers 4, 5, 7, 9, 13, 15, and 21 which appear to pertain to matters outside of the permitted use of the Property. Pursuant to Section 507(c) of the City’s Subdivision and Land Development Ordinance, Edge and Sarkar reserve the right to address those other comments upon resolution of this Appeal pertaining to authorized use of the Property.

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Sarkar and Edge disagree with and dispute the Decision to prohibit townhomes on the Property as part of a mixed-use development sought with the Plat Application. Instead, the HB zoning on the Property allows mixed-use developments by right, which authorizes development of the Property with the mixed-use residential and commercial Project sought with the Plat Application.

Pursuant to Section 1507 of the City's Subdivision and Land Development Ordinance, Article 39 of the City's Zoning Ordinance, and any other pertinent Ordinance or Code provision, Edge and Sarkar hereby appeal and state their disagreement with the Decision. Please process this appeal and forward it to the Mayor and City Council for further action.

MATERIAL FACTS

Edge is the contract purchaser of the Property, which is zoned HB under the City's Zoning Ordinance. [See Affidavit of Michael Dye ("**Dye Affidavit**"), attached hereto as Exhibit "1", para. 3]. As part of conducting due diligence on the Property, Mr. Dye obtained a February 25, 2019 letter from then Planning and Community Development Director Richard Atkinson to Mr. Robi Sarkar, representative of the owner, concerning the Property which states in pertinent part: "[t]he above referenced property [the same Property at issue in this Appeal] is currently zoned Highway Business (HB). **The uses you have inquired about (mixed use of retail, storage, housing, etc.) are inherently allowed.**" [Dye Affidavit, para. 4, Ex. "A" attached thereto] (emphasis supplied).

Additionally, as part of conducting due diligence on the Property, Mr. Dye obtained a copy of a land disturbance permit issued to Sarkar by the City on April 28, 2020 approving a mixed-use development on the Property consisting of commercial/retail buildings and single family attached units (townhomes). [Dye Affidavit, para. 5, Ex. "B" attached thereto].

On January 2, 2025, certain proposed text amendments to Article Nine (9) of the City's Zoning Ordinance were discussed at a City Council Work Session. [Dye Affidavit, para. 6, Ex. "C" attached thereto]. Chris McCrary, current Community Development and Planning Director, prepared a Memorandum to City Council in regards to proposed amendments to the City's Zoning Ordinance. Therein, Mr. McCrary states in pertinent part with regard to the proposed changes:

"Mixed-Use Building or Development is proposed to be removed from table 9.2. The City has adopted a Mixed-Use zoning category **therefore the use in this table is redundant**" (emphasis supplied). [Dye Affidavit, para. 7, Ex. "C" attached thereto].²

² "Mixed-Use Building or Development" referenced by Mr. McCrary in the January 2, 2025 Memorandum is a permitted use by right in the HB zoning district. In the Memorandum, Mr. McCrary proposes to delete that permitted use in HB because, in his words, it is redundant with the Mixed-Use Development District. The Mixed-Use Development District allows, by right,

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The Mixed-Use Development District referenced by Mr. McCrary is found at Article 8 of the City's Zoning Ordinance. The Mixed-Use Development District permits by right mixed-use development consisting of single family attached units (townhomes) and commercial uses. [See a certified copy of the City's Zoning Ordinance attached hereto as Exhibit "2" ("Zoning Ordinance"), Sec. 8.1 through 8.3; see also Chart 8.1, Permitted Uses].

On February 3, 2025, Sarkar, as owner of the Property, and Edge, as applicant, submitted the Plat Application to the City seeking to alter use of the Property with the mixed-use Project. [Dye Affidavit, para. 9, Ex. "D" attached hereto]. The Plat Application was complete, the requisite fee was paid, and the City accepted it for processing. [Dye Affidavit, para. 10].

On or about February 24, 2025, in complete contradiction to previous actions approving mixed-use development on the Property consisting of single family attached units and commercial uses, the City issued the Decision finding: (1) that only commercial uses are permitted on the Property under the HB zoning; (2) that single family attached units (townhomes) are not allowed on the Property, even when presented as part of the mixed-use Project; and (3) that the "mixed-use" within HB only allows for different types of commercial uses in the HB zoning district. [Dye Affidavit, paras. 11-13, Exs. "E" and "F" attached thereto].³

Edge and Sarkar disagree with and dispute the Decision to prohibit single family attached units (townhomes) on the Property as part of a mixed-use development, as sought with the Project under the Plat Application. [Dye Affidavit, para. 14]. Edge and Sarkar request a determination that the proposed Project sought with the Plat Application is allowed by right on the Property under the City's Zoning Ordinance in effect on February 3, 2025 when the Plat Application was submitted, and that the Plat Application be processed and approved by the City under the regulations in force as of February 3, 2025. [Id.].

**THE HB ZONING ON THE PROPERTY ALLOWS THE MIXED-USE PROJECT
SOUGHT WITH THE PLAT APPLICATION AS A MATTER OF RIGHT**

The Property is zoned to the HB district under the City's Zoning Ordinance and Map. [A certified copy of the City's Zoning Map is attached hereto as Exhibit "3"].

mixed-use developments containing commercial and single family attached units (townhomes), just like Edge is seeking to develop on the Property with the Project. The City's Zoning Ordinance will be discussed more below.

³ This interpretation is a confusing *non sequitur* because under its plain meaning, a mixed-use development requires a mix of **different land use types** such as residential and commercial. It is non-sensical to interpret a mixed-use project to require different types of the **same use**. That is not a mixed-use project, as Mr. McCrary posits, but would simply be a **commercial project**.

A. The City's Zoning Ordinance

The text of the HB zoning district states in pertinent part:

“Sec. 9.4. – HB, Highway Business District.

- (a) *Purpose and Description.* This zoning district is intended to implement the **activity center** and activity center-retail character areas established in the **comprehensive plan**....
- (b) *Permitted and Conditional Uses.* **Permitted** and conditional **uses shall be** as provided in Table 9.1, “Permitted and Conditional Uses in Nonresidential Zoning Districts.”
- (c) *Dimensional Requirements.* Dimensional requirements **shall be** as provided in Table 9.2, “Dimensional Requirements in Nonresidential Zoning Districts.” [Zoning Ordinance, Section 9.4]. ⁴

Table 9.1 contains the list of mandatory permitted uses in the HB zoning district and it expressly allows “Mixed use building or development” by right on the Property. [See Zoning Ordinance, Table 9.1; see also definition of “Use, Permitted” at Section 2.1 of the Zoning Ordinance: “**A use by right which is specifically authorized in a particular zoning district...**”] (emphasis supplied).

The Zoning Ordinance defines “Mixed use development”, specifically authorized by right in the HB district, as:

“A single building containing more than one type of land use; **or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified, complementary whole**” (emphasis supplied). [See Zoning Ordinance, Sec. 2.1 Use Definitions]. ⁵

Moreover, Table 9.2 contains the dimensional requirements for the HB district and provides for a density of up to 12 units per acre, a 700 square foot minimum heated floor area per dwelling unit, and a 10 foot minimum landscape strip along rights-of-way for any multi-family use. [See Zoning Ordinance, Table 9.2].

B. The City's Comprehensive Development Plan

⁴ In its ordinary signification, “shall” is a word of command. *Hardison v. Fayssoux*, 168 Ga. App. 398 (1983) (citing *Garrison v. Perkins*, 137 Ga. 744 (1912)). See also Section 2.7(e) of the City's Zoning Ordinance: “[t]he words “**shall**” and “**must**” are always mandatory and not discretionary....” (emphasis supplied) [See Exhibit “2” attached hereto].

⁵ The Proposed Project sought with the Plat Application is a “Mixed Use Development” allowed by right in HB. It presents a single development of more than one building and more than one type of land use, i.e. commercial and residential uses.

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Section 3.5 of the Zoning Ordinance states in pertinent part:

“The character areas presented in map and text form in the adopted comprehensive plan of the City of Flowery Branch, Georgia **are hereby adopted as if fully set forth in this ordinance**.... Furthermore, to the extent this zoning ordinance provides regulations for character area districts, **they are mandatory and shall be followed**” (emphasis supplied) [See Exhibit “2”].

As noted, Section 9.4(a) of the Zoning Ordinance states that the HB zoning district is intended to implement the Activity Center Character Area in the Comprehensive Development Plan. The Activity Center Character Area found at page 36 of the Comprehensive Development Plan authorizes “**residential uses when part of a mixed use development**” and contains illustrations of mixed-use developments consisting of commercial/retail and townhome projects (emphasis supplied) [A certified copy of the City’s Comprehensive Development Plan is attached hereto as Exhibit “4”].

Moreover, the Property made the subject of this Appeal is located in the “**Mixed-Use Neighborhood**” Character Area. Page 34 of the City’s Comprehensive Plan states appropriate land uses in this Character Area include “**residential in the context of a mixed use development**” and within two illustrations, the Plan states: “**residential uses are allowed when part of a mixed use development**”. (emphasis supplied) [See Comprehensive Development Plan, Ex. “4”].

Based on the plain text of the Zoning Ordinance, and the City’s Comprehensive Development which is incorporated within and as part of the Zoning Ordinance, it is self-evident that the single family attached units sought with the Plat Application are allowed by right on the Property as presented as part of the mixed-use Project. The City’s Zoning Ordinance specifically authorizes mixed-use developments by right on the Property and it is undisputed that the Project sought with the Plat Application constitutes an allowed mixed-use development.

C. The City’s Position.

Nevertheless, the City’s Decision improperly restricting the Property to commercial uses appears to be premised entirely on the following language from the Zoning Ordinance:

“This [HB] zoning district will be an accessible center of businesses, services, and complementary uses with attractive building and site features and contributing extensively to the economic base of the city. The widest possible range of commercial uses is contemplated in this zoning district, except for industry, mixed use developments, and single-family residences including manufactured homes”. [Section 9.4(a), Zoning Ordinance].

However, upon application of the applicable Canons of Construction to the Zoning Ordinance, the City’s reliance upon this language from Section 9.4(a) of the Zoning Ordinance is

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fatally flawed and the mixed-use Project sought by the Plat Application is allowed on the Property as a matter of law.

The construction of a zoning ordinance is a question of law for the courts. In construing a zoning ordinance, the general rule is that the owner of land has the right to use the property for any lawful purpose. Since zoning ordinances restrict an owner's right to freely use his property, they are in derogation of common law. Thus, zoning ordinances are to be strictly construed in favor of the property owner and never extended beyond their plan and explicit terms. Any restrictions must be clearly established and ambiguities in the language of zoning ordinances should be resolved in favor of the free use of property. SDS Real Prop. Holdings, Ltd. v. City of Brookhaven, 341 Ga. App. 862 (2017); Cherokee Cnty. v. Martin, 254 Ga. App. 395, 396 (2002).

Since the exercise of the police power in regulating the use of land infringes upon the landowner's right to its unfettered use of the land, such regulation of land use is in derogation of common law, requiring strict construction against the local government and liberal construction in favor of the landowner. Any ambiguity or uncertainty in a land use regulation ordinance must be construed in favor of the free use of the land. Moreover, a zoning ordinance is subject to the canons of statutory construction like any other statute as a question of law. Where there is in the same statute a specific provision and a more general one, the more specific provision must control. DeKalb Cnty v. Post Apartment Homes, LP, 234 Ga. App. 409, 410-411 (1998); Schwartz v. Black, 200 Ga. App. 735, 736 (1991). Stated more formally, where there is in the same statute a specific provision, and also a general one which in its most comprehensive sense would include matters embraced in the former, the particular provision must control, and the general provision must be taken to affect only such cases within its general language as are not within the provisions of the particular provision. Mayor v. Savannah Elec. & Power Co., 205 Ga. 429 (1949). The rule of construction applicable to all writings and statutes is that general and unlimited terms are restrained and limited by particular recitals, when used in connection with them. Id.

Application of these well-settled precepts results in a conclusion, as a matter of law, that the Project sought with the Plat Application is allowed by right on the Property. The general, descriptive language relied on by the City within Section 9.4(a) of the Zoning Ordinance is supplanted by the more specific, mandatory language of Section 9.4(b) stating that permitted uses in the HB district ***shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts"***. "Permitted Use" is a term defined at Section 2.1 of the Zoning Ordinance to mean: ***A use by right which is specifically authorized in a particular zoning district...*** It is undisputed that "mixed-use development" is a permitted use "specifically authorized" by right on the Property under the HB zoning and that the Project sought with the Plat Application meets the definition of a mixed-use development.

The fact that single family attached units are allowed on the Property when presented as part of a mixed-use development is confirmed by Table 9.2 of the Zoning Ordinance allowing density of up to 12 units per acre and imposing a 700 square foot minimum heated floor area per dwelling unit. The City's Decision violates the Canons of Construction that more specific provisions of an ordinance prevail over more general statements. The City's Decision

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impermissibly renders the specific, mandatory text of Section 9.4(b) and (c) mere surplusage, and further renders the Tables found at 9.1 and 9.2 of the Zoning Ordinance meaningless in violation of the Canons of Construction. Moritz v. Orkin Exterminating Co., 215 Ga. App. 255, 256-257 (1994) (the Canons of Construction seek to “avoid constructions which render a portion of the statute mere surplusage.”)

In addition, the Decision violates another Canon of Construction that zoning ordinances must be construed in favor of the landowner and the free use of property. Any restrictions on the use of land must be clearly established and any ambiguities or uncertainties in the language of zoning ordinances should be resolved in favor of the free use of property. SDS Real Prop. Holdings, Ltd. v. City of Brookhaven, 341 Ga. App. 862 (2017); Cherokee Cnty. v. Martin, 254 Ga. App. 395, 396 (2002); DeKalb Cnty v. Post Apartment Homes, LP, 234 Ga. App. 409, 410-411 (1998).

Here, Edge and Sarkar posit that the mixed-use Project sought with the Plat Application is allowed by right under the plain text of the Zoning Ordinance and Comprehensive Development Plan. However, even if an ambiguity is found to exist between Section 9.4(a) of the Zoning Ordinance, and other Sections of the Zoning Ordinance referenced above, Georgia law is clear that the conflict within the text must be resolved in favor of allowance of the mixed use Project sought with the Plat Application. The Decision should be reversed.

SARKAR AND EDGE HAVE A VESTED RIGHT TO USE THE PROPERTY IN ACCORDANCE WITH THE PLAT APPLICATION UNDER THE REGULATIONS IN FORCE AS OF FEBRUARY 3, 2025, THE DATE OF SUBMITTAL

Section 202 of the City’s Subdivision and Land Development Ordinance states:

“All subdivisions and land developments shall comply as required with the zoning ordinance of the City of Flowery Branch, as may be amended from time to time. No person shall subdivide or develop land, and the Zoning Administrator shall not approve any subdivision or development of land, unless the lots created pursuant to said subdivision or the land use or development activity meet or exceed all applicable requirements of the zoning district in which it is located, and the zoning ordinance generally”. [A certified copy of the Subdivision and Land Development Ordinance is attached hereto as Exhibit “5”].

Section 409 states:

“No person shall begin development, land-disturbing activity, or construction of any improvement on any lot or land except in compliance with this Ordinance. No development permit shall be issued for land disturbing activity or the installation of improvements prior to the approval of a preliminary plat of such land, if required”

Section 502 states:

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Any subdivision involving the dedication of a public street or public land, and any subdivision involving a new private street, shall require the submission of a preliminary plat. The Governing Body of the City of Flowery Branch must first approve a preliminary plat for a subdivision prior to the issuance of a development permit or initiation of any land disturbing or construction activities within the proposed subdivision”.

Based on the plain text of the City’s Subdivision and Land Development Ordinance, approval of a preliminary plat is required as a condition precedent for issuance of a development permit and land disturbing activities to develop the Property with the mixed-use Project. Accordingly, Edge and Sarkar respectfully request that the Decision be reversed and that the Plat Application be processed and approved under the zoning regulations in effect as of February 3, 2025, the date of submittal. Recycle & Recover v. Georgia Bd. of Natural Resources, 266 Ga. 253, 255 (1996) (when a property owner becomes an actual applicant seeking to alter use of land, he has vested right to consideration of application under law then in existence); Banks County v. Chambers of Georgia, Inc., 264 Ga. 421 (1994); WMM Properties v. Cobb County, 255 Ga. 436 (1986) (landowner has vested right to use property in accordance with zoning regulations in force when he applied for permit).

CONCLUSION

Any action by the City other than to reverse the Decision and to thereafter process and approve the Plat Application under the zoning regulations in effect on February 3, 2025 when the application was submitted would result in the violation of the property owner’s and permit applicant’s rights protected by: Article I, Section 1, Paragraph 10, Article I, Section I, Paragraph I, Article I, Section I, Paragraph II, and Article I, Section III, Paragraph I of the Georgia Constitution as well as the 5th and 14th amendments to the U.S. Constitution.

Edge and Sarkar respectfully request that the City reverse the Decision and that the Plat Application be processed and approved under the HB zoning classification in effect as of February 3, 2025, the date of submittal.

Very truly yours,

WILSON BROCK & IRBY, L.L.C.



Kyler L. Wise

Attachments

Ex. “1”

AFFIDAVIT OF MICHAEL DYE

Personally appeared before the undersigned officer, duly authorized by law to administer oaths, Michael Dye, who, being first duly sworn, states under oath as follows:

1.

My name is Michael Dye, also known as Mike Dye. I am over 21 years of age and of sound mind. I provide this Affidavit based upon my personal knowledge. I provide this Affidavit voluntarily and of my own free will. I provide this Affidavit for use in the administrative appeal challenging the February 24, 2025 Reviewer Comments and Decision, as clarified on February 25, 2025, deciding that my mixed-use development consisting of eighty-eight (88) single family attached units and commercial/retail buildings, as sought with a Preliminary Plat Application, is not authorized by the City of Flowery Branch Zoning Ordinance. This Affidavit is also given for all other purposes allowed by law.

2.

I am the principal, representative and otherwise controlling party of Edge City Properties, Inc. ("Edge").

3.

Edge is the contract purchaser of certain property owned by Sarkar Development Group, Inc. ("Sarkar") consisting of approximately 16.09 acres at 6482 McEver Road, Flowery Branch, Georgia, Tax Parcel Number 08140 000218 (the "Property"). The Property is zoned to the HB classification under the City of Flowery Branch ("City") Zoning Ordinance.

4.

As part of conducting due diligence on the Property, I obtained a February 25, 2019 letter written by former City of Flowery Branch Planning and Community Development Director

Richard Atkinson to Mr. Robi Sarkar, representative of the owner, concerning the Property which states: “[t]he above referenced property is currently zoned Highway Business (HB). The uses you have inquired about (**mixed use of retail, storage, housing, etc.**) **are inherently allowed**” (emphasis supplied). A true and correct copy of such February 25, 2019 correspondence is attached hereto as Exhibit “A” and is incorporated herein by reference.

5.

Additionally, as part of conducting my due diligence on the Property, I obtained a copy of a land disturbance permit issued to Sarkar by the City on April 28, 2020 approving a mixed-use development on the Property consisting of commercial/retail buildings and single family attached units (townhomes). My understanding is that the owner elected not to build this development on the Property and this land disturbance permit expired. A true and correct copy of such April 28, 2020 land disturbance permit and approved site plan are attached hereto as Exhibit “B” and incorporated herein by reference.

6.

On January 2, 2025, certain text amendments to Article Nine (9) of the City’s Zoning Ordinance were discussed at City Council Work Session. A true and correct copy of the January 2, 2025 meeting minutes and portions of the agenda packet which are public records I obtained from the City’s website are attached hereto as Exhibit “C” and incorporated herein by reference.

7.

Part of the agenda packet from the January 2, 2025 public meeting is a January 2, 2025 Memorandum from Chris McCrary, the City’s Planning Director, to City Council which states in pertinent part:

“Table 9.2 – Permitted and Conditional Uses in Nonresidential Zoning Districts currently includes residential uses as a permitted use in several nonresidential neighborhood zoning districts. However, the City’s zoning code already provides a specific category for mixed-use developments, making the inclusion of residential uses in the nonresidential table redundant. With the exception of the Central Business District (CBD), residential uses should not be permitted by right in nonresidential zoning categories. Instead, such developments should require a rezoning to the Mixed-Use Category for consistency and proper alignment with the zoning framework. Mixed-Use Building or Development is proposed to be removed from table 9.2. The City has adopted a Mixed-Use zoning category there the use in the table is redundant”. See Exhibit “C” attached hereto.

8.

Based on a plain reading of the City’s current Zoning Ordinance, Mr. McCrary’s January 2, 2025 Memorandum, Mr. Atkinson’s previous February 25, 2019 letter to the Property owner, and the City’s April 28, 2020 land disturbance permit approving a mixed-use development on the Property consisting of commercial/retail and townhomes, a mixed-use development consisting of townhomes and commercial uses is allowed by right on the Property under the HB zoning district.

9.

On February 3, 2025, Sarkar, as owner of the Property, and Edge, as applicant, submitted a Preliminary Plat Application to the City seeking to alter use of the Property with a mixed-use development consisting of eighty-eight (88) single family attached units (townhomes) and three (3) commercial/retail buildings of 9,000 square foot each (“Project”).

10.

The February 3, 2025 Preliminary Plat Application was complete, the requisite fee was paid, and the City accepted it for processing (“Plat Application”). A true and correct copy of the Plat Application submitted to the City on February 3, 2025 is attached hereto as Exhibit “D” and is incorporated herein by reference.

11.

On or about February 24, 2025, I received comments from the City on the Plat Application. Specifically, Preliminary Plat Review Checklist Item Number 3 states in pertinent part: “HB is defined in the code as allowing for **commercial** uses. Thus, the mixed use within HB allows for different types of land uses that are **permissible commercial uses within HB**” (emphasis in original). A true and correct copy of the City’s February 24, 2025 Comments to the Plat Application is attached hereto as Exhibit “E” and incorporated herein by reference.

12.

After seeking clarification of these comments concerning Checklist Item Number 3, on February 25, 2025, I received email correspondence from Chris McCrary stating the City’s position that HB does not authorize single family attached units (townhomes) on the Property even when presented as part of a mixed-use development, that HB only authorizes commercial uses on the Property, and that “the ‘mixed-use’ within HB allows for different types of land uses that are **permissible commercial uses within HB**” (emphasis in original). A true and correct copy of Mr. McCrary’s February 25, 2025 email is attached hereto as Exhibit “F” and incorporated herein by reference.

13.

The Comments attached hereto as Exhibit “E”, and the clarification of those Comments

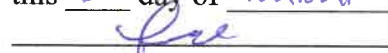
attached hereto as Exhibit "F", are collectively referenced as the "Decision".

14.

As representative of the applicant of the Plat Application, I disagree with and dispute the Decision to prohibit single family attached units (townhomes) on the Property as part of a mixed-use development, as sought with the Project under the Plat Application. I request a determination that the proposed Project sought with the Plat Application is allowed by right on the Property under the City's Zoning Ordinance in effect on February 3, 2025 when the Plat Application was submitted, and that the Plat Application be processed and approved by the City under the regulations in force as of February 3, 2025.

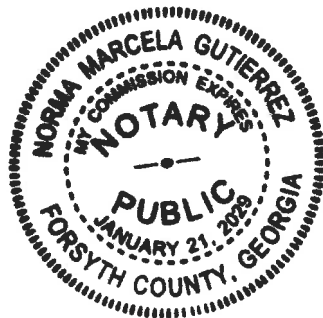
FURTHER AFFIANT SAYETH NOT

Sworn to and subscribed before me
this 3 day of March, 2025.


NOTARY PUBLIC

My Commission Expires:


Michael Dye



Ex. “A”



February 25, 2019

Mr. Robi Sarkar

RE: 6401 AKA 6482 McEver Road, Flowery Branch, GA 30542

Parcel # 08140 000092

Mr. Sarkar

The above referenced property is currently zoned Highway Business (HB). The uses you have inquired about (mixed use of retail, storage, housing, etc.) are inherently allowed.

The proposed development lies within the "Neighborhood Commercial" character area and is considered compliant with the Flowery Branch comprehensive plan.

The subject property does not currently lie within any overlay districts.

The proposed development must meet all the standards set forth in the Flowery Branch Code of [Ordinances](#).

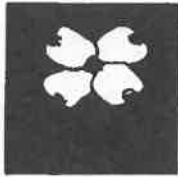
Should you have any further questions regarding zoning please contact me by email at rich@flowerybranchga.org.

Regards,

Richard Atkinson

Richard Atkinson
Planning and Community Development
City of Flowery Branch

Ex. “B”



City of Flowery Branch
5410 Pine Street
Flowery Branch, GA 30542
(770) 967 6371

Permit	Permit NO: DEV-000730-2020
	Permit Type: Development Permit
	Work Classification: Full
	Permit Status: Issued
Issue Date: 04/28/2020	
Expiration: 10/26/2020	

Location Address

Parcel Number

6401 MCEVER RD, FLOWERY BRANCH, GA 30542

08140 000092

Contacts

SARKAR INVESTMENT GROUP LLC
6680 WOODLAKE DR, FLOWERY BRANCH, GA 30542

Owner

Description: CLEARING GRADING AND GRUBBING,
CONSTRUCTION OF UTILITIES, INFRASTRUCTURE ROADS
LANDSCAPING FOR MIXED USE DEVELOPMENT, CONSISTING
OF 27 RESIDENTIAL TOWN HOMES

Valuation: \$0.00
Total Sq Feet: 0.00

Inspection Requests:

(470) 798-0523

Fees	Amount
Full Dev. Permit Fee (Not in City Water/Sewer)	\$3,500.00
NPDES General Permit Fee	\$700.00
Total:	\$4,200.00

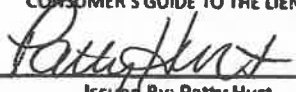
Payments	Amt Paid
Total Fees	
Amount Due:	

Available Inspections:	
Inspection Type	
E & S	
Final Engineering	725

THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 120 DAYS OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 6 MONTHS AT ANY TIME AFTER WORK IS COMMENCED.

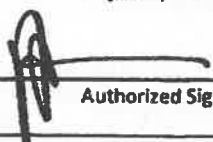
I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

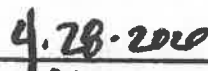
THE ISSUANCE OF THIS PERMIT AUTHORIZES IMPROVEMENTS OF THE REAL PROPERTY DESIGNATED HEREIN WHICH IMPROVEMENTS MAY SUBJECT SUCH PROPERTY TO MECHANICS' AND MATERIALMEN'S LIENS PURSUANT TO PART 3 OF ARTICLE 8 CHAPTER 14 OF TITLE 44 OF THE OFFICIAL CODE OF GEORGIA, ANNOTATED. IN ORDER TO PROTECT ANY INTEREST IN SUCH PROPERTY AND TO AVOID ENCUMBRANCES THEREON, THE OWNER OR ANY PERSON WITH AN INTEREST IN SUCH PROPERTY SHOULD CONSIDER CONTACTING AN ATTORNEY OR PURCHASING A CONSUMER'S GUIDE TO THE LIEN LAWS WHICH MAY BE AVAILABLE AT THE BUILDING SUPPLY HOME CENTERS.


Issued By: Patty Hurt

April 28, 2020

Date


Authorized Signature


Date

April 28, 2020

City of Flowery Branch, Georgia

Page 1 of 1

Ex. “C”



**City of Flowery Branch
City Council Meeting
Thursday, January 2, 2025, 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:

AWARDS & RECOGNITIONS:

NEW BUSINESS -WORK SESSION:

- Discussion of Text Amendments to Article 6, Article 9, Legacy Zoning Categories and Public Hearing Advertisement Time Frame.
[Executive Summary Article 6 and Article 9 updated.pdf](#)
[Article 6 UPDATED 12-5-2024.pdf](#)
[Article 9 Table 9.1 UPDATED 12-5-2024.pdf](#)
[Draft Legacy Zoning Addition.pdf](#)
[Public Hearing Advertisement and Signs.pdf](#)
- Consider a Consulting Agreement with Jimmy Dean for Wastewater Consulting Services
[ES - Jimmy Dean 2025 contract.pdf](#)
[Consulting Agreement - J Dean 01 02 25.pdf](#)
- Consider the First Reading of Ordinance 728 for Publishing of 2025 General Election Qualifying Fees
[Executive Summary Ordinance 728 - 2025 Call for Election.pdf](#)
[Ordinance 728 - 2025 Call for Election.pdf](#)

DEPARTMENT REPORTS:

- a. City Manager Report
- b. City Clerk Report
- c. Department of Fun Report
- d. Finance Department Report
- e. Human Resources Report
- f. Planning Department Report
- g. Police Department Report
- h. Public Works & Utilities Report
- i. Attorney Report
- j. Council Report

ADJOURNMENT WORK SESSION:

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

PUBLIC COMMENTS:

Please limit to two minutes

CONSENT AGENDA:

- Consider December 19, 2024 City Council Meeting Minutes
[Unofficial December 19, 2024 City Council Meeting Minutes.pdf](#)
- Consider December 2024 Per Diem for Mayor Asbridge
[December 2024 Mayor Asbridge Per Diem.pdf](#)

NEW BUSINESS - VOTING SESSION:

- Consider a Consulting Agreement with Jimmy Dean for Wastewater Consulting Services
[ES - Jimmy Dean 2025 contract.pdf](#)
[Consulting Agreement - J Dean 01 02 25.pdf](#)
- Consider the First Reading of Ordinance 728 for Publishing of 2025 General Election Qualifying Fees
[Executive Summary Ordinance 728 - 2025 Call for Election.pdf](#)
[Ordinance 728 - 2025 Call for Election.pdf](#)

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



Memorandum

To: City of Flowery Branch, City Manager, and City Council

From: Chris McCrary, Community Development and Planning Director

Date: January 2nd, 2025

Subject: Executive Summary Text Amendment to Article 6 and Article 9

Summary:

Article 6

- Staff is proposing a text amendment to Article 6 to establish a new zoning district for single-family townhomes. This amendment outlines specific district dimensions for townhomes, with a maximum density of six units per acre. Existing Code Section 12.6 – Townhouses, mandates high architectural standards and varied building fenestrations to create visually distinct townhome developments. The code encourages the use of rear-load alleys and garages by permitting a zero-front setback for such designs. Incorporating a mix of front- and rear-loaded townhomes fosters architectural diversity and enhances the overall aesthetic of the development. Additionally, Code Section 10.22 – Open Space, requires single-family townhome developments to include various amenities through designated open and civic spaces.
- Staff is proposing a text amendment to Article 6 to establish a new zoning district for residential multi-unit housing. This amendment outlines specific district dimensions for multi-family units, with a maximum density of twelve units per acre. Existing Code Articles 10, 12 and 40 –mandate high architectural standards and varied building fenestrations to create visually distinct residential multi-unit developments. Additionally, Code Section 10.22 – Open Space, requires residential multi-unit developments to include various amenities through designated open and civic spaces.

Article 9

- Staff is proposing a text amendment to Article 9, Table 9.1 to make minor use changes. Large civic areas such as private clubs, churches, temples, synagogues, or places of worship are similar in holding a large congregation in a single room or building. Staff recommends these uses obtain a Conditional Use Permit. Often these uses occupy an existing building not intended to have the large gathering areas, such as a conversion from a warehouse to a large gathering area. A Conditional Use Permit would allow staff to confirm that minimum



HVAC codes for air circulation are provided, proper exits are installed, sufficient parking is provided, and the site has safe ingress / egress.

- Table 9.2 – Permitted and Conditional Uses in Nonresidential Zoning Districts currently includes residential uses as a permitted use in several nonresidential zoning districts. However, the City’s zoning code already provides a specific category for mixed-use developments, making the inclusion of residential uses in the nonresidential table redundant. With the exception of the Central Business District (CBD), residential uses should not be permitted by right in nonresidential zoning categories. Instead, such developments should require a rezoning to the Mixed-Use category for consistency and proper alignment with the zoning framework.
- Mixed-Use Building or Development is proposed to be removed from table 9.2. The City has adopted a Mixed-Use zoning category therefore the use in the table is redundant.
- Table 9.2 currently includes Public Schools as a permitted use; however, it is proposed to remove this category from the table, as public schools are already exempt from zoning requirements. Private schools, listed as a use by right in the HB zoning district, require careful evaluation on a case-by-case basis. Specifically, consideration must be given to stacking and vehicular drop-off and pick-up areas to ensure traffic congestion and safety issues are not created by vehicles spilling into public streets. To address these concerns, each private school should be required to submit a traffic impact analysis that evaluates traffic patterns and the impact on road systems during peak demand times. To ensure these items are considered on a site-by-site basis, staff recommends private schools in HB zoning require a Conditional Use Permit.

**ARTICLE 6
AGRICULTURAL AND CONVENTIONAL
RESIDENTIAL ZONING DISTRICTS**

ARTICLE 6. - AGRICULTURAL AND CONVENTIONAL RESIDENTIAL ZONING DISTRICTS

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

- (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. - 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.

Sec. 6.5. – SF-TH, Single Family Attached Townhome District.

- (a) *Purpose and Description.* This zoning district is intended exclusively for the development and construction of single family attached townhomes in accordance with the comprehensive plan. This district is also intended to implement the "urban density community" character area established in the comprehensive plan. The regulations that apply to the SF-TH 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) (f) *Design Requirements.* See Articles 10, 12, and 40 of this Zoning Ordinance.

Sec. 6.6. RMU Residential Multi-Unit

- (a) *Purpose and Description.* This zoning district is intended to implement the "multi-unit-family residential" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intending to implement the "urban density communities" character area established in the comprehensive plan.
- (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.
- (e) *Parking Requirements.* See Articles 21.

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	MHP	SF-TH	RMU
Accessory apartment, attached	X	X	C	X	X	C
Accessory apartment, detached	X	C	C	X	X	C
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	X	X	X
Club or lodge, nonprofit, sponsored by a civic or similar organization	C	C	C	X	X	C
Community recreation	P	P	P	P	P	P
Conservation areas and passive recreational facilities	P	P	P	P	P	P
Conservation subdivision	C	C	P	P	X	X
Construction field office (temporary use)	X	X	P	P	P	P
Dwelling, single-family detached, fee-simple	P	P	P	X	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); three-family (tri-plex)	X	X	X	X	X	X
Dwelling, multi-family (apartment, attached residential condominium)	X	X	X	X	X	C
Garden, non-commercial, accessory to single-family detached dwelling	P	P	P	X	X	X
Golf course	P	P	P	X	P	C

Use	A	R-1	R-2	MHP	SF-TH	RMU
Guest house (accessory building/use)	P	P	P	X	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
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	P	X	X
Model home for single-family subdivision or townhomes (temporary)	P	P	P	X	P	X
Public or semi-public use	P	P	P	X	P	P
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
Temporary use	P	P	P	X	P	P

Table 6.2
Dimensional Requirements for Agricultural and
Conventional Residential Zoning Districts

Requirement (measurement unit)	A	R-1	R-2	MHP	SF-TH	RMU
Maximum height (feet)	75	35	35	35	35	75
Maximum height (number of stories)	3	3	3	1	3	5
Maximum density (units per acre)	0.333	2.18	4	4	6	12
Minimum lot size for detached single-family dwelling (square feet) (1)	130,680	20,000	15,000	10,000	N/A	N/A
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	10,000	10,000	10, 000
Minimum lot width (feet)	200	90	75	50	26	N/A
Minimum heated floor area per dwelling unit (square feet)	2,500	2,200	2,000	1,000	1,500	1,000
Minimum front yard setback from lot line, all principal buildings (feet)	80	35	25	25	25 (0 if townhomes are alley accessed with rear entry garages)	25
Minimum side setback, interior lot line, all principal buildings (feet)	25	25	15	20	5 (min. 10 between buildings)	20 (min. 10 between buildings)
Minimum side setback, corner lot, all principal buildings (feet)	60	35	25	20	5	20
Minimum rear setback, all principal buildings (feet)	35	25	20	20	20	20
Minimum setback, all principal or accessory buildings and structures abutting residential	Side and rear setbacks shall apply	50	50	100	50	50
Minimum width of natural buffer abutting residential	None			40	35	50
Minimum landscape strip required along right-of-ways for any nonresidential use if permitted (width in feet)	15	15	10	10	20	20
Minimum landscape strip required along	N/A	N/A	N/A	N/A	N/A	20

right-of-ways for any apartment or condominium (multi-family residential) use (width in feet)						
Minimum landscape strip required along side property lines for any nonresidential use if permitted (width in feet)	5	5	5	5	10	15
Maximum coverage of principal and accessory buildings (percent of lot)	25	25	35	50	N/A	40
Minimum landscaped open space, all principal uses except detached, single-family residential lots (percent)	20	20	15	15	25	30

(1) Where on on-site sewage system is not available, minimum lot size requirements of the Hall County Environmental Health Department shall be required and may exceed these minimums.

Table 9.1
Permitted and Conditional Uses in Nonresidential Zoning Districts

(P = Permitted Use C = Conditional Use X = Prohibited)

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Accessory building, structure, or use	P	P	P	P	P	P	P
Adaptive reuse of a detached single-family dwelling for a personal service establishment or enclosed retail establishment	C	C	P	P	P	X	X
Adult business (see Adult Entertainment of Code of Ordinances No. 360)	X	X	X	X	X	P	P
Agricultural processing	X	X	X	X	X	X	C
Aircraft landing area	X	X	X	X	X	X	C
Animal hospital or veterinary clinic	P	P	P	P	X	X	X
Animal rendering, slaughtering, and recycling plant	X	X	X	X	X	X	X
Animal shelter	X	P	X	C	X	P	P
Apparel manufacturing	X	X	X	X	X	P	P
Art gallery	P	P	P	P	P	X	X
Asphalt plant	X	X	X	X	X	X	C
Auction house or auction yard (excluding livestock)	X	X	X	X	X	P	P
Auction house or auction yard (including livestock)	X	X	X	X	X	X	P
Automated teller machines (accessory use)	P	P	P	P	X	P	P
Automobile sales and service establishment	X	X	X	P	X	X	X
Automobile sales without service	X	X	X	P	X	X	X
Automobile service establishment without sales	X	X	X	P	X	P	P
Bank or financial institution	P	P	P	P	P	X	X
Batching plant	X	X	X	X	X	X	C
Bed and breakfast inn	P	P	P	P	P	X	X
Big box commercial building	X	X	X	C	X	C	C
Borrow site	X	C	X	C	X	X	P
Botanical garden	P	P	P	C	X	X	X
Bottling or canning plant	X	X	X	X	X	C	P
Brew pub	X	C	P	P	P	P	P
Brewery or distillery	X	X	X	X	X	P	P
Broadcasting studio	P	P	P	P	X	P	P
Building material sales	X	X	X	C	X	P	P
Building sales establishment	X	X	X	C	X	P	P
Bulk storage	X	X	X	X	X	X	P
Business service establishment, not exceeding 2,500 square feet of gross floor area	C	C	P	P	P	P	P
Business service establishment, more than 2,500 square feet of gross floor area	X	X	X	P	P	P	P
Camp or campground	X	C	X	C	X	X	X
Car wash	X	X	X	C	X	P	P
Caretaker's residence	X	X	X	C	C	P	P

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Carnival	X	X	X	C	X	X	P
Cemetery or mausoleum	X	P	X	C	X	P	P
Church, temple, synagogue, or place of worship, including specified accessory uses (see Section 14.3) (Ord. 348-11)	P-C	P	C	P-C	X	C	C
Clinic	P	P	P	P	X	X	X
Club or lodge, nonprofit, sponsored by a civic or similar organization	P-C	P	C	P-C	X	C	C
Club, private (Ord. 348-11)	X	C	X	C	X	X	X
Cold storage plant or frozen food locker	X	X	X	X	X	P	P
Co-generation facility	X	X	X	X	X	C	C
College or university (Ord. 348-11)	C	P	X	C	X	C	C
Commercial recreational facility, indoor (Ord. 348-11)	X	X	C	P	X	C	C
Commercial recreational facility, outdoor	X	X	X	C	C	C	C
Communication tower and antenna	P	P	X	P	X	P	P
Community recreation area	P	P	P	P	P	P	P
Composting facility	X	X	X	X	X	X	P
Conservation areas and passive recreational facilities	P	P	P	P	P	P	P
Construction field office and/or yard (temporary use)	X	P	X	P	X	P	P
Continuing care retirement community	C	P	X	P	C	X	X
Contractor's establishment	X	X	X	P	X	P	P
Convenience store, with or without gasoline pumps	X	X	X	C	X	X	X
Cottage industry	P	P	P	P	P	P	P
Crematorium in conjunction with a funeral home or mortuary (Ord. 348-13)	X	C	X	C	X	P	P
Crematorium not in conjunction with a funeral home or mortuary (Ord. 348-13)	X	X	X	X	X	X	P
Crisis center	C	P	X	P	X	P	P
Custom order shop	X	X	P	P	P	P	P
Day care center serving no more than 17 persons	P	P	P	P	X	C	C
Day care center serving 18 persons or more	X	P	C	P	X	C	C
Distribution center, including truck terminals	X	X	X	C	X	P	P
Dry cleaning plant	X	X	X	C	X	P	P
Dwelling, single-family detached, fee-simple	P-X	P-X	X	X	P-C	X	X
Dwelling, single-family detached, condominium	P-X	P-X	X	X	P-C	X	X
Dwelling, townhome (single-family attached fee-simple)	X	X	X	X	P-C	X	X
Dwelling, multi-family	X	X	X	X	P-C	X	X
Dwelling, two-family (duplex)	C-X	C-X	X	X	X	X	X
Dwelling, located within a building containing a nonresidential principal use	X	X	X	X	X	X	X
Explosives storage	X	X	X	X	X	X	C
Exterminating and pest control business or disinfecting service	X	X	C	P	X	P	P

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Extraction and removal of sand, gravel, top soil, clay, dirt, precious metals, gems, and minerals	X	X	X	X	X	X	C
Fairgrounds	X	P	X	X	C	P	P
Finance, insurance, and real estate establishment, 2,500 square feet or less of gross floor area per establishment	P	P	P	P	P	P	P
Finance, insurance, and real estate establishment, more than 2,500 square feet of gross floor area per establishment	P	P	P	P	P	X	X
Food processing plant	X	X	X	X	X	X	P
Fuel oil distributor	X	X	X	X	X	P	P
Funeral home or mortuary	X	X	X	C	X	P	P
Gas tank sales	X	X	X	C	X	X	P
Greenhouse (commercial)	X	X	X	P	X	P	P
Group home	C	P	X	P	X	X	X
Growler	X	X	X	P	P	X	X
Gym or exercise facility, not open 24 hours a day	P	P	P	P	P	P	P
Gym or exercise facility open 24 hours a day	P	P	X	P	P	P	P
Hazardous waste receiving, handling, and/or disposal facility, or volatile organic liquid handling and storage	X	X	X	X	X	X	C
Health spa	X	X	X	P	P	P	P
Hospital	C	P	X	P	C	C	C
Incinerator	X	X	X	X	X	X	C
Institutional residential living and care facility, serving no more than 17 persons	P	P	P	P	X	X	X
Institutional residential living and care facility, serving 18 persons or more	C	P	X	P	X	X	X
Junk/salvage yard	X	X	X	X	X	X	C
Kennel	X	X	X	P	X	P	P
Laboratory	P	P	C	P	X	P	P
Landfill (sanitary, construction/demolition, inert waste)	X	X	X	X	X	X	C
Landscaping company	X	X	X	P	X	P	P
Live/work unit	C	X	C	C	P	P	P
Lodging service (hotel, motel, motor hotel, inn)	X	C	X	P	P	X	X
Logging yard	X	X	X	X	X	X	P
Lumber yard	X	X	X	C	X	P	P
Machine shop	X	X	X	P	X	P	P
Manufactured home, "Class A"	X	X	X	X	X	X	X
Manufactured home other than "Class A"	X	X	X	X	X	X	X
Manufactured home park	X	X	X	X	X	X	X
Manufacturing, ceramics	X	X	X	X	X	C	P
Manufacturing, cosmetics or toiletries	X	X	X	X	X	P	P
Manufacturing, coating of cans, coils, fabrics, vinyl, metal furniture, appliance surfaces, wire, paper, and flat wood paneling	X	X	X	X	X	C	C

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Manufacturing, electronics, camera, or photographic or communication equipment	X	X	X	X	X	P	P
Manufacturing, instrument assembly	X	X	X	X	X	P	P
Manufacturing, metal products	X	X	X	X	X	C	P
Manufacturing, pharmaceuticals and medical supplies	X	X	X	X	X	P	P
Manufacturing, textiles	X	X	X	X	X	P	P
Manufacturing, wood products	X	X	X	X	X	P	P
Manufacturing, processing, and assembling, within buildings, not otherwise specified	X	X	X	X	X	C	C
Marina	X	C	X	P	X	X	X
Materials recovery facility	X	X	X	X	X	X	C
Micro-brewery	X	X	X	X(1)	C	X	X
Micro-distillery	X	X	X	X(1)	C	X	X
Mixed-use building or development	C	X	P	P	P	C	X
Museum	P	P	P	P	P	P	P
Office	P	P	P	P	P	P	P
Office-warehouse	X	X	X	C	X	P	P
Open air business	X	X	X	P	C	C	C
Open storage yard (principal use)	X	X	X	C	X	P	P
Package store	X	X	X	P	X	X	X
Parking deck or structures, on-site or off-site	C	C	X	P	C	C	C
Parking lot, off-site	P	P	P	P	C	P	P
Personal service establishment	C	C	P	P	P	P	P
Petroleum bulk storage site	X	X	X	X	X	X	P
Power plant, private	X	X	X	X	X	X	C
Public or semi-public use	P	P	P	P	P	P	P
Rail yard	X	C	X	X	X	X	P
Railroad freight terminal	X	C	X	X	X	X	P
Recreational vehicle park	X	X	X	C	X	X	X
Recovered materials processing facility	X	X	X	X	X	X	C
Recycling center	X	X	X	X	X	C	C
Restaurant, excluding drive-ins or drive through facilities and fast-food restaurants as defined	X	C	P	P	P	P	P
Restaurant, including drive-ins or drive through facilities and fast-food restaurants as defined	X	X	X	P	X	C	C
Retail trade establishment, enclosed	X	X	P	P	P	P	P
Retreat center	P	P	X	P	X	X	X
Riding academy or equestrian center	X	X	X	P	X	C	C
Rooming or boarding house	C	X	X	C	X	X	X
Sawmill	X	X	X	C	X	X	P
School for the arts (Ord. 348-10; Ord. 348-11)	P	P	C	P	C	C	C
School, private, elementary, middle, or high (Ord. 348-11)	P	P	C	P-C	X	C	C
School, public	P	P	X	X	X	X	X
School, professional (Ord. 348-11)	P	P	C	P	X	C	C
School, special (Ord. 348-11)	P	P	X	X	X	C	C
School, trade (Ord. 348-11)	C	C	X	X	X	C	C

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Self-service storage facility (mini-warehouse)	X	X	X	C	X	P	P
Service and fuel-filling station	X	X	X	P	X	P	P
Showroom	X	X	X	X	X	P	P
Slaughterhouse	X	X	X	X	X	X	C
Solid waste handling and/or transfer facility	X	X	X	X	X	X	C
Special event facility (Ord. 348-11)	C	P	C	P	X	X	X
Taxi cab and limousine service	X	X	X	X	X	X	X
Temporary use approved by the Zoning Administrator	P	P	P	P	P	P	P
Therapeutic camp	X	C	X	X	X	X	X
Tow service	X	X	X	P	X	C	P
Truck stop or truck terminal	X	X	X	C	X	X	P
Utility company	P	P	X	P	X	P	P
Utility company substation	P	P	P	P	P	P	P
Vehicle emission testing facility	X	X	X	P	X	P	P
Warehouse or storage building	X	X	X	C	X	P	P
Water plant or wastewater treatment facility	X	X	X	X	X	X	X
Wholesale trade establishment	X	X	X	C	C	P	P
Wireless telecommunications equipment	X	C	X	C	X	C	C
Wireless telecommunications facility	X	C	X	C	X	C	C
Wrecked motor vehicle compound	X	X	X	C	X	X	P
Yoga Studio	P	P	P	P	P	P	P

Note 1. Building Height and Number of Stories. The maximum height of any building, including those on lots subsequently zoned CBD after the effective date of this zoning ordinance amendment, shall be three stories and 45 feet, except as follows:

The maximum building height shall be four stories and 60 feet for the following city blocks: The city block bounded by Railroad Avenue, Pine Street Extension, Church Street, and Chestnut Street; the city block bounded by Railroad Avenue, Main Street, Church Street, and Pine Street Extension; and the city block bounded by Railroad Avenue, Bailey Drive, Church Street, and Main Street. The building height may project 6 feet above the maximum for purposes of screening roof mounted equipment, safety railings and/or other service equipment.

X(1): HB zoned properties located within the downtown overlay district may operate micro-breweries or micro-distilleries subject to the granting of a Conditional Use Permit.

Draft: Legacy Zoning Section Summary

Legacy Zoning Categories are classifications used in land use planning to address areas that were zoned under previous zoning ordinances but no longer align with current zoning practices or standards. These categories serve several purposes and reflect specific intents:

Purpose of Legacy Zoning Categories

1. **Preservation of Existing Uses:**
 - They allow pre-existing developments or land uses that do not conform to current zoning regulations to continue operating without requiring immediate changes.
 2. **Transition Management:**
 - Legacy zoning serves as a bridge, helping jurisdictions transition from older zoning codes to updated frameworks without disrupting established neighborhoods or businesses.
 3. **Legal and Practical Recognition:**
 - These categories prevent the creation of unnecessary legal nonconformities by formally recognizing older zoning designations until a formal rezoning process can be completed.
 4. **Gradual Redevelopment:**
 - They enable gradual redevelopment over time, allowing property owners to adapt to new zoning standards without immediate financial or operational burdens.
-

Intent of Legacy Zoning Categories

1. **Flexibility for Property Owners:**
 - Provide property owners with flexibility to maintain or improve their properties within the context of the older zoning regulations.
2. **Historical Integrity:**
 - Protect the character of older neighborhoods or districts that might have unique historical or cultural significance not reflected in modern zoning.
3. **Minimization of Conflict:**
 - Reduce conflicts between property owners and the local government by providing a clear pathway to eventual compliance with updated zoning codes.
4. **Support for Comprehensive Planning:**
 - Align legacy zones with long-term comprehensive plans, ensuring future development or redevelopment aligns with community goals and vision.

- **Article 6, Sec. 6.5 – Legacy Zoning Categories**

Legacy Zoning Categories are classifications used in land use planning to address areas that were zoned under previous zoning ordinances but no longer align with current zoning practices or standards. These categories serve several purposes and reflect specific intents.

- a) **R-3, Residential Multi-Family District**

- 1. The purpose of the Legacy Residential Multi-Family District is to recognize multi-family Zones established for which a category is shown on the official Zoning Map but is no longer an active district after June 1st, 2023. The purpose of the Residential Multi-Family District was intended to provide for higher density residential development and related uses and to protect the future development of land in accordance with the comprehensive plan. This district consists predominantly of multi-family residences (apartment complexes and townhouses), two-family residences, and detached single-family dwellings (site built or modular) and is intended to implement the "urban density community" 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) **PUD, Planned Unit Development District.**

- 1. The purpose of the Legacy Planned Unit Development District is to recognize Planned Unit Development Zones established for which a category is shown on the official Zoning Map but is no longer an active district after June 1st, 2023. The purpose of the Planned Unit Development District was 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.

Article 33 – Text Amendments

Sec. 33.5. - Notice of Public Hearing.

At least ~~thirty (30)~~ **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 Mayor and City Council. The notice shall state the time, place, and purpose of the public hearing.

Article 34 – Rezoning and Conditional Use Applications

- **Sec. 34.12. - Notice of Public Hearing.**

- a) At least ~~thirty (30)~~ **fifteen (15)** 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 Mayor and 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.
- b) If the zoning decision of a local government 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.
- c) Each public notice sign pertaining to a conditional use shall state the existing or proposed zoning classification and the proposed use of the property. Each public notice sign pertaining to a concurrent variance shall state the proposed zoning classification and the type of variance applied for.

- **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 Zoning Administrator 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)~~ **fifteen (15)** 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.

Article 37 - Variances

• Sec. 37.10. - Notice of Public Hearing.

- a) At least ~~thirty (30)~~ **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 Mayor and City Council, on the variance application. The notice shall state the time, place, and purpose of the public hearing.
- b) Each public notice sign pertaining to a concurrent variance shall state the proposed zoning classification and the section or sections of the Zoning Ordinance proposed to be varied.

• Sec. 37.11. - Public Notice Sign.

- a) For all variance applications the Zoning Administrator 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)~~ **fifteen (15)** 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 before the City Council, and the location of the property.
- c) Each public notice sign pertaining to an amendment to the official zoning map shall state the section or sections of the zoning ordinance proposed to be varied.

Article 38 – Administrative Variances

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 [Section 38.6](#).
- b) At least ~~thirty (30)~~ **fifteen (15)** 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 Director 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.

Ex. “D”



LAND DISTURBANCE PERMIT APPLICATION

City Provided Permit #

Date: 2/3/2025

Address of Request:

6482 McEver Road

Tax Map # 08140 000218 Current Zoning: HB

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

Any conditions of zoning, CUP's, etc.? none known

**REVIEW THE FLOWERY BRANCH CODE OF ORDINANCES; APPENDIX B,
"SUBDIVISIONS ORDINANCE", ARTICLE 6, "DEVELOPMENT PERMIT AND PLAN
APPROVAL" FOR ALL REQUIREMENTS**

Check One: Minor LDP ☒ Major LDP – Full Development Permit ☐

Description of Work

Preliminary Plat approval prior to submission of LDP

Contractor Information

Name: None at this time

Address: _____

License #: _____

E-mail address: _____ Phone number: _____



Applicant Information

Edge City Properties, Inc. C/O Mike Dye
Applicant Name: _____
Applicant Address: 4280 Dove Pt, Duluth GA 30096
Applicant Email: mdye@edgecp.com
Applicant Phone Number: 770-814-4500
Applicant Signature: Mike Dye

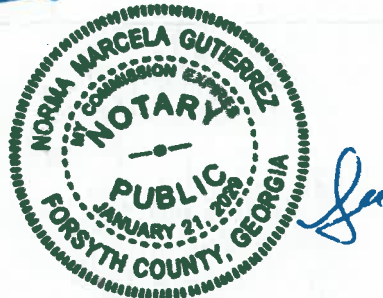
Property owner information

Sarkar Development Group, Inc.
Property Owner Name (please print): _____
Property Owner Address: 6680 Woodlake Drive, Flowery Branch GA 30542
Property Owner Email: robiksarkar@gmail.com
Property Owner Phone Number: 404-307-8938

I HEREBY AUTHORIZE THE ABOVE APPLICANT TO APPLY FOR A LAND DISTURBANCE PERMIT FOR THE PROPERTY LISTED ON THIS APPLICATION

Signature of Property Owner: [Signature]

Notary Seal:



Design Professional

Kenneth Wood
Name: _____
Company: Planners & Engineers Collaborative
E-mail address: kwood@pec.plus
Phone #: 678-684-6206



Applicant Information Required at Time of Submittal

- Septic tank or sewer? sewer
- If sewer who is the provider? City of Flowerly Branch
- Approvals (Yes, No, or N/A)
 - City Engineer N/A
 - Health Department N/A
 - Fire Department N/A
 - Gainesville Utility N/A
 - City of FB Utility N/A

THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 365 DAYS OF PERMIT ISSUANCE.

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

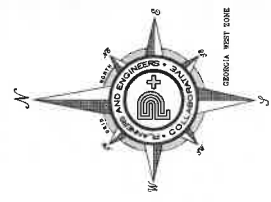
Signature: _____

CITY STAFF ONLY

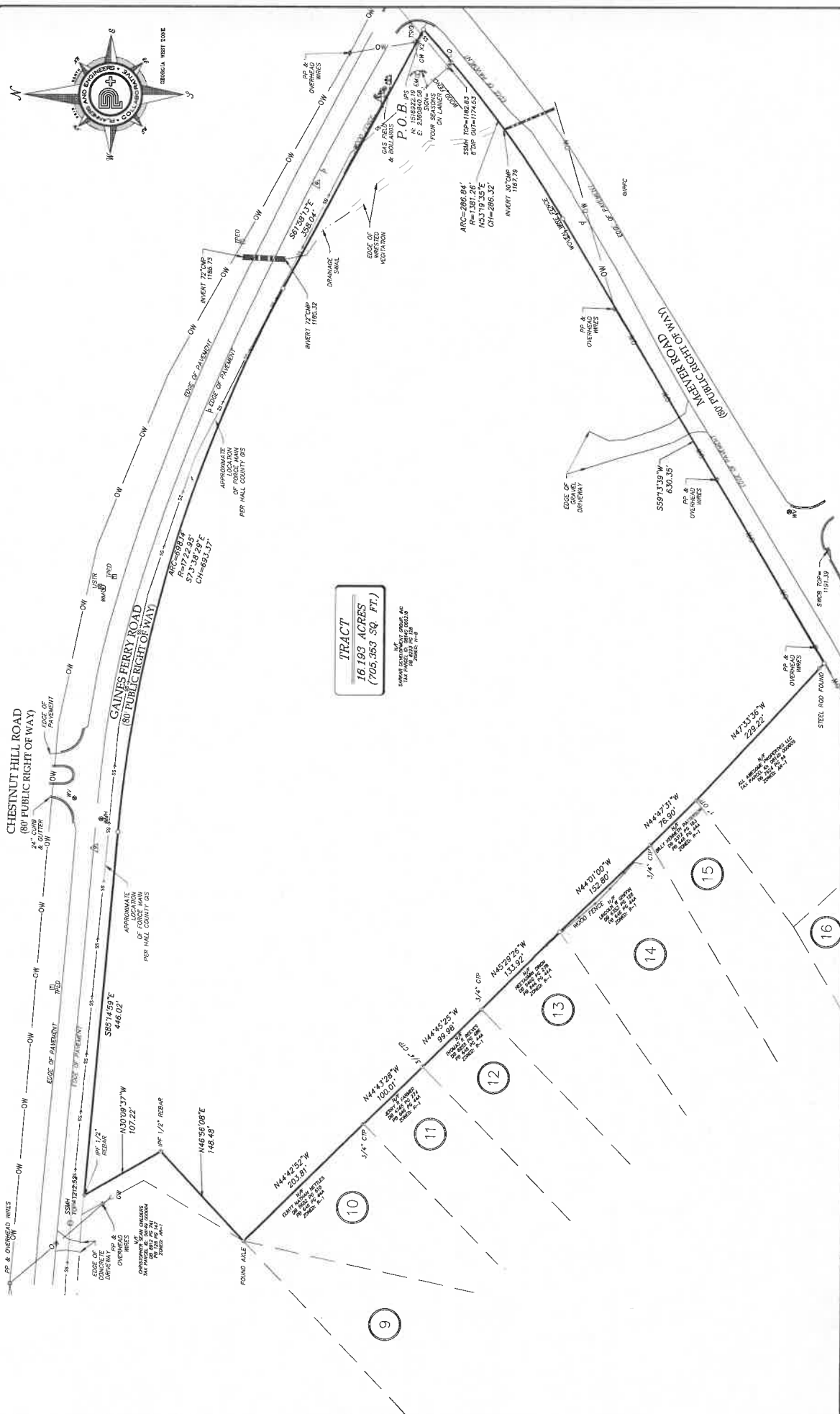
Permit Issued By: _____

Date: _____ Total Fee: _____

[illegible]



CHESTNUT HILL ROAD
(80' PUBLIC RIGHT OF WAY)



TRACT
18.193 ACRES
(705.353 SQ. FT.)

SMALL LOCATION, AREA AND PERIMETER OF TRACT
AS SHOWN ON MAP
DATE: 1/20/25

BOUNDARY SURVEY
FOR

EDGE CITY PROPERTIES, INC.

REVISIONS

REV	DATE	DESCRIPTION	BY
1			
2			
3			
4			
5			

PEC 60
Planners & Engineers Collaborative
LAND SURVEYING & ENGINEERING
ARCHITECTS & SURVEYORS
350 RICHMOND COUNTY PLACE
SUITE 200
ALBUQUERQUE, NM 87102
TEL: 505.261.1234
WWW.PEC60.COM

SHEET 1 OF 2



DRAWN BY: NAW
FILE NO: 2487100
SCALE: 1"=200'
DATE OF FIELD WORK: 1/20/25

CITY OF FLORISSY BRANCH

LAND LOT 151 149

CONTRACT NO.

BY

DATE

DESCRIPTION

BY

RECEIPT		DATE <u>2/3/25</u>	No. <u>483946</u>
RECEIVED FROM _____		\$ <u>1000.00</u>	
<u>One Thousand 00/100</u>		DOLLARS	
☐ FOR RENT ☐ FOR _____		☐ CASH ☒ CHECK ☐ MONEY ORDER ☐ CREDIT CARD	
ACCOUNT		# <u>1333</u>	
PAYMENT	<u>1000.00</u>	FROM _____	TO _____
BAL. DUE		BY _____	

Ex. “E”

City of Flowery Branch Community Development Office
5512 Main St
Flowery Branch, GA, 30542
770-967-6378

PRELIMINARY PLAT REVIEW CHECKLIST

		1	Any outstanding zoning violations (or failure to fully comply with zoning requirements) on this property have been resolved. No known violations are existing at the subject site
		2	A recent survey exists for the subject parcel and is included as part of the plans. Applicant provided a recent survey.
X		3	Zoning district noted on plan & in this zoning district, the proposed use or structure: a) Is not inherently permitted, b) Has been specifically approved as a "CUP", OR c) Is approved as part of a "Planned Development" or part of zoning conditions, OR d) Is nonconforming but is permitted under _____ - e) The HB purpose and description states the following: Sec. 9.4. - HB, Highway Business District. (a) <i>Purpose and Description.</i> This zoning district is intended to implement the "activity center" and "activity center-retail" character areas established in the comprehensive plan. This zoning district will be an accessible center of businesses, services, and complementary uses with attractive building and site features and contributing extensively to the economic base of the city. The widest possible range of commercial uses is contemplated in this zoning district, except for industry, mixed use developments, and single-family residences including manufactured homes." 1) The property is currently zoned HB. 2) HB is defined in the code as allowing for commercial uses. 3) Thus, the "mixed use" within HB allows for different types of land uses that are permissible commercial uses within HB, planned as a unified complimentary whole. Per Article 9, Table 9.1 (Permitted and Conditional Uses in Nonresidential Zoning Districts) Dwelling, townhome are a prohibited use in the HB (Highway Business) zoning category.
X		4	The proposed use is a principal use and complies with associated restrictions Per Article 12; Section 12.6: Townhomes to have a minimum of 20 feet of lot width. Show and dimension lots, Show each townhome lot at a minimum of 2,000 sq.ft. show lots and provide lot chart, Show a 20' front setback and 30' to any exterior street, Show a 20' rear setback. Label and show lots.

City of Flowery Branch Community Development Office

5512 Main St

Flowery Branch, GA, 30542

770-967-6378

PRELIMINARY PLAT REVIEW CHECKLIST

			Any building containing more than three (3) units with common walls must have the front façade, rear façade, and the roof of each attached unit distinct from the other through separation, staggering, or offsets in design. OR The proposed use is an accessory use and complies with restrictions
X		5	The Preliminary Plat includes: a) The tax parcel number b) The zoning and any conditions of zoning c) Building setbacks (see #4) d) Lot density • Show 30' Natural Undisturbed Buffer adjacent to the residential adjacent to the site. Remove all structures from the buffer.
		6	All existing buildings, uses, driveways, walls, and fences are shown on site plan
X		7	The lot: a) Complies with current frontage, minimum area, and width requirements, OR b) Was platted and approved in accordance with provisions at time of creation OR c) Is a lot of record. See comment 4 for lot dimensions missing on townhomes.
		8	The lot: a) Abuts a public road, OR b) Abuts a private road in a "planned development", OR c) Is a lot of record OR is recorded as a result of judicial decree.
X		9	All required setbacks are noted on plan & the proposed use or structure: a) Complies with setback requirements, OR b) A variance from the setback requirements has been granted See note #4 for setbacks.
		10	The proposed structure complies with any <i>density, lot coverage, or other height provisions</i>
		11	Does the plan comply with parking lot requirements (Article 21; Article 10.13-10.14) a) Number of spaces correct?

City of Flowery Branch Community Development Office
5512 Main St
Flowery Branch, GA, 30542
770-967-6378
PRELIMINARY PLAT REVIEW CHECKLIST

			b) ADA compliant? c) Space dimensions correct? d) Off-street parking requirements met?
		12	The proposed use complies with outdoor storage requirements and is permitted within the existing zoning/overlay district (Article 13.9)
X		13	The proposed use complies with screening/buffer requirements (Article 19, Article 26) a) All buffers are delineated on plans? b) Is a buffer required? Structural, vegetative, or both? c) Side buffer/width? d) Rear buffer/width? e) Any variances for buffer encroachments? 30' Undisturbed Buffer adjacent to residential
		14	No proposed sign(s) appear on plans. Signs must be permitted separately.
X		15	Roadway Design per Table 10.1 – Street Improvement Requirements: - Local Streets to be 28' wide, label and dimension, - Pavement width to be 24' wide, label and dimension, - Show site distance triangles at entrances. - Dimension distance between entrances. - Show centerline curve data including curve radii. No curve to be less than 200' in radius. - Dimension centerline tangents. No less than 100' between curves. - Street terminus to be per the cul-de-sac dimensions in Table 10.1 – show all road way cul-de-sacs with a 42' radius at the back of burb. - Dimension decel lane depth, width and taper. Dimension entrance radii returns. - Show sidewalks adjacent to all roadways. Shade back and label sidewalks being constructed with the roundabout. - Show curb and gutter the entire road frontages with sidewalks. Shade back and label curb and gutter being constructed with the roundabout. - Show centerlines at each existing road. Dimension right of way full width and from centerline.
		16	The plan includes a lighting plan. (Article 23) No lighting plan with a preliminary plat only submittal.

City of Flowery Branch Community Development Office
5512 Main St
Flowery Branch, GA, 30542
770-967-6378

PRELIMINARY PLAT REVIEW CHECKLIST

X		17	Parking requirements have been met and parking spaces meet all minimums/maximums. (Article 21) Label the number of parking spaces in each bay for quick calculation of total parking in the retail area.
		19	Does the subject parcel fall within an overlay district? No overlay
		20	Does the sight contain wetlands or any state waters that will require an undisturbed buffer? Statements on plans for each? a) Required undisturbed buffer provided along state waters? (Article 26, Article 19) b) Impervious setbacks noted c) Are buffers free from all encroachments? d) State EPD permit/variance to disturb within required buffer? e) Administrative variance permission to disturb within required buffer? f) Development within 50' of wetlands protection district? g) Army Corps wetlands determination/permit provided? State waters are shown and labeled. No disturbance is proposed.
FYI		21	Has a design review been submitted and approved? a) Any variances for design requirements? Architectural Review will be required prior to building permits. Architectural Review can happen earlier if needed.
		22	The plans include approved elevations: a) For all structures b) Includes spot elevations for top & bottom of walls Preliminary Plats submitted independent of a full Civil Engineering Plans do not require grading plans or retaining walls
		23	Plans note all dimensions throughout site and include: a) True limits of disturbance b) Limits of retaining walls on grading plan Preliminary Plats submitted independent of a full Civil Engineering Plans do not require grading plans

- Further comments for grading/drainage/erosion control/utilities to be provided when those plans are provided.
- Provide traffic study comparing generated traffic amounts with GDOT turn lane warrants. Study should also evaluate the Level of Service of the proposed entrances/intersections on Gaines Ferry and McEver.
- First internal movement (commercial driveway/intersection) to be no less than 200'.
- McEver is classified by GDOT as minor arterial. Section 1008: "Subdivision streets that intersect an arterial street shall do so at intervals of not less than 800 feet" . This would place the southern drive/entrance approximately across from the Waypoint subdivision entrance.
- Section 1009 also states that roads shall be aligned to join with planned or existing roads. Align drives/entrances on Gaines Ferry Rd with Chestnut Hill Rd.
- Roads design/geometry to following standards for City roads, including but not limited to:
 - Centerline curve radius and tangents
 - Driveway/curb radius
 - 25' for residential streets
 - 40' for commercial
 - Road width
 - Road section
 - Cul-de-sacs required at dead ends
 - Vertical geometry
 - Max/min grades
 - Road spacing

Ex. “F”

From:
Sent:
To:
Subject:

Begin forwarded message:

From: Chris McCrary <CMccrary@flowerybranchga.org>
Date: February 25, 2025 at 3:52:33 PM EST
To: Mike Dye <mdye@edgecp.com>
Cc: Danielle Nash <dnash@flowerybranchga.org>
Subject: RE: Review Comments for Prelim. Plat 6482 McEver Rd.

Mike,

The HB purpose and description is at the top of the priority and clearly states **except for** industry, mixed use and single-family residences.

The HB **purpose and description** states the following:

Sec. 9.4. - HB, Highway Business District.

1. *Purpose and Description.* This zoning district is intended to implement the "activity center" and "activity center-retail" character areas established in the comprehensive plan. This zoning district will be an accessible center of businesses, services, and complementary uses with attractive building and site features and contributing extensively to the economic base of the city. The widest possible range of commercial uses is contemplated in this zoning district, except for industry, mixed use developments, and single-family residences including manufactured homes."

1. The property is currently zoned HB.
2. HB is defined in the code as allowing for **commercial** uses.

Thus, the "mixed use" within HB allows for different types of land uses that are **permissible commercial uses within HB**, planned as a unified complimentary whole.

The remainder of the Checklist makes comments on the site plan and specifically implies changes to the road design and townhomes which would make it compliant.

Just because I provide as complete of a review as possible per my checklist doesn't ignore the fact that dwellings townhome attached is not an allowed use in HB under the Purpose and Description and it is labeled a prohibited use under table 9.1.

Are you aware I presented an ordinance to Council last week to create a townhome only zoning district that does not have all the requirements of TND (all rear loading) or MU with the percentages of SFR detached and % of Rear Loads? I'll be glad to setup a time to meet to discuss. All the architectural requirements are the same in Article 12. Many of my comments concerning street design or townhomes would be relevant if the site were zoned to SF-TH. Below is an excerpt of the Section:

Sec. 6.5. – SF-TH, Single Family Attached Townhome District.

1. *Purpose and Description.* This zoning district is intended exclusively for the development and construction of single family attached townhomes in accordance with the comprehensive plan. This district is also intended to implement the "urban density community" character area established in the comprehensive plan. The regulations that apply to the SF-TH district are designed to encourage the formation and continuance of a stable, healthy, and attractive living environment for its residents.
2. *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."
3. *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts."
4. (f) *Design Requirements.* See Articles 10, 12, and 40 of this Zoning Ordinance.

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	MHP	SF-TH	RMU
Accessory apartment, attached	X	X	C	X	X	C
Accessory apartment, detached	X	C	C	X	X	C
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	X	X	X
Club or lodge, nonprofit, sponsored by a civic or similar organization	C	C	C	X	X	C
Community recreation	P	P	P	P	P	P
Conservation areas and passive recreational facilities	P	P	P	P	P	P
Conservation subdivision	C	C	P	P	X	X

Construction field office (temporary use)	X	X	P	P	P	P
Dwelling, single-family detached, fee-simple	P	P	P	X	P	X
Dwellings, single-family detached, condominium	X	X	X	X	P	X
Dwelling, townhouse (single-family attached, fee-simple)	X	X	X	X	P	X
Dwelling, two-family (duplex); three-family (tri-plex)	X	X	X	X	P	X
Dwelling, multi-family (apartment, attached residential condominium)	X	X	X	X	X	C
Garden, non-commercial, accessory to single-family detached dwelling	P	P	P	X	X	X
Golf course	P	P	P	X	P	C
Use	A	R-1	R-2	MHP	SF-TH	RMU
Guest house (accessory building/use)	P	P	P	X	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
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	P	X	X
Model home for single-family subdivision or townhomes (temporary)	P	P	P	X	P	X
Public or semi-public use	P	P	P	X	P	P
School, private, elementary, middle, or high (Ord. 348-11)	C	C	x	X	X	X
School, special	C	x	x	X	X	X
Temporary use	P	P	P	X	P	P

Table 6.2
Dimensional Requirements for Agricultural and
Conventional Residential Zoning Districts

Requirement (measurement unit)	A	R-1	R-2	MHP	SF-TH	RMU
---------------------------------------	----------	------------	------------	------------	--------------	------------

Maximum height (feet)	75	35	35	35	35	75
Maximum height (number of stories)	3	3	3	1	3	4
Maximum density (units per acre)	0.333	2.18	4	4	6	10
Minimum lot size for detached single-family dwelling (square feet) (1)	130,680	20,000	15,000	10,000	10,000	N/A
Minimum lot size for two-family dwelling (square feet) (1)	N/A	N/A	N/A	N/A	10,000	N/A
Minimum lot size for other uses (square feet) (1)	130,680	43,560	15,000	10,000	10,000	10,000
Minimum lot width (feet)	200	90	75	50	Unit width plus side setback on end units.	N/A
Minimum unit width (feet)	N/A	N/A	N/A	N/A	24 wide with rear entry garage; 26 wide with front entry garage.	N/A
Minimum heated floor area per dwelling unit (square feet)	2,500	2,200	2,000	1,000	1,500	1,000
Minimum front yard setback from lot line, all principal buildings (feet)	80	35	25	25	25 (0 if townhomes are alley accessed with rear entry garages)	25
Minimum side setback, interior lot line, all principal buildings (feet)	25	25	15	20	5 (min. 10 between buildings)	20 (min. 10 between buildings)
Minimum side setback, corner lot, all principal buildings (feet)	60	35	25	20	10	20

Minimum rear setback, all principal buildings (feet)	35	25	20	20	20	20
Minimum setback, all principal or accessory buildings and structures abutting residential	Side and rear setbacks shall apply	50	50	100	50	50
Minimum width of natural buffer abutting residential	None			40	35	50
Minimum landscape strip required along rights-of-way for any nonresidential use if permitted (width in feet)	15	15	10	10	20	20
Minimum landscape strip required along rights-of-way for any apartment or condominium (multi-family residential) use (width in feet)	N/A	N/A	N/A	N/A	N/A	20
Minimum landscape strip required along side property lines for any nonresidential use if permitted (width in feet)	5	5	5	5	5	5
Maximum coverage of principal and accessory buildings (percent of lot)	25	25	35	50	75	50
Minimum landscaped open space, all principal uses except detached, single-family residential lots (percent)	20	20	15	15	15	20

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

This is all draft so the Council could tweak it or send it to Work Session. Second reading is March 6th.

Thank you,

Chris McCrary, PLA
City of Flowery Branch
Planning & Community Development Director
O 770-967-6378
F 770-967-6481
5512 Main Street
Flowery Branch, GA 30542

From: Mike Dye <mdye@edgecp.com>
Sent: Tuesday, February 25, 2025 10:13 AM
To: Chris McCrary <cmccrary@flowerybranchga.org>
Cc: Danielle Nash <dnash@flowerybranchga.org>
Subject: Review Comments for Prelim. Plat 6482 McEver Rd.

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

Chris:

Good morning. Thank you for providing comments to my Preliminary Plat submission. Before my engineers and I provide responses to some of the comments, I am requesting clarity as to item number 3 concerning the proposed use. Specifically, Item 3 (e) was added to recite the text of some of the HB zoning district and to state that mixed use within HB allows for different types of land uses that are permissible commercial uses. You then point out that townhomes, as a stand-alone use, are prohibited in the HB district.

My submitted plan does not present a townhome only project, but is a mixed use development comprised of townhomes and commercial uses. Under Table 9.1, mixed use building or development is allowed by right in HB. Mixed use development is defined to mean a single development of more than one building and use, where different types of land uses are in close proximity. The fact that residential townhomes are allowed in HB as part of a mixed use development is confirmed by Table 9.2, which authorizes 12 units per acre and 700 square foot minimum heated floor area per dwelling unit.

The remainder of the Checklist makes comments on the site plan and specifically implies changes to the road design and townhomes which would make it compliant. Also, the Dimensional Requirements for Nonresidential Zoning Districts in Table 9.1 in the HB zoning district conflict with

City of Flowery Branch Community Development Office

5512 Main St

Flowery Branch, GA, 30542

770-967-6378

PRELIMINARY PLAT REVIEW CHECKLIST

		1	Any outstanding zoning violations (or failure to fully comply with zoning requirements) on this property have been resolved. No known violations are existing at the subject site
		2	A recent survey exists for the subject parcel and is included as part of the plans. Applicant provided a recent survey.
X		3	Zoning district noted on plan & in this zoning district, the proposed use or structure: a) Is not inherently permitted, b) Has been specifically approved as a “CUP”, OR c) Is approved as part of a “Planned Development” or part of zoning conditions, OR d) Is nonconforming but is permitted under _____ - e) The HB purpose and description states the following: Sec. 9.4. - HB, Highway Business District. (a) <i>Purpose and Description.</i> This zoning district is intended to implement the "activity center" and "activity center-retail" character areas established in the comprehensive plan. This zoning district will be an accessible center of businesses, services, and complementary uses with attractive building and site features and contributing extensively to the economic base of the city. The widest possible range of commercial uses is contemplated in this zoning district, except for industry, mixed use developments, and single-family residences including manufactured homes.” 1) The property is currently zoned HB. 2) HB is defined in the code as allowing for commercial uses. 3) Thus, the “mixed use” within HB allows for different types of land uses that are permissible commercial uses within HB, planned as a unified complimentary whole. Per Article 9, Table 9.1 (Permitted and Conditional Uses in Nonresidential Zoning Districts) Dwelling, townhome are a prohibited use in the HB (Highway Business) zoning category.
X		4	The proposed use is a principal use and complies with associated restrictions Per Article 12; Section 12.6: Townhomes to have a minimum of 20 feet of lot width. Show and dimension lots, Show each townhome lot at a minimum of 2,000 sq.ft. show lots and provide lot chart, Show a 20’ front setback and 30’ to any exterior street, Show a 20’ rear setback. Label and show lots.

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PRELIMINARY PLAT REVIEW CHECKLIST

			Any building containing more than three (3) units with common walls must have the front façade, rear façade, and the roof of each attached unit distinct from the other through separation, staggering, or offsets in design. OR The proposed use is an accessory use and complies with restrictions
X		5	The Preliminary Plat includes: a) The tax parcel number b) The zoning and any conditions of zoning c) Building setbacks (see #4) d) Lot density • Show 30' Natural Undisturbed Buffer adjacent to the residential adjacent to the site. Remove all structures from the buffer.
		6	All existing buildings, uses, driveways, walls, and fences are shown on site plan
X		7	The lot: a) Complies with current frontage, minimum area, and width requirements, OR b) Was platted and approved in accordance with provisions at time of creation OR c) Is a lot of record. See comment 4 for lot dimensions missing on townhomes.
		8	The lot: a) Abuts a public road, OR b) Abuts a private road in a “planned development”, OR c) Is a lot of record OR is recorded as a result of judicial decree.
X		9	All required setbacks are noted on plan & the proposed use or structure: a) Complies with setback requirements, OR b) A variance from the setback requirements has been granted See note #4 for setbacks.
		10	The proposed structure complies with any <i>density, lot coverage, or other height provisions</i>
		11	Does the plan comply with parking lot requirements (Article 21; Article 10.13-10.14) a) Number of spaces correct?

City of Flowery Branch Community Development Office

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PRELIMINARY PLAT REVIEW CHECKLIST

			b) ADA compliant? c) Space dimensions correct? d) Off-street parking requirements met?
		12	The proposed use complies with outdoor storage requirements and is permitted within the existing zoning/overlay district (Article 13.9)
X		13	The proposed use complies with screening/buffer requirements (Article 19, Article 26) a) All buffers are delineated on plans? b) Is a buffer required? Structural, vegetative, or both? c) Side buffer/width? d) Rear buffer/width? e) Any variances for buffer encroachments? 30' Undisturbed Buffer adjacent to residential
		14	No proposed sign(s) appear on plans. Signs must be permitted separately.
X		15	Roadway Design per Table 10.1 – Street Improvement Requirements: • Local Streets to be 28' wide, label and dimension, • Pavement width to be 24' wide, label and dimension, • Show site distance triangles at entrances. • Dimension distance between entrances. • Show centerline curve data including curve radii. No curve to be less than 200' in radius. • Dimension centerline tangents. No less than 100' between curves. • Street terminus to be per the cul-de-sac dimensions in Table 10.1 – show all road way cul-de-sacs with a 42' radius at the back of burb. • Dimension decel lane depth, width and taper. Dimension entrance radii returns. • Show sidewalks adjacent to all roadways. Shade back and label sidewalks being constructed with the roundabout. • Show curb and gutter the entire road frontages with sidewalks. Shade back and label curb and gutter being constructed with the roundabout. • Show centerlines at each existing road. Dimension right of way full width and from centerline.
		16	The plan includes a lighting plan. (Article 23) No lighting plan with a preliminary plat only submittal.

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PRELIMINARY PLAT REVIEW CHECKLIST

X		17	Parking requirements have been met and parking spaces meet all minimums/maximums. (Article 21) Label the number of parking spaces in each bay for quick calculation of total parking in the retail area.
		19	Does the subject parcel fall within an overlay district? No overlay
		20	Does the sight contain wetlands or any state waters that will require an undisturbed buffer? Statements on plans for each? a) Required undisturbed buffer provided along state waters? (Article 26, Article 19) b) Impervious setbacks noted c) Are buffers free from all encroachments? d) State EPD permit/variance to disturb within required buffer? e) Administrative variance permission to disturb within required buffer? f) Development within 50' of wetlands protection district? g) Army Corps wetlands determination/permit provided? State waters are shown and labeled. No disturbance is proposed.
FYI		21	Has a design review been submitted and approved? a) Any variances for design requirements? Architectural Review will be required prior to building permits. Architectural Review can happen earlier if needed.
		22	The plans include approved elevations: a) For all structures b) Includes spot elevations for top & bottom of walls Preliminary Plats submitted independent of a full Civil Engineering Plans do not require grading plans or retaining walls
		23	Plans note all dimensions throughout site and include: a) True limits of disturbance b) Limits of retaining walls on grading plan Preliminary Plats submitted independent of a full Civil Engineering Plans do not require grading plans

- Further comments for grading/drainage/erosion control/utilities to be provided when those plans are provided.
- Provide traffic study comparing generated traffic amounts with GDOT turn lane warrants. Study should also evaluate the Level of Service of the proposed entrances/intersections on Gaines Ferry and McEver.
- First internal movement (commercial driveway/intersection) to be no less than 200'.
- McEver is classified by GDOT as minor arterial. Section 1008: "Subdivision streets that intersect an arterial street shall do so at intervals of not less than 800 feet" . This would place the southern drive/entrance approximately across from the Waypoint subdivision entrance.
- Section 1009 also states that roads shall be aligned to join with planned or existing roads. Align drives/entrances on Gaines Ferry Rd with Chestnut Hill Rd.
- Roads design/geometry to following standards for City roads, including but not limited to:
 - Centerline curve radius and tangents
 - Driveway/curb radius
 - 25' for residential streets
 - 40' for commercial
 - Road width
 - Road section
 - Cul-de-sacs required at dead ends
 - Vertical geometry
 - Max/min grades
 - Road spacing



Memorandum

To: City of Flowery Branch, Mayor, and City Council

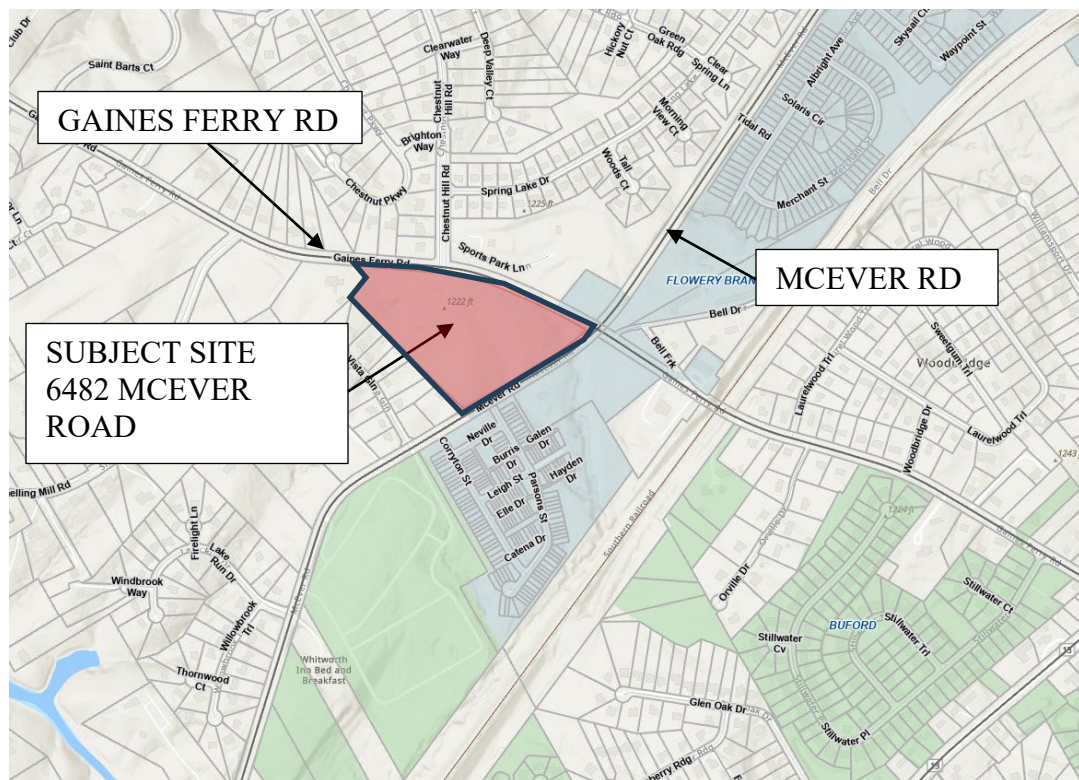
From: Chris McCrary, Planning and Community Development Director

Date: May 1, 2025

Subject: Appeal of Zoning Administrator's Action/Interpretation under the Zoning Ordinance

Relevant Site Information

The subject property is situated at 6482 McEver Road, identified as Hall County parcel number 08140 000218. The property comprises approximately 16.09 acres and is designated as Highway Business (HB) within the City of Flowery Branch.





On February 3, 2025, the Applicant submitted a Preliminary Plat review pursuant to the Subdivision Ordinance, Article 5. The Preliminary Plat in question delineates 88 residential attached townhome units along with three retail buildings, each comprising 9,000 square feet. During the ensuing review and approval process conducted in accordance with Section 507, it was determined that the proposed attached residential townhomes are inconsistent with the permitted uses within the Highway Business (HB) zoning district.

A formal written review detailing the basis for this determination was provided to the Applicant on February 24, 2025. Subsequently, on March 6, 2025, the Applicant, represented by Wilson, Brock & Irby, LLC, submitted a hand-delivered correspondence filing an administrative appeal. The appeal specifically disputes the review finding pertaining to the incorporation of attached residential townhomes within the HB zoning district.

The comment concerning land uses for HB zoned parcels are as follows:

The HB **purpose and description** states the following:

Sec. 9.4. - HB, Highway Business District.

- (a) *Purpose and Description.* This zoning district is intended to implement the "activity center" and "activity center-retail" character areas established in the comprehensive plan. This zoning district will be an accessible center of businesses, services, and complementary uses with attractive building and site features and contributing extensively to the economic base of the city. The widest possible range of commercial uses is contemplated in this zoning district, **except** for industry, mixed use developments, and **single-family residences** including manufactured homes.”

- 1) The property is currently zoned HB.
- 2) HB is defined in the code as allowing for **commercial** uses.
- 3) Thus, the “mixed use” within HB allows for different types of land uses that are **permissible commercial uses within HB**, planned as a unified complimentary whole.

Per Article 9, Table 9.1 (Permitted and Conditional Uses in Nonresidential Zoning Districts) Dwelling, townhome are a prohibited use in the HB (Highway Business) zoning category.



March 20th, 2025

Edge City Properties c/o Mike Dye

4280 ~~Doe~~ Pt.,

Duluth, GA, 30096

470-814-4500

Dear Mr. Dye,

A complete submittal for an Appeal of Administrative Decision has been accepted by the Planning & Community Development Office. The Public Hearing has been duly advertised and will be on Thursday, May 1st, 2025 at 6:00pm at The City of Flowerly Branch City Hall, located at 5410 Pine St., Flowerly Branch, GA 30542.

Please return a signed copy of this acknowledgement letter to the Community Development Office located at 5512 Main St., Flowerly Branch, GA 30542. A digital pdf copy is acceptable and can be submitted via email to dnash@flowerlybranchga.org.

Kind regards,

Chris McCrary

Planning & Community Development Director

City of Flowerly Branch

5512 Main St.

Flowerly Branch, GA, 30542

770-967-6378

I, Mike Dye, (print name) acknowledge that I have been duly notified of the Public Hearing scheduled at the day and time listed above.

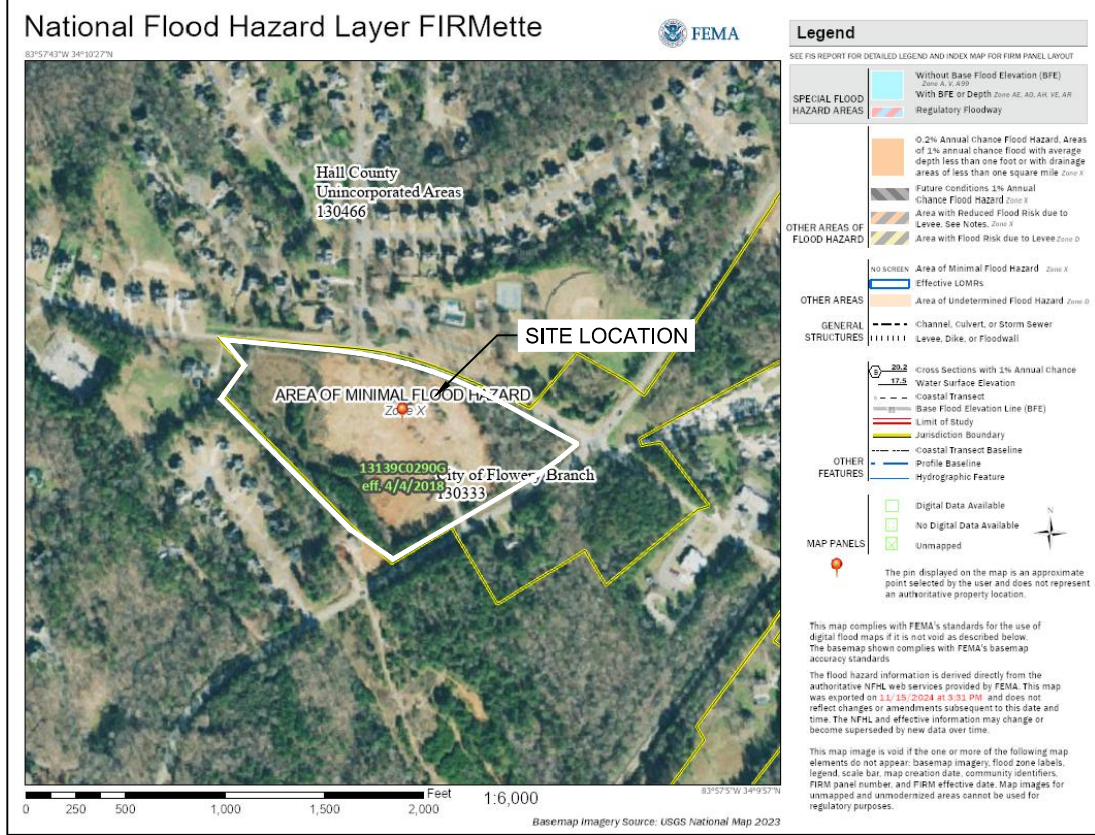
Signature

Date 3-26-25

Appeal of Administrative Decision

A public hearing will be held on May 1st, 2025, at 6:00 PM, at the City of Flowery Branch City Hall to consider an appeal to the Zoning Administrator's decision regarding permitted uses in HB (Highway Business) zoning districts for a proposed project located at 6482 McEver Road, tax parcel 08140 000218. Be advised that the City Council has the legislative discretion to grant, deny, or modify zoning requests. Interested parties may contact Planning and Community Development at 770.967.6378.





TRACT
16.193 ACRES
(705,353 SQ. FT.)

FEMA FIRM MAP
NOT TO SCALE

- WATER AND SEWER SERVICE TO BE PROVIDED BY CITY OF FLOWERY BRANCH.
- STORMWATER BY CITY OF FLOWERY BRANCH.
- SURVEY PROVIDED BY PEC+ DATED 1/21/25.
- PROJECT WAS FORMERLY KNOWN AS "THE FARM" FROM PREVIOUS LDP SUBMITTAL BY DPE ENGINEERS APPROVED BY CITY OF FLOWERY BRANCH ON 3/11/20.
- THERE IS A INTERMITTENT STREAM LOCATED ON THE CORNER OF THE PROPERTY AND SHOWN WITH APPLICABLE STATE AND CITY BUFFERS.
- ALL STORMWATER FACILITIES TO COMPLY WITH CITY OF FLOWERY BRANCH STANDARDS FOR STORMWATER MANAGEMENT.
- THERE ARE NO EXISTING STRUCTURES ON THE SITE.
- THE SITE HAS BEEN PARTIALLY CLEARED AS SEEN FROM THE AERIAL PHOTO.
- FRONT LOADED GARAGES TO BE CARRIAGE STYLE
- TOWNHOME TO HAVE 10% PRIVATE OPEN SPACE

THE PROPOSED USE FOR THE PROPERTY IS TO CONSTRUCT A MIXED USE DEVELOPMENT. THE DEVELOPMENT WILL CONSIST OF SEVERAL DIFFERENT TYPES OF DEVELOPMENT STRUCTURES. IT WILL HAVE RESIDENTIAL CONSTRUCTION UNITS BOTH FRONT AND REAR LOADED ATTACHED HOMES. THE DEVELOPMENT WILL HAVE RETAIL, RESTAURANTS, OR OFFICE AS PART OF THE COMMERCIAL SECTION OF THE DEVELOPMENT. THERE WILL BE A GREEN GATHERING AREA IN FRONT OF THE COMMERCIAL FOR GREEN SPACE AND PROJECT COMMUNITY USE.

SARKAR DEVELOPMENT GROUP, INC.
6680 WOODLAKE DRIVE
FLOWERY BRANCH, GA 30542
PHONE: 404-307-8938

MIKE DYE
EDGE CITY PROPERTIES
MDYE@EDGECP.COM
4280 DOVE POINT
DULUTH, GA 30096
Phone: (770)-814-4500
Fax: (770)-814-4501

THE PROJECT IS TO BE CONSTRUCTED IN TWO PHASES. PHASE I WILL CONSIST OF THE ENTIRE SITE HORIZONTAL DEVELOPMENT AND UTILITIES WITH THE RESIDENTIAL VERTICAL STRUCTURES. PHASE II WILL CONSIST OF THE VERTICAL COMMERCIAL STRUCTURES.

ATTACHED HOMES:

- MIN. LOT SIZE: 2,000 SF
- MIN. LOT WIDTH: 50 FEET
- MIN. DISTANCE FROM BACK OF SIDEWALK = 23 FEET
- MIN. DISTANCE FROM CURB = 23 FEET

4' REAR LOADED TOWNHOME

4' FRONT LOADED TOWNHOME

SITE DATA:	
SITE AREA	16.193 ACRES
<u>ZONING</u>	
EXISTING ZONING	HB
ZONING JURISDICTION	CITY OF FLOWERY BRANCH, GEORGIA
<u>SETBACK REQUIREMENTS</u>	
FRONT SETBACK	N/A, 10' LANDSCAPE STRIP ALONG R/W
SIDE SETBACK	10 FEET
REAR SETBACK	N/A NO REAR SETBACK
REQUIRED LANDSCAPE STRIP	10 FEET FROM R/W, DOUBLE FRONTAGE
<u>DEVELOPMENT STANDARDS</u>	
MAX. LOT COVERAGE (WHOLE SITE)	50%
MAX HEIGHT	60 FEET
COMMERCIAL AREA PROVIDED	27,000 SF
RETAIL/OFFICE/RESTAURANT	
MIN. LOT WIDTH FOR ATTACHED HOMES	20 FEET (PROPOSED AT 24 FEET)
MIN. LOT SIZE FOR ATTACHED HOME	2,000 SF
24' x 50' FRONT LOADED ATTACHED HOMES PROVIDED	67 UNITS
24' x 50' REAR LOADED ATTACHED HOMES PROVIDED	21 UNITS
TOTAL ATTACHED HOMES PROVIDED	88 UNITS
TOTAL SITE DENSITY PROVIDED	5.43 UPA
MAX DENSITY ALLOWED	12 UPA
<u>OPEN SPACE CALCULATIONS</u>	
OPEN SPACE REQUIRED	2.42 ACRES (15% OF TOTAL SITE AREA)
OPEN SPACE PROPOSED	3.12 ACRES (19.3% OF TOTAL SITE AREA)
<u>PARKING REQUIREMENTS</u>	
TOWNHOME PARKING REQUIRED	176 SPACES (2 SPACES/ DWELLING UNIT)
TOWNHOME GUEST PARKING	10 SPACES
TOWNHOME PARKING PROVIDED	352 SPACES (2 GARAGE + 2 DRIVEWAY SP.)
TOWNHOME PARKING PROVIDED TOTAL	362 SPACES
RETAIL PARKING PROVIDED	98 SPACES (1 SPACE/ 275 SF)
TOTAL PARKING PROVIDED	135 SPACES (1 SPACE/ 200 SF)

DEC+

60 YEARS

LAND PLANNING + LANDSCAPE ARCHITECTURE + CIVIL ENGINEERING
ARBORISTS + SURVEYING & CONSTRUCTION + WATER RESOURCES

350 RESEARCH COURT STE 200
PEACHTREE CORNERS, GA 30092

PROJECT

EdgeBrook

A MASTER PLANNED MIXED USE DEVELOPMENT

AT
6482 McEVER ROAD
FLOWERY BRANCH, GEORGIA 30542
PARCEL # 08140 000218
DISTRICT 8, LAND LOT 149
CITY OF FLOWERY BRANCH
JURISDICTION

FOR **EDGE CITY PROPERTIES, INC.**
4280 DOVE POINT,
DULUTH, GA 30096

MUNICIPALITY PROJECT #

REVISIONS

[illegible]

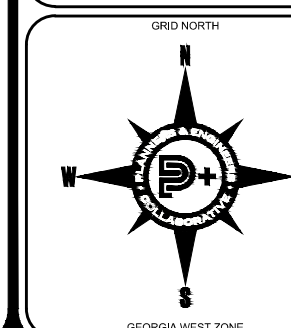
THIS SEAL IS ONLY VALID IF COUNTER SIGNED
AND DATED WITH AN ORIGINAL SIGNATURE.



GSWCC LEVEL II DESIGN PROFESSIONAL
CERTIFICATION # 0000059389 EXP. 10/31/2027

PRELIMINARY
PLAT

SCALE: 1" = 60'
DATE: 01/25/2025
PROJECT: 24287.00



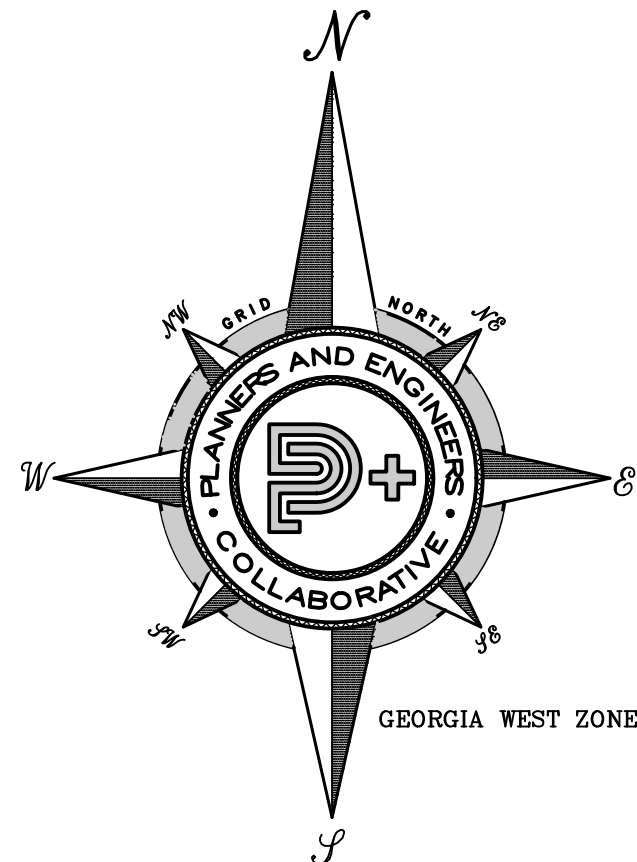
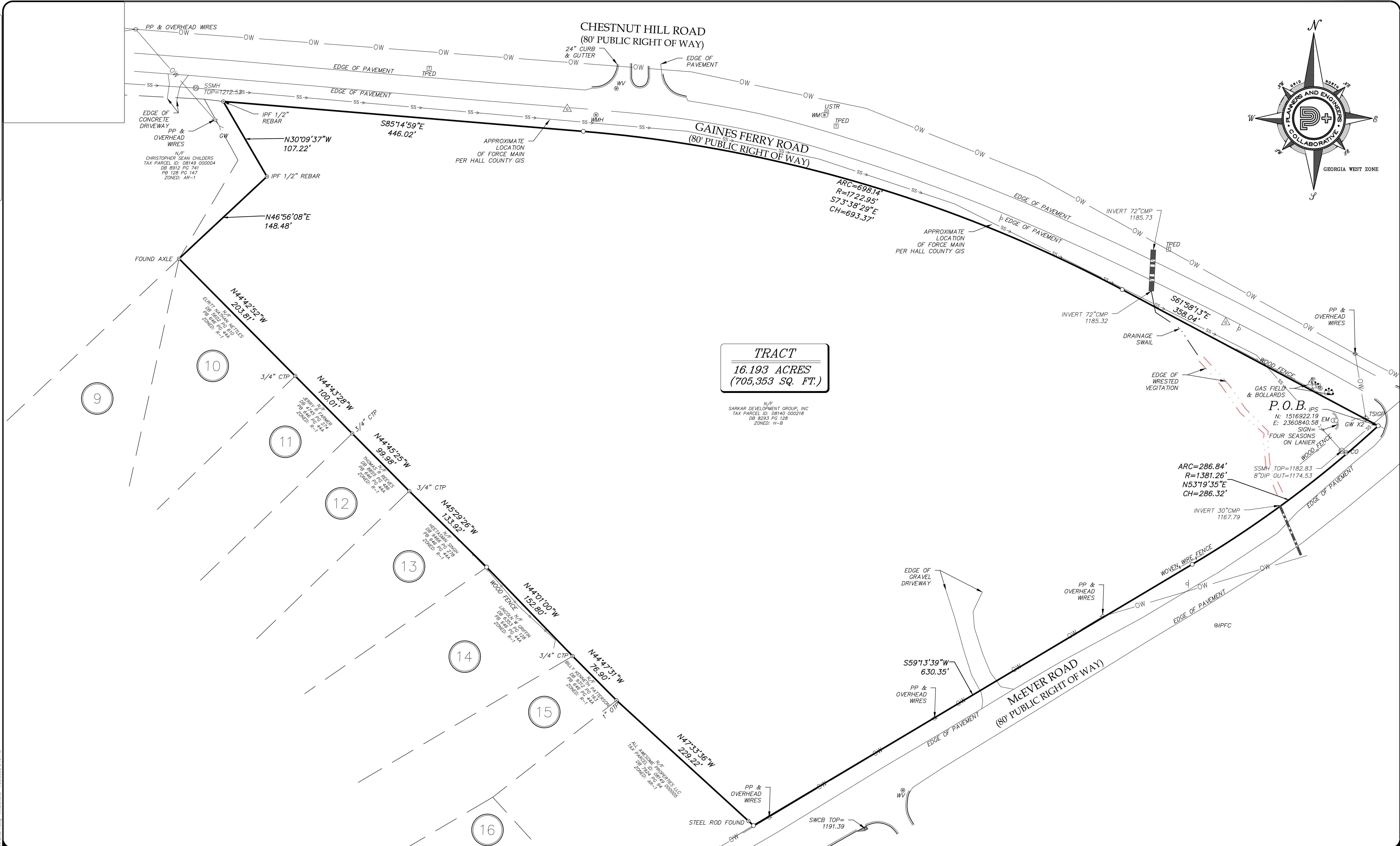
PP1

SHEET



Know what's **below**.
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350 RESEARCH COURT PEACHTREE CORNERS, GEORGIA 30092
(770)451-2741 WWW.PEC.PLUS
C.O.A.-LSF000004

REVISIONS			
REV	DATE	DESCRIPTION	BY
5			
4			
3			
2			
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LAND LOT(S) 149
DISTRICT 8th

CITY OF FLOWERY BRANCH

HALL COUNTY GEORGIA

BOUNDARY SURVEY
FOR
EDGE CITY PROPERTIES, INC

SHEET 1 OF 2

DRAWN BY: NAV
CHECKED BY: JNH
FILE NO.: 24287.00
DATE: 1/21/25
SCALE: 1"=50'
DATE OF FIELD WORK: 1/20/25

J:\2024\24287\03\Drawings\24287-03-BNDY.dwg - NValentino - 1/29/2025 5:12 PM

J:\2024\24287001\Drawings\24287 00-ENDDY.dwg - NValentino - 1/29/2025 5:12 PM

5. THE PROPERTY HAS DIRECT ACCESS TO MCEVER ROAD & GAINES FERRY ROAD DEDICATED PUBLIC STREETS OR HIGHWAYS.

	Fire Hydrant
	Irrigation Control Valve
	Water Meter
	Water Valve
	Fire Department Connection
	Water Vault
	Pressure Irrigation Valve
	Water Vent Pipe
	Water Valve Marker
	Water Marker
	Water Manhole
	Water Air Release Valve
	Water Back Flow Preventer
	Sprinkler Head
	Sprinkler Valve

APPROX.	Approximate	IPS	Iron Pin Set
#4	1/2" Rebar	LP	Light Pole
C&G	Curb and Gutter	M/W	Monitoring Well
CH&F	Chain Link Fence	N/E	Now or Formerly
CMP	Corrugated Metal Pipe	OC	Outlet Control Structure
CO	Clean Out	OTB	Open Top Pipe
CP	Corrugated Plastic Pipe	PT	Plot Book
CPT	Crimp Top Pipe	PG	Page
DB	Dead Book	PKF	PK Nail Found
DI	Drop Inlet	PK Nail	PKS
DE	Drainage Easement	POB	Point of Beginning
EOP	Edge of Pavement	POC	Point of Commencement
EP	Electric Power Pole	PVC	Polyvinyl Chloride Pipe
ESAN	Electric Sanitary	RCB	Rebar Capped
ESMT	Easement	RECP	Reinforced Concrete
FES	Flared End Section	RWM	Right of Way Monument
FH	Flood Hazard	SSW	Sanitary Sewer Sewer
FE	Fire Hydrant	SANITARY	Sanitary Sewer
FLGP	Flag Pole	TRAN	Telephone Terminal
FLMRK	Flavor Spike Marker	TTB	Telephone Trench Box
GA	Georgia	TSIGP	Traffic Signal Pole
GM	Gas Meter	TSIGP Loop	C
GW	Gas Well	UTSR	Utility Structure
H	Hard Soil	VCP	Vertical Clay Pipe
H.W.	Hard Wood	W.D.F.	Wood Fence
HW	Headwall	Water Meter	Water Meter
IRV	Irrigation Control Valve	WV	Water Valve
INV	Inventoried	XP	Crosswalk Signal Pole
JOE	JOE, PL, F&UD		

Tract or parcel contains 705,353 square feet or 16.193 acres

Tract or parcel contains 705,353 square feet or 16.193 acres



SITE MAP (NTS)

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR STANDARDS, OR ANY OTHER LIABILITY. USE OF OR REPOSSESSION OF LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

Date of Map or Plat: 1/21/25

THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS COLLECTED USING A TOPCON TOTAL STATION "ES103", "ES105", GEOMAX ZOOM90 ROBOTIC STATION, A GEOMAX ZENIUS800 SERIES DATA COLLECTOR, eGPS 20TL GNSS RECEIVER WITH A SITE-LOCALIZED RTK NETWORK, AND HAS A RELATIVE POSITIONAL ACCURACY OF 0.1 FEET.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 1,664,156 FEET.



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SHEET 2 OF 2

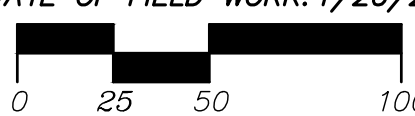
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CHECKED BY: JNH

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DATE: 1/21/25

DATE: 1/21/23
SCALE: 1"=50'

DATE OF FIELD WORK: 1/20/25



REVISIONS			
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REV	DATE	DESCRIPTION	BY



**PEREIRA,
KIRBY,
KINSINGER &
NGUYEN, LLP**

STEPHEN D. PEREIRA
CORY O. KIRBY
ELIZABETH F. KINSINGER
FRANK HARTLEY
W. CREIGHTON LANCASTER
CATHERINE T. FOLLOWILL
JAAONNE J. JACKSON
APARESH PAUL
BRIAN C. SMITH
SYDNEY M. SOLOMON
RANDALL C. FARMER
CINDY PHAN

April 3, 2025

Via E-mail and USPS

City of Flowery Branch, Georgia
Attention: Mayor and City Council
5512 Main Street
Flowery Branch, Georgia 30542

OF COUNSEL:
PHILLIP L. HARTLEY
V. LEE THOMPSON, JR.
VICTORIA SWEENEY
J. STANLEY HAWKINS
MELISSA K. STEWART
TED C. BAGGETT

Re: Appeal from February 24, 2025 Reviewer Comments, as clarified on February 25, 2025 ("Decision") for February 3, 2025 Preliminary Plat Application ("Plat Application")
Property: Approximately 16.09 acres, 6482 McEver Road, Flowery Branch, Georgia
Parcel Number 08140 000218 ("Property")
Owner: Sarkar Development Group, Inc. ("Sarkar")
Applicant: Edge City Properties, Inc. ("Edge")

Honorable Mayor and City Council Members,

This communication is in defense of Planning & Community Development Director Chris McCrary's determination that residential townhomes are not a permitted use on the above referenced property as it is currently zoned; a finding relayed to the applicant Edge City Properties (hereinafter "Appellant") in review comments to a preliminary plat application. A rational reading of the zoning ordinance demonstrates Director McCrary's decision is correct. The property in question is zoned Highway Business (HB), which reads, in its entirety, as follows in the City of Flowery Branch Zoning Ordinance:

Sec. 9.4. - HB, Highway Business District.

- (a) Purpose and Description. This zoning district is intended to implement the "activity center" and "activity center-retail" character areas established in the comprehensive plan. **This zoning district will be an accessible center of businesses, services, and complementary uses** with attractive building and site features and contributing extensively to the economic base of the city. The widest possible range of **commercial uses** is contemplated in this zoning district, **except for** industry, **mixed use developments, and single-family residences** including manufactured homes.
- (b) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts."
- (c) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2,

Gainesville * Lawrenceville
P.O. Drawer 1250 * 690 Longleaf Drive, Lawrenceville, GA 30046
Phone: 770-963-1997 Fax: 770-822-2913
Writer's Email: tcb@pkknlaw.com

"Dimensional Requirements in Nonresidential Zoning Districts."

(d) Design Requirements. See Articles 10 and 40 of this Zoning Ordinance. **(emphasis added)**

As the plain wording of subsection (a) of the ordinance language describing HB indicates, the purpose of the district is intended to accommodate *business services and complimentary uses*. To remove any doubt as to what might be considered a complimentary use, the language then indicates that the widest possible range of *commercial* uses is contemplated. Finally, to remove any and all doubt as to the intention of the zoning classification, in case any reader might be mistaken as to the meaning of commercial uses, it specifically *excludes mixed use developments and single-family residences*. Subsection (b) of the applicable zoning ordinance section indicates that the permissible and conditional uses for HB are identified in Table 9.1 of the zoning ordinance. Table 9.1 clearly indicates that townhomes are not permissible uses in HB. Consistent with the wording and interpretation of the intent of the language describing the HB zoning category, multi-family, single family detached, condominiums, duplexes, and even “dwellings located within a building containing a nonresidential principal use” are likewise identified as prohibited uses in HB by Table 9.1.

BACKGROUND FACTS

Appellants have pointed to a letter from then Flowery Branch Planning and Community Development Director Rich Atkinson dated February 25, 2019 and a land disturbance permit issued by the City on April 28, 2020.¹ The letter indicates that the property subject to this appeal is zoned HB and that therefore certain uses alluded to: “mixed use of retail, storage, housing, etc.” are “inherently allowed.” The land disturbance permit, which expired on October 26, 2020, approved site development plans for a mixed-use development. Appellants argue that the decision of now Planning and Community Development Director Mike McCrary represents a “complete contradiction” to previous actions of the City in approving mixed-use development on the property. For whatever reasons, the property was never developed as approved in 2020 and appellants have now come forward with an entirely different mixed-use site plan proposal.

What appellants have failed to acknowledge is that the plans approved five years ago were reviewed under a different zoning ordinance. The wording of the HB zoning classification in 2019 and 2020 read differently when the letter from Rich Atkinson was written and the land disturbance permit was approved.² Notably, it then read as follows:

¹ See Appeal of Administrative Decision filed by Appellant, Exhibits A and Exhibit B, respectively.

² See Exhibit A, Article 9 of the City of Flowery Branch Zoning Ordinance as it existed at the time.

Sec. 9.4. - HB, Highway Business District.

(a) Purpose and Description. This zoning district is intended to implement the "commercial" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "activity center" and "mixed use" character areas established in the comprehensive plan. Centered at the interchange of Spout Springs Road and I-985, and also extending north and south along Hog Mountain Road, this zoning district will be an accessible center of businesses, services, and complementary uses, **which may include traditional neighborhood development and mixed-use developments**, contributing extensively to the economic base of the city.

(b) Character. This district is dominated by commercial uses but also intended to accommodate mixed-use developments. A grid block pattern of streets (connected local network) is provided, along with sidewalks and street trees. Pedestrian accessibility is promoted, although most activity is via the automobile for access. Entrances, frontages, and building facades are softened with landscaping and low-lying identification signs.

(c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts." The widest possible range of uses is contemplated in this zoning district, except for industry and single-family, detached or manufactured homes. This character area is the proper place for big box retail, shopping centers, lodging and auto-related uses.

(d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts." **(emphasis added)**

The City amended the Zoning Ordinance on December 16, 2021 to make numerous textual changes, one of which was to change the wording in the section describing the Highway Business District.³ The wording of the emphasized portion above, which had been written permissively so that uses in HB “may include traditional neighborhood development and mixed-use development” was altered to its current wording: “The widest possible range of commercial uses is contemplated in this zoning district, except for industry, mixed use developments, and single-family residences including manufactured homes.” Clearly, the governing authority chose to restrict the type of mixed-use development from what had previously been allowed. The appellant’s claim that the City has been inconsistent rings hollow, the City has been consistent in applying the zoning ordinance in place at the time an application is filed. The appellant cannot claim it is entitled to the same interpretation that was rendered on a previous proposal and considered under a different ordinance.

³ See Exhibit B, Certified Copy of City of Flowery Branch Ordinance 657.

**THE HB ZONING DISTRICT DOES NOT ALLOW THE TYPE OF MIXED-USE
PROJECT SOUGHT BY APPELLANTS IN THEIR PLAT APPLICATION**

Appellants argue that they are allowed to develop their HB zoned property as mixed use inclusive of both commercial and residential (specifically townhomes) uses by pointing to a listed use in Table 9.1 for “mixed-use building or development” which is permitted by right in HB as well as to language in the City’s comprehensive plan. “Mixed-use development” is defined in the Zoning Ordinance as follows: “A single building containing more than one type of land use; or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified, complementary whole.”⁴ The City’s comprehensive plan refers to mixed-use developments that include a mix of commercial and residential uses in both the Activity Center Character area and Mixed-Use Neighborhood Character areas. Viewing the definition of “mixed-use building or development” along with all of the relevant language in the comprehensive plan in context with the currently applicable zoning ordinance reveals these arguments to be unavailing.

Nowhere in the definition of “mixed-use building or development” is there a requirement that the mix of uses must include both commercial and residential uses. Appellants nevertheless suggest that without a residential component, the uses aren’t “mixed”. This self-serving interpretation overlooks the fact that there are over 60 different by right commercial uses and over 30 different conditional commercial uses listed in Table 9.1 for HB zoned property. They claim that mixed uses must authorize a mix of uses that includes both commercial and residential even though the residential uses they seek to include are specifically prohibited in the same use table that authorizes mixed-use development. It is a given in the interpretation of zoning ordinances that “[a]ll parts of an ordinance relating to the same subject matter must be harmonized to reconcile conflicts, and any section of an ordinance must be construed in relation to the whole ordinance of which it is a part.” *DeKalb County v. Post Apartment Homes, L.P.*, 234 Ga.App. 409 (1998). The most logical reconciliation of these provisions is the one offered by Director McCrary, namely that the mixed uses must be a mix of *permitted* uses, in this instance meaning they must be permitted *commercial* uses. To interpret the ordinance as the appellant suggests would render any combination of otherwise prohibited uses permissible so long as “mixed-use building or development” was a permitted use, effectively nullifying the underlying zoning classification.

The appellant further engages in sophistry by selectively pointing to language in the Comprehensive Plan that references “residential uses when part of a mixed-use development” on page 36 under the Activity Center Character Area description. Because the HB zoning classification indicates it is intended to implement the Activity Center Character Area from the

⁴ See Section 2.1 of Article 2 of the Flowery Branch Zoning Ordinance.

Comprehensive Plan, it must therefore mean, they insist, that mixed use in HB must allow a residential component. What they fail to point out is the language under the heading “Implementation Strategies” at the bottom of the very same page. The text there reads thusly: **“Amend the HB zoning district to limit uses to those that are solely commercial in nature; mixed use proposals should be zoned to PUD to better regulate building and site design.”** The Comprehensive Plan was adopted on June 17, 2021. As noted earlier, the City changed the language of the HB zoning classification on December 16, 2021. Not surprisingly, when the City modified the Zoning Ordinance, it did exactly what was called for in the Comprehensive Plan, it removed residential components from mixed-use projects in HB zoning. Thus, it is clear that rather than lend support to the appellant’s interpretation, the wording of the Comprehensive Plan validates the decision made by Director McCrary.

Appellants next point to the language in the Comprehensive Plan related to the Mixed-Use Neighborhood Character area, pointing out that it specifically allows for mixed-use development that includes both commercial and residential uses and that the subject property is located in a Mixed-Use Neighborhood Character Area on the Comprehensive Plan’s future land development map. While these statements are true, their argument on this point overlooks the facts that: 1) the subject property is still zoned HB and 2) that the City has since created a new zoning classification specifically designed to allow mixed use development inclusive of both commercial and residential. In Ordinance 694 adopted June 1, 2023, the City created the aptly named Mixed-Use Development District (MU). Found in Article 8 of the Zoning Ordinance, the relevant sections read as follows:

Section 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 "mixed use - neighborhood" character area.**

Sec. 8.2. - Objectives.

The Mixed-Use Development District is intended to meet the following objectives:

- (a) **Allow mixes of land uses that are not elsewhere permitted in conventional zoning districts.**
- (b) **Permit a broader mix of residential housing types, including detached and attached dwellings, and specific commercial uses to be developed in one cohesive development.**
- (c) **Allow the development of tracts of land as single developments that are planned neighborhoods or communities, including residential and commercial uses 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 a more desirable living environment than would be possible through the strict application of conventional residential zoning requirements.
- (f) Ensure that the design of building forms is interrelated and architecturally harmonious.
(emphasis added)

The plain wording of the Mixed-Use Development District makes clear that it exists to allow for mixed uses including commercial and residential components precisely because they are not allowed by other zoning classifications.

CONCLUSION

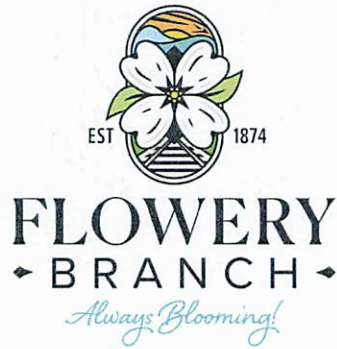
The time and effort put into this appeal would have been better spent applying for a rezoning of the subject property from HB to MU. Instead, however, the applicants have brought this appeal and argue that the HB zoning category allows them the right to build a mixed-use development that includes residential components prohibited in HB. To make their argument, appellants must ignore both the language in the comprehensive plan that indicates the HB zoning district should be amended to prohibit residential components as well as the actual changes to the HB zoning district that did exactly that. The Director's interpretation is sound and should be affirmed.

Sincerely,

**PEREIRA, KIRBY,
KINSINGER & NGUYEN, LLP**

/s/ Ted C. Baggett

Ted C. Baggett



April 3, 2025

I, Shelia Cooper, do hereby certify that I am the City Clerk for the City of Flowery Branch. As such, I keep its official records and, in that capacity, do hereby certify that the attached copy of Article 9 of the zoning ordinance from Municode as it existed on January 21, 2019 the City of Flowery Branch, Georgia, is a true and accurate copy.

Given under my hand and seal of Flowery Branch, Georgia, this 3rd day of April 2025.

Shelia R. Cooper
City Clerk, City of Flowery Branch



Flowery Branch, GA



Municode Codification

[Flowery Branch, Georgia - Code of Ord...](#) / [Appendix C - ZONING ORDINANCE](#) / [ARTICLE 9. - NONRESIDENTIAL ZONI...](#)Flowery Branch, GA
Code of Ordinances

THE CODE OF ORDINANCES CITY OF FLOWERY BRANCH, GEORGIA

SUPPLEMENT HISTORY TABLE modified

- PART I - CHARTER
- PART II - CODE OF ORDINANCES
- Appendix A - HISTORIC DISTRICT ORDINANCE
- Appendix B - SUBDIVISIONS ORDINANCE
- ▼ Appendix C - ZONING ORDINANCE
 - ARTICLE 1. - PREAMBLE AND ENACTMENT
 - ARTICLE 2. - DEFINITIONS AND INTERPRETATIONS
 - ARTICLE 3. - ESTABLISHMENT OF DISTRICTS AND OFFICIAL ZONING MAP
 - ARTICLE 4. - GENERAL PROVISIONS
 - ARTICLE 5. - GENERAL DIMENSIONAL REQUIREMENTS
 - ARTICLE 6. - AGRICULTURAL AND CONVENTIONAL RESIDENTIAL ZONING DISTRICTS
 - ARTICLE 7. - TND, TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT
 - ARTICLE 8. - PUD, PLANNED UNIT DEVELOPMENT DISTRICT
 - ▼ ARTICLE 9. - NONRESIDENTIAL ZONING DISTRICTS

Sec. 9.1. - O-P, Office-Professional District. modifiedSec. 9.2. - INST, Institutional District. modified

Supplement 13 | Jan 21, 2019

Sec. 9.3. - NS, Neighborhood Shopping District. modified Not an ordinance using an older version of the code

Flowery Branch, GA

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Sec. 9.4. - H-3, Highway Business District. **modified**

Sec. 9.5. - CBD, Central Business District. **modified**

Sec. 9.6. - M-1, Light Manufacturing and Industrial District. **modified**

Sec. 9.7. - M-2, Heavy Manufacturing and Industrial District. **modified**

- ARTICLE 10. - DEVELOPMENT REQUIREMENTS AND GUIDELINES
- ARTICLE 11. - BUILDINGS, STRUCTURES, AND USES ACCESSORY TO SINGLE-FAMILY RESIDENTIAL DWELLINGS
- ARTICLE 12. - REQUIREMENTS FOR SPECIFIC RESIDENTIAL PRINCIPAL BUILDINGS AND USES
- ARTICLE 13. - BUILDINGS AND USES ACCESSORY TO NONRESIDENTIAL PRINCIPAL BUILDINGS AND USES
- ARTICLE 14. - SPECIFIC PROVISIONS FOR PRINCIPAL NONRESIDENTIAL **modified**
- ARTICLE 15. - TOWERS AND WIRELESS TELECOMMUNICATION FACILITIES
- ARTICLE 16. - ADULT BUSINESSES
- ARTICLE 18. - NONCONFORMITIES
- ARTICLE 19. - BUFFERS, TREE PROTECTION AND LANDSCAPING
- ARTICLE 20. - ACCESS AND DRIVEWAYS
- ARTICLE 21. - PARKING
- ARTICLE 22. - LOADING
- ARTICLE 23. - OUTDOOR LIGHTING
- ARTICLE 24. - SIGNS
- ARTICLE 1. - GENERAL PROVISIONS **modified**
- ARTICLE 2. - DESIGN REQUIREMENTS **modified**
- ARTICLE 3. - TYPES OF SIGNS PERMITTED; REQUIREMENTS **modified**
- ARTICLE 4. - REVIEW AND APPROVAL PROCEDURES **modified**
- ARTICLE 5. - ADMINISTRATION AND ENFORCEMENT **modified**

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Flowery Branch, GA



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- ARTICLE 25. - DEVELOPMENT ON STEEP SLOPES
- ARTICLE 26. - STREAM BUFFER PROTECTION
- ARTICLE 27. - CONSERVATION SUBDIVISIONS
- ARTICLE 32. - FLOODPLAIN MANAGEMENT
- ARTICLE 33. - TEXT AMENDMENTS
- ARTICLE 34. - REZONING AND CONDITIONAL USE APPLICATIONS
- ARTICLE 35. - PUBLIC HEARING PROCEDURES
- ARTICLE 36. - DEVELOPMENT OF REGIONAL IMPACT
- ARTICLE 37. - VARIANCES
- ARTICLE 38. - ADMINISTRATIVE VARIANCES
- ARTICLE 39. - APPEAL OF ADMINISTRATIVE DECISION
- ARTICLE 40. - DESIGN REVIEW
- ARTICLE 41. - PERMITS AND CERTIFICATES
- ARTICLE 42. - ADMINISTRATION
- ARTICLE 43. - ENFORCEMENT AND PENALTIES
- ARTICLE 44. - ANNEXATION AND ZONING
- ARTICLE 45. - LEGAL STATUS PROVISIONS
- ARTICLE 51. - FILM AND MUSIC PROJECTS

CODE COMPARATIVE TABLE ORDINANCES modified

STATE LAW REFERENCE TABLE

< [Sec. 8.11. - Permits and Certificates.](#) [ARTICLE 10. - DEVELOPMENT REQUIREMENTS AND GUIDELINES](#) >

ARTICLE 9. - NONRESIDENTIAL ZONING DISTRICTS^[5]

:

Supplement 13 | Jan 21, 2019

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Sec. 9.1. - O-P, Office-Professional District.

Flowery Branch, GA

modified
Municode Codification

- (a) *Purpose and Description*. This zoning district is intended to implement the "Office-Professional" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "Institutional Campus" character area established in the comprehensive plan and may be appropriate within neighborhood commercial and activity center classifications shown on the character area map. The Office-Professional district is intended to encourage and provide suitable areas for professional, medical, research and scientific functions, general offices, and certain related activities. This district is intended to apply to single-function office buildings and to planned office parks and planned office complexes. In some cases, the OP district may be appropriate as a transition between a commercial zoning district and a single-family or multi-family residential zoning district.
- (b) *Character*. Access to this district is predominantly by automobile but pedestrian mobility is accommodated.
- (c) *Permitted and Conditional Uses*. Permitted and conditional uses shall be as provided in Table [9.1](#), "Permitted and Conditional Uses in Nonresidential Zoning Districts."
- (d) *Dimensional Requirements*. Dimensional requirements shall be as provided in Table [9.2](#), "Dimensional Requirements in Nonresidential Zoning Districts."

(Ord. No. 348-16, § 1 (Exh. A), 7-19-2018)

Sec. 9.2. - INST, Institutional District.

modified

- (a) *Purpose and Description*. This zoning district is intended to implement the "Public Institutional" and "transportation, communications and utilities" designations of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "Institutional Campus" character area established in the comprehensive plan. The Institutional zoning district is intended to encourage and provide suitable areas for institutional campuses including the Atlanta Falcons Training Facility, Hall County public schools, and large churches.
- (b) *Character*. These are mostly single-function land use districts where public access is controlled or limited. Areas are sometimes designed for trucks and individual establishments are not connected with one another. In the case of schools, pedestrian accessibility is provided, but other institutions are largely reliant on the automobile for access. Campus-style site planning and generous landscaping are required.
- (c) *Permitted and Conditional Uses*. Permitted and conditional uses shall be as provided in Table [9.1](#), "Permitted and Conditional Uses in Nonresidential Zoning Districts."

Supplement 13 Jan 24, 2019

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(d) *Dimensional Requirements*. Dimensional requirements shall be as provided in Table [9.2](#), "Dimensional Requirements in Nonresidential Zoning Districts."
Municode Codification
(Ord. No. 348-16, § 1 (Exh. A), 7-19-2018)

Sec. 9.3. - NS, Neighborhood Shopping District.

modified

- (a) *Purpose and Description*. This zoning district is intended to implement the "commercial" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "neighborhood commercial" character area established in the comprehensive plan.
- (b) *Character*. Neighborhood commercial districts are intended to provide areas for limited, small-scale commercial uses of a convenience nature serving nearby residential neighborhoods as opposed to a regional market. This district provides for attractive, non-auto related neighborhood businesses and services, with distinctive architectural features and a scale compatible with pedestrians and connected to adjacent residential neighborhoods. Uses within neighborhood commercial character areas generally occur within enclosed buildings with no outside storage and limited outdoor display of goods and merchandise. Pedestrian accessibility is promoted via sidewalks connected to nearby neighborhoods but uses are mostly reliant on the automobile for access. Nonetheless, buildings and developments are scaled to be compatible with and promote pedestrian activity. Entrances, frontages, and building facades are softened with landscaping and low-lying identification signs.
- (c) *Permitted and Conditional Uses*. Permitted and conditional uses shall be as provided in Table [9.1](#), "Permitted and Conditional Uses in Nonresidential Zoning Districts." Auto-related, highway-oriented commercial uses are not permitted. With the exception of convenience stores with gasoline pumps, neighborhood commercial districts are not intended to permit or accommodate automotive uses or other types of more intensive highway business activities, or those uses that generate excessive traffic, noise, odors, pollution, safety hazards, or other adverse impacts which would detract from the desirability of adjacent properties for residential use.
- (d) *Dimensional Requirements*. Dimensional requirements shall be as provided in Table [9.2](#), "Dimensional Requirements in Nonresidential Zoning Districts." Business establishments do not exceed 2,500 square feet in any one tenant space, to keep the bulk and intensity in scale with the needs of adjacent neighborhoods. Open space is limited to suburban plazas or small open spaces. A three-story height limit is imposed.

(Ord. No. 348-16, § 1 (Exh. A), 7-19-2018)

Sec. 9.4. - HB, Highway Business District.

modified

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- (a) *Purpose and Description* . This zoning district is intended to implement the "commercial" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "activity center" and "mixed use" character areas established in the comprehensive plan. Centered at the interchange of Spout Springs Road and I-985, and also extending north and south along Hog Mountain Road, this zoning district will be an accessible center of businesses, services, and complementary uses, which may include traditional neighborhood development and mixed-use developments, contributing extensively to the economic base of the city.
- (b) *Character* . This district is dominated by commercial uses but also intended to accommodate mixed-use developments. A grid block pattern of streets (connected local network) is provided, along with sidewalks and street trees. Pedestrian accessibility is promoted, although most activity is via the automobile for access. Entrances, frontages, and building facades are softened with landscaping and low-lying identification signs.
- (c) *Permitted and Conditional Uses* . Permitted and conditional uses shall be as provided in Table [9.1](#), "Permitted and Conditional Uses in Nonresidential Zoning Districts." The widest possible range of uses is contemplated in this zoning district, except for industry and single-family, detached or manufactured homes. This character area is the proper place for big box retail, shopping centers, lodging and auto-related uses.
- (d) *Dimensional Requirements* . Dimensional requirements shall be as provided in Table [9.2](#), "Dimensional Requirements in Nonresidential Zoning Districts."

(Ord. No. 348-16, § 1 (Exh. A), 7-19-2018)

Sec. 9.5. - CBD, Central Business District.

modified

- (a) *Purpose and Description* . This zoning district is intended to implement the redevelopment element of the Flowery Branch Comprehensive Plan, as amended. This zoning district is also intended to implement the "Central Business" designation of the Future Land Use Map contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "Old Town" character area established in the comprehensive plan, as amended. All construction projects require approval by the City Council of Flowery Branch. For lots zoned CBD which are within the city's local historic district, compliance with the city's historic preservation ordinance is also required.
- (b) *Character* . This district is a compact area corresponding with the city's downtown core. It is characterized by a grid block pattern with skinny streets, sidewalks composed of distinctive materials (e.g., stamped concrete) and lined with street trees. Developments are built to a

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pedestrian-friendly scale (i.e., "Main Street Commercial") and include plazas and small urban pocket parks. Buildings and structures which are considered "historic" are retained to maintain the overall historic character of the area.

- (c) *Permitted and Conditional Uses* . Permitted and conditional uses shall be as provided in Table [9.1](#), "Permitted and Conditional Uses in Nonresidential Zoning Districts."
- (d) *Dimensional Requirements* . Dimensional requirements shall be as provided in Table [9.2](#), "Dimensional Requirements in Nonresidential Zoning Districts."
- (e) *Construction Approval* . Any proposed construction project must be approved by the City Council prior to issuance of any permit.
- (f) *Construction Approval Requirements* . All construction proposals shall submit at a minimum the following:
1. Legal description of the property;
 2. Survey of the property;
 3. Existing conditions analysis of the site to be redeveloped, including any existing buildings, structures, and/or uses on the subject site, and the existing land uses and description of buildings, structures, and uses on all adjacent lots;
 4. Letter of intent describing the proposed use(s) of the property or other action requested (redevelopment project approval). The applicant must be comprehensive in terms of describing all principal uses that will be included - these will become limiting and binding on the developer - refer to the permitted uses listing in Table [9.1](#) of Article 9 of the Flowery Branch Zoning Ordinance. For complex projects, the applicant should describe the intended phasing of the project, if applicable. The letter of intent shall address the following:
 - a. How the proposed action compares (and is consistent with) the goals, policies, and development requirements of the Old Town Redevelopment Plan;
 - b. How the project will be consistent with any adopted design guidelines for the type of development and/or the proposed use; and
 - c. How the general design, the character and appropriateness of design, scale of buildings, arrangement, texture, materials, and colors of buildings in the proposed redevelopment project will be appropriate in its surroundings;
 5. Two copies and one electronic copy of a site plan of the property, at an appropriate engineering scale, showing the proposed use and relevant information (buildings, parking, open spaces, etc.) regarding proposed improvements;
 - 6.

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Statistics regarding the proposed development (this may be incorporated into the letter of intent, or shown on the site plan, or both). At minimum, such statistics shall include the total square footage of the redevelopment project, including any existing buildings to be retained, the total gross square footages of building(s) devoted to each use, and proposed building heights for all buildings and structures proposed in the redevelopment project;

Statistics regarding the proposed development (this may be incorporated into the letter of intent, or shown on the site plan, or both). At minimum, such statistics shall include the total square footage of the redevelopment project, including any existing buildings to be retained, the total gross square footages of building(s) devoted to each use, and proposed building heights for all buildings and structures proposed in the redevelopment project;

7. Two copies and one electronic copy of all exterior elevation drawings of all building faces that will front on a public or private street, and rear and side elevations of same if requested by Zoning Administrator, drawn to an architectural scale and signed by an architect. If structured parking is proposed, elevations of the parking structure must also be submitted. Said exterior elevation drawings shall clearly show in sufficient detail the exterior appearance and architectural design of proposed principal buildings. Each application shall also indicate proposed materials, textures and colors and provide samples of materials and colors. In cases where an applicant has already made application for approval of a certificate of appropriateness (COA), the applicant can submit the complete application for certificate of appropriateness as submitted to the Historic Preservation Commission. Where an applicant has already received a certificate of appropriateness from the Historic Preservation Commission, resubmission of the approved application for certificate of appropriateness shall constitute compliance with this application requirement unless the Zoning Administrator notifies the applicant that additional information is needed for aspects not covered in the approved COA application;
8. Facility impact analyses, including the following:
 - a. Proof of water and sewer availability from the Public Works Director and Wastewater Treatment Plant Superintendent.
 - b. Analysis of the adequacy of drainage for the site (description and assessment of adequacy of stormwater facilities on-site and off-site).
9. A written development agreement, if the developer requests city participation in the provision of on-site or off-site facilities, such as the sharing of costs for facilities, shared parking, etc. which may or may not be available from the city. If accepted by the city, the development agreement may become a condition of project approval or it may be considered and approved separately from redevelopment project approval;
10. If any variances or administrative variances are required, the applicant will file a separate application following submission requirements and processes for the type of variance sought.

(Ord. No. 348-16, § 1 (Exh. A), 7-19-2018)

Sec. 9.6. - M-1, Light Manufacturing and Industrial District

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modified

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- (a) *Purpose and Description*. This zoning district is intended to implement the "light industrial" and "transportation, communication and utilities" designations of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "industrial/employment" character area established in the comprehensive plan. It provides a concentration of employment and job activity, contributing substantially to the economic base of the city.
- (b) *Character*. Truck traffic is frequent, and individual manufacturing establishments are not necessarily connected with one another. Driveways and curb radii are designed to accommodate large trucks. Pedestrian accessibility is generally not anticipated, though pedestrian access is required along road frontages. Entrances, frontages, and building facades are softened with landscaping and low-lying identification signs.
- (c) *Permitted and Conditional Uses*. Permitted and conditional uses shall be as provided in Table [9.1](#), "Permitted and Conditional Uses in Nonresidential Zoning Districts." Light industries are the primary permitted uses.
- (d) *Dimensional Requirements*. Dimensional requirements shall be as provided in Table [9.2](#), "Dimensional Requirements in Nonresidential Zoning Districts."
- (e) *Design Requirements*. Please see Article 14 [sec. 14.13](#) of this ordinance.

(Ord. No. 348-16, § 1 (Exh. A), 7-19-2018)

Sec. 9.7. - M-2, Heavy Manufacturing and Industrial District.

modified

- (a) *Purpose and Description*. This zoning district is intended to implement the "heavy industrial" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "industrial/employment" character area established in the comprehensive plan. It provides a concentration of employment and job activity, contributing substantially to the economic base of the city.
- (b) *Character*. Truck traffic is frequent, and individual manufacturing establishments are not necessarily connected with one another. Driveways and curb radii are designed to accommodate large trucks. Pedestrian accessibility is generally not anticipated, though pedestrian access is required along road frontages. Entrances, frontages, and building facades are softened with landscaping and low-lying identification signs.
- (c) *Permitted and Conditional Uses*. Permitted and conditional uses shall be as provided in Table [9.1](#), "Permitted and Conditional Uses in Nonresidential Zoning Districts." Light and heavy industries are the primary permitted uses.
- (d) *Dimensional Requirements*. Dimensional requirements shall be as provided in Table [9.2](#), "Dimensional Requirements in Nonresidential Zoning Districts."

(e)

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Design Requirements. Please see Article 14 [sec. 14.13](#) of this ordinance.

Flowery Branch, GA

(Ord. No. 348-16, § 1 (Exh. A), 7-19-2018)

 Municode Codification

Table [9.1](#)

Permitted and Conditional Uses in Nonresidential Zoning Districts

(P = Permitted Use C = Conditional Use X = Prohibited)

 EXPAND

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Accessory building, structure, or use	P	P	P	P	P	P	P
Adaptive reuse of a detached single-family dwelling for a personal service establishment or enclosed retail establishment	C	C	P	P	P	X	X
Adult business (see Adult Entertainment of Code of Ordinances No. 360)	X	X	X	X	X	P	P
Agricultural processing	X	X	X	X	X	X	C
Aircraft landing area	X	X	X	X	X	X	C
Animal hospital or veterinary clinic	P	P	P	P	X	X	X
Animal rendering, slaughtering, and recycling plant	X	X	X	X	X	X	X
Animal shelter	X	P	X	C	X	P	P
Apparel manufacturing	X	X	X	X	X	P	P
Art gallery	P	P	P	P	P	X	X
Asphalt plant	X	X	X	X	X	X	C

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Flowery Branch, GA Auction house or auction yard (excluding livestock) 27-11-01 Code Codification	X	X	X	X	X	P	P
Auction house or auction yard (including livestock)	X	X	X	X	X	X	P
Automated teller machines (accessory use)	P	P	P	P	X	P	P
Automobile sales and service establishment	X	X	X	P	X	X	X
Automobile sales without service	X	X	X	P	X	X	X
Automobile service establishment without sales	X	X	X	P	X	P	P
Bank or financial institution	P	P	P	P	P	X	X
Batching plant	X	X	X	X	X	X	C
Bed and breakfast inn	P	P	P	P	P	X	X
Big box commercial building	X	X	X	C	X	C	C
Borrow site	X	C	X	C	X	X	P
Botanical garden	P	P	P	C	X	X	X
Bottling or canning plant	X	X	X	X	X	C	P
Brewery or distillery	X	X	X	X	X	P	P
Broadcasting studio	P	P	P	P	X	P	P
Building material sales	X	X	X	C	X	P	P
Building sales establishment	X	X	X	C	X	P	P
Bulk storage	X	X	X	X	X	X	P

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Business service establishment, not exceeding 2,500 square feet of gross floor area	C	C	P	P	P	P	P
Business service establishment, more than 2,500 square feet of gross floor area	X	X	X	P	P	P	P
Camp or campground	X	C	X	C	X	X	X
Car wash	X	X	X	C	X	P	P
Caretaker's residence	X	X	X	C	C	P	P
Carnival	X	X	X	C	X	X	P
Cemetery or mausoleum	X	P	X	C	X	P	P
Church, temple, synagogue, or place of worship, including specified accessory uses (see Sect. 14.3)	P	P	C	P	X	C	C
Clinic	P	P	P	P	X	X	X
Club or lodge, nonprofit, sponsored by a civic or similar organization	P	P	C	P	X	C	C
Club, private	X	C	X	C	X	X	X
Cold storage plant or frozen food locker	X	X	X	X	X	P	P
Co-generation facility	X	X	X	X	X	C	C
College or university	C	P	X	C	X	C	C
Commercial recreational facility, indoor	X	X	C	P	X	C	C
Commercial recreational facility, outdoor	X	X	X	C	C	C	C
Communication tower and antenna	P	P				P	P

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Flowery Branch, GA Community recreation area	P	P	P	P	P	P	P
 Municode Codification Composting facility	X	X	X	X	X	X	P
Use	O-P	INST	NS	HB	CBD	M-1	M-2
Use	O-P	INST	NS	HB	CBD	M-1	M-2
Conservation areas and passive recreational facilities	P	P	P	P	P	P	P
Construction field office and/or yard (temporary use)	X	P	X	P	X	P	P
Continuing care retirement community	C	P	X	P	C	X	X
Contractor's establishment	X	X	X	P	X	P	P
Convenience store, with or without gasoline pumps	X	X	P	P	X	P	P
Cottage industry	P	P	P	P	P	P	P
Crematorium in conjunction with a funeral home or mortuary	X	C	X	C	X	P	P
Crematorium not in conjunction with a funeral home or mortuary	X	X	X	X	X	X	P
Crisis center	C	P	X	P	X	P	P
Custom order shop	X	X	P	P	P	P	P
Day care center serving no more than 17 persons	P	P	P	P	X	C	C
Day care center serving 18 persons or more	X	P	C	P	X	C	C

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Flowery Branch, GA Code of Ordinances Municode Codification	X	X	X	C	X	P	P
Dry cleaning plant	X	X	X	C	X	P	P
Dwelling, single-family detached, fee-simple	P	P	X	X	P	X	X
Dwelling, single-family detached, condominium	P	P	X	X	P	X	X
Dwelling, townhome (single-family attached fee-simple)	X	X	X	X	P	X	X
Dwelling, multi-family	X	X	X	X	C	X	X
Dwelling, two-family (duplex)	C	C	X	X	X	X	X
Dwelling, located within a building containing a nonresidential principal use	X	X	X	X	X	X	X
Explosives storage	X	X	X	X	X	X	C
Exterminating and pest control business or disinfecting service	X	X	C	P	X	P	P
Extraction and removal of sand, gravel, top soil, clay, dirt, precious metals, gems, and minerals	X	X	X	X	X	X	C
Fairgrounds	X	P	X	X	C	P	P
Finance, insurance, and real estate establishment, 2,500 square feet or less of gross floor area per establishment	P	P	P	P	P	P	P
Finance, insurance, and real estate establishment, more than 2,500 square feet of gross floor area per establishment	P	P	P	P	P	X	X

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Food processing	X	X	X	X	X	X	P
Fuel oil distributor	X	X	X	X	X	P	P
Funeral home or mortuary	X	X	X	C	X	P	P
Gas tank sales	X	X	X	C	X	X	P
Greenhouse (commercial)	X	X	X	P	X	P	P
Group home	C	P	X	P	X	X	X
Growler							
Gym or exercise facility, not open 24 hours a day	P	P	P	P	P	P	P
Gym or exercise facility open 24 hours a day	P	P	X	P	P	P	P
Hazardous waste receiving, handling, and/or disposal facility, or volatile organic liquid handling and storage	X	X	X	X	X	X	C
Health spa	X	X	X	P	P	P	P
Hospital	C	P	X	P	C	C	C
Incinerator	X	X	X	X	X	X	C
Institutional residential living and care facility, serving no more than 17 persons	P	P	P	P	X	X	X
Institutional residential living and care facility, serving 18 persons or more	C	P	X	P	X	X	X
Junk/salvage yard	X	X	X	X	X	X	C
Kennel	X	X	X	X	X	P	P

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Flowery Branch, GA	P	P	C	P	X	P	P
 Municode Codification Landfill (sanitary, construction/demolition, inert waste)	X	X	X	X	X	X	C
Landscaping company	X	X	X	P	X	P	P
Live/work unit	C	X	C	C	P	P	P
Lodging service (hotel, motel, motor hotel, inn)	X	C	X	P	P	X	X
Logging yard	X	X	X	X	X	X	P
Lumber yard	X	X	X	C	X	P	P
Machine shop	X	X	X	P	X	P	P
Manufactured home, "Class A"	X	X	X	X	X	X	X
Manufactured home other than "Class A"	X	X	X	X	X	X	X
Manufactured home park	X	X	X	X	X	X	X
Manufacturing, ceramics	X	X	X	X	X	C	P
Manufacturing, cosmetics or toiletries	X	X	X	X	X	P	P
Manufacturing, coating of cans, coils, fabrics, vinyl, metal furniture, appliance surfaces, wire, paper, and flat wood paneling	X	X	X	X	X	C	C
Manufacturing, electronics, camera, or photographic or communication equipment	X	X	X	X	X	P	P
Manufacturing, instrument assembly	X	X	X	X	X	P	P
Manufacturing, metal products	X	X	X	X	X	P	P

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Manufacturing, pharmaceuticals and medical supplies	X	X	X	X	X	P	P
Manufacturing, textiles	X	X	X	X	X	P	P
Manufacturing, wood products	X	X	X	X	X	P	P
Manufacturing, processing, and assembling, within buildings, not otherwise specified	X	X	X	X	X	C	C
Marina	X	C	X	P	X	X	X
Materials recovery facility	X	X	X	X	X	X	C
Micro brewery	X	X	X	X	P	P	P
Mixed use building or development	C	X	P	P	P	C	X
Museum	P	P	P	P	P	P	P
Office	P	P	P	P	P	P	P
Office-warehouse	X	X	X	C	X	P	P
Open air business	X	X	X	P	C	C	C
Open storage yard (principal use)	X	X	X	C	X	P	P
Package Store	X	X					
Parking deck or structures, on-site or off-site	C	C	X	P	C	C	C
Parking lot, off-site	P	P	P	P	C	P	P
Personal service establishment	C	C	P	P	P	P	P
Petroleum bulk storage site	X	X	X	X	X	X	P

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Flowery Branch, GA	X	X	X	X	X	X	C
 Municode Codification							
Public or semi-public use	P	P	P	P	P	P	P
Rail yard	X	C	X	X	X	X	P
Railroad freight terminal	X	C	X	X	X	X	P
Recreational vehicle park	X	X	X	C	X	X	X
Recovered materials processing facility	X	X	X	X	X	X	C
Recycling center	X	X	X	X	X	C	C
Restaurant, excluding drive-ins or drive through facilities and fast-food restaurants as defined	X	C	P	P	P	P	P
Restaurant, including drive-ins or drive through facilities and fast-food restaurants as defined	X	X	X	P	X	C	C
Retail trade establishment, enclosed	X	X	P	P	P	P	P
Retreat center	P	P	X	P	X	X	X
Riding academy or equestrian center	X	X	X	P	X	C	C
Rooming or boarding house	C	X	X	C	X	X	X
Sawmill	X	X	X	C	X	X	P
School for the arts	P	P	C	P	C	C	C
School, private, elementary, middle, or high	P	P	C	P	X	C	C
School, public	P	P	X	X	X	X	X
School, professional	P	P	C	P	X	C	C

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Flowery Branch, GA	P	P	X	X	X	C	C
 Municode Codification School, trade	C	C	X	X	X	C	C
Self-service storage facility (mini-warehouse)	X	X	X	C	X	P	P
Service and fuel-filling station	X	X	X	P	X	P	P
Showroom	X	X	X	X	X	P	P
Slaughterhouse	X	X	X	X	X	X	C
Solid waste handling and/or transfer facility	X	X	X	X	X	X	C
Special event facility	C	P	C	P	X	X	X
Taxi cab and limousine service	X	X	X	C	X	C	C
Tattoo Parlor	X	X	X	P	x	C	C
Temporary use approved by the Zoning Administrator	P	P	P	P	P	P	P
Therapeutic camp	X	C	X	X	X	X	X
Tow service	X	X	X	P	X	C	P
Truck stop or truck terminal	X	X	X	C	X	X	P
Utility company	P	P	X	P	X	P	P
Use	O-P	INST	NS	HB	CBD	M-1	M-2
Utility company substation	P	P	P	P	P	P	P
Vehicle emission testing facility	X	X	X	P	X	P	P
Warehouse or storage building	X	X	X	C	X	P	P

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Flowerly Branch, GA Municode Codification	X	X	X	X	X	X	X
Wholesale trade establishment	X	X	X	C	C	P	P
Wireless telecommunications equipment	X	C	X	C	X	C	C
Wireless telecommunications facility	X	C	X	C	X	C	C
Wrecked motor vehicle compound	X	X	X	C	X	X	P
Yoga Studio	P	P	P	P	P	P	P

(Ord. No. 348-16, § 1 (Exh. A), 7-19-2018)

Table 9.2

Dimensional Requirements for Nonresidential Zoning Districts

 EXPAND

Dimensional Requirement (measurement unit)	O-P	INST	NS	HB	CBD	M-1	M-2
Maximum height (feet)	35	45	35	60	Note 1	75	75
Maximum height (number of stories)	3	3	3	5	Note 1	4	5
Maximum density (units per acre)	3	3	3	12	N/A	N/A	N/A
Minimum lot size for detached single family dwelling (square feet)	10,000	10,000	10,000	10,000	7,000	N/A	N/A
Minimum lot size for other uses (square feet)	10,000	None	None	None	None	None	None
Minimum lot width (feet)	75	75	90	None	None	100	100

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Minimum lot area (square feet)	1,200	1,200	1,200	700	700	700	700
Minimum lot width (feet)							
Minimum front yard setback (feet)	25	40	25	None	None	25	25
Minimum side setback, interior lot line (feet)	10	40	10	10	None	15	15
Minimum side setback, corner lot (feet)	15	40	15	15	None	25	25
Minimum side setback, interior lot line (width in feet) for institutional zones abutting other institutional zones	N/A	10	N/A	N/A	N/A	N/A	N/A
Minimum landscape strip required along side property lines for institutional zones abutting other institutional zones (width in feet)	N/A	5	N/A	N/A	N/A	N/A	N/A
Minimum rear setback (feet)	20	40	20	25	None	25	25
Minimum setback abutting an R-1, R-2, R-3, TND, or PUD district (feet)	25	50	40	30	None	60	60
Minimum width of natural buffer abutting an R-1, R-2, R-3, TND, or PUD district (feet)	15	40	30	30	None	50	50
Minimum landscape strip required along right-of-ways for any nonresidential or multi-family use (width in feet)	10	25	10	10 (None if built to front lot line)	None	30	30

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Minimum landscaped open space required along side property lines for any nonresidential or multi-family use (width in feet)	5	15	5	None	None	None	None
Maximum lot coverage (percent)	35	40	45	50	None	None	None
Minimum landscaped open space (percent)	25	20	15	15	N/A	10	10

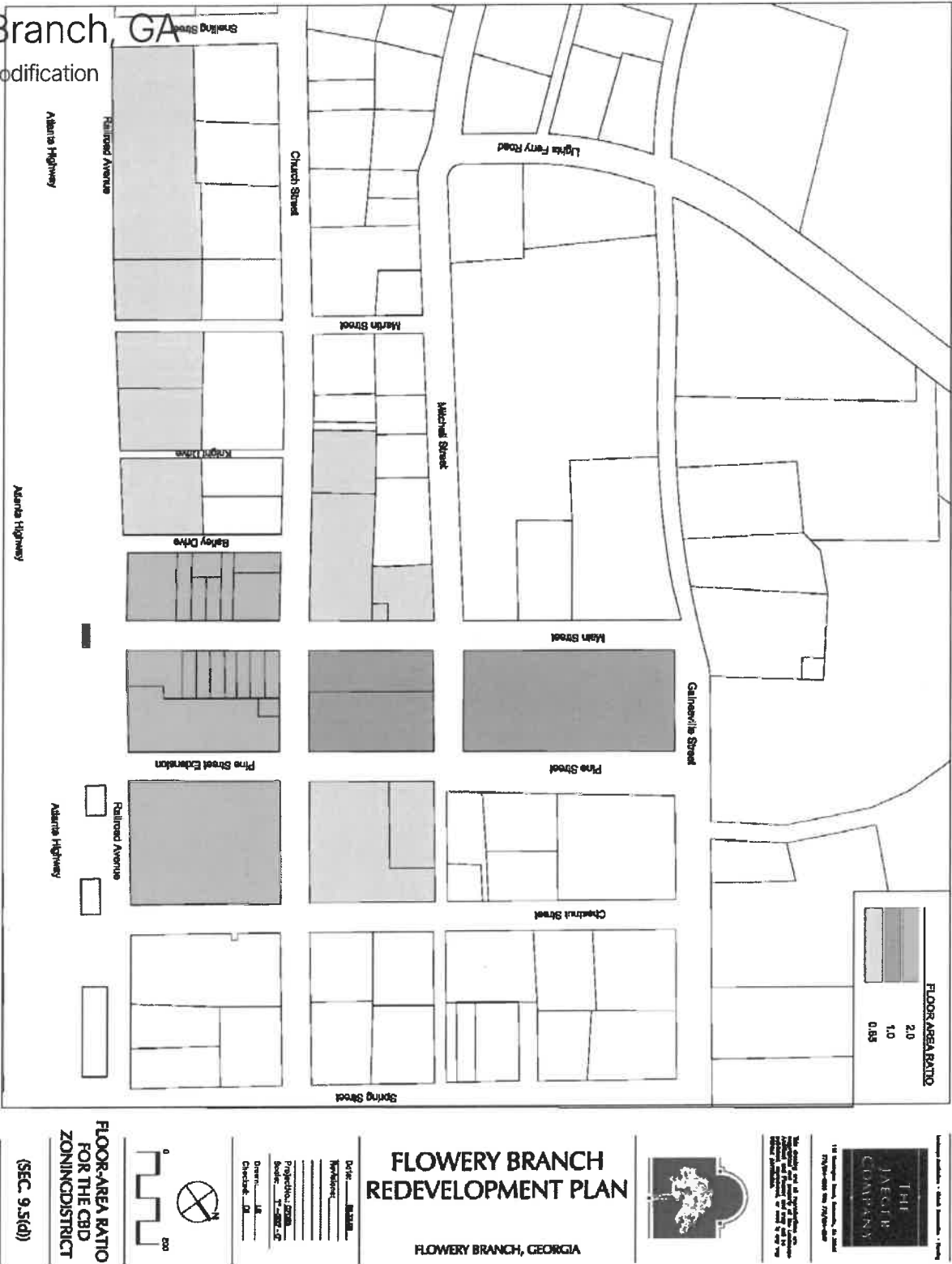
(Ord. No. 348-16, § 1 (Exh. A), 7-19-2018)

Note 1. Building Height and Number of Stories. The maximum height of any building, including those on lots subsequently zoned CBD after the effective date of this zoning ordinance amendment, shall be three stories and 45 feet, except as follows:

The maximum building height shall be four stories and 60 feet for the following city blocks: The city block bounded by Railroad Avenue, Pine Street Extension, Church Street, and Chestnut Street; the city block bounded by Railroad Avenue, Main Street, Church Street, and Pine Street Extension; and the city block bounded by Railroad Avenue, Bailey Drive, Church Street, and Main Street. The building height may project 6 feet above the maximum for purposes of screening roof mounted equipment, safety railings and/or other service equipment.

Flowery Branch, GA

Municode Codification



< Sec. 8.11. - Permits and Certificates. ARTICLE 10. - DEVELOPMENT REQUIREMENTS AND GUIDELINES >



April 2, 2025

I, Shelia Cooper, do hereby certify that I am the City Clerk for the City of Flowery Branch. As such, I keep its official records and, in that capacity, do hereby certify that the attached copy of Ordinance 657, an ordinance amending the zoning ordinance of the City of Flowery Branch, Georgia, is a true and accurate copy.

Given under my hand and seal of Flowery Branch, Georgia, this 2nd day of April 2025.



Shelia R. Cooper
City Clerk, City of Flowery Branch



ORDINANCE 657

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FLOWERY BRANCH, GEORGIA, ORDINANCE NO. 657, TO STRIKE THE FOLLOWING SECTIONS: 3.5, 6.1-6.5, 7.1-7.6, 8.1-8.7, 9.1-9.7 (INCLUDING TABLES 9.1 AND 9.2), 10.1, 10.7, 12.1-12.8, 14.13-14.15, AND 40.1-40.9 REPLACING THEM WITH NEW SECTIONS WITH THE SAME TITLES AND NUMBERS AS SHOWN ON ATTACHED EXHIBIT "A"; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the Zoning Ordinance of the City of Flowery Branch, Georgia, authorizes the amendment of the text of the City of Flowery Branch Zoning Ordinance by the City Council; and

WHEREAS, the Zoning Administrator is authorized, pursuant to Section 33.2 of the Zoning Ordinance, to initiate an amendment to the zoning ordinance for consideration by the City Council; and

WHEREAS, the City's adopted comprehensive plan includes an intent to implement the adopted redevelopment plan for Old Town by redeveloping obsolete housing units and attracting new housing in Old Town and nearby neighborhoods; and

WHEREAS, it is in the public interest to update existing codes; and

WHEREAS, the changes to the code enhance the health, safety, and overall general welfare of the citizens of Flowery Branch; and

WHEREAS, the City has complied with the Zoning Procedures Law and the requirements of Article 33 of the Zoning Ordinance with regard to text amendments, including the holding of an advertised public hearing; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS THAT THE FLOWERY BRANCH ZONING ORDINANCE IS AMENDED AS FOLLOWS:

SECTION 1. AMENDMENT.

Strike sections 3.5, 6.1-6.5, 7.1-7.6, 8.1-8.7, 9.1-9.7 (including tables 9.1 and 9.2), 10.1, 10.7, 12.1-12.8, 14.13-14.15, and 40.1-40.9 replacing them with the new sections as shown Exhibit "A".

SECTION 2. SEVERABILITY.

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

SECTION 3. EFFECTIVE DATE.

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

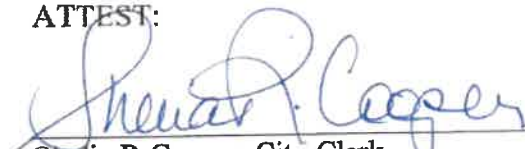
SECTION 4. REPEALER.

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

Approved this 16th day of December 2021.


James M. Miller, Mayor

ATTEST:


Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:


E. Ronald Bennett, Jr., City Attorney



Exhibit "A"**ARTICLE 3. - ESTABLISHMENT OF DISTRICTS AND OFFICIAL ZONING MAP****Sec. 3.5. - Character Areas Established.**

The character areas presented in map and text form in the adopted comprehensive plan of the City of Flowery Branch, Georgia, are hereby adopted as if fully set forth in this ordinance. The recommendations for appropriate development specified in the comprehensive plan for character areas and future land uses shall be applicable to development in the form of guidelines. Furthermore, to the extent this zoning ordinance provides regulations for character area districts, they are mandatory and shall be followed.

The boundaries of character areas as established in the adopted comprehensive plan shall not be amended through the zoning map amendment process established in this zoning ordinance, and such character area boundaries shall only be changed by amending the adopted comprehensive plan.

ARTICLE 6. - AGRICULTURAL AND CONVENTIONAL RESIDENTIAL ZONING DISTRICTS**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 and related uses 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 and related uses at moderate 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-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 Multi-Family District.

- (a) *Purpose and Description.* This zoning district is intended to provide for higher density residential development and related uses and to protect the future development of land in accordance with the comprehensive plan. This district consists predominantly of multi-family residences (apartment complexes and townhouses), two-family residences, and detached single-family dwellings (site built or modular) and is intended to implement the "urban density community" 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."

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

- (a) *Purpose and Description.* This zoning district is intended exclusively for the placement of manufactured homes and related uses 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.
- (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." Dimensional requirements such as specifications for manufactured home spaces shall be as designated on an approved site plan.
- (d) *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.
- (e) *Design Requirements.* See Articles 10 and 40 of this Zoning Ordinance.

ARTICLE 7. - TND, TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT

Sec. 7.1. - Purpose and Description.

This zoning district is intended to provide for neighborhoods that are designed according to the principles of "new urbanism" with a grid or modified-grid street network, pedestrian scale and orientation, shallow front yards, relatively narrow local streets planted with shade trees and provided with wide sidewalks, and with automobile garages located to the rear or side of residential lots. TND districts are

further distinguished from conventional suburban subdivision developments in their provision of public greens or common areas, when new neighborhoods are created.

Sec. 7.2. - Character.

Development within this district consists mostly of residential neighborhoods in a rectangular or square block, lot, and street pattern.

Sec. 7.3. - Permitted and Conditional Uses.

Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Special Uses in Traditional Neighborhood Development Districts."

Sec. 7.4. - Dimensional Requirements.

Dimensional requirements shall be as provided in Table 7.2, "Dimensional Requirements in Traditional Neighborhood Development Districts."

Sec. 7.5. - Additional Development Requirements.

- (a) **Maximum Block Width and Block Length.** When a new subdivision is created within this district, the lots shall be designed in a grid-like pattern of blocks and interconnecting streets, where no new block created shall have a length or width exceeding 800 feet in length without an alley or intervening (mid-block) pedestrian footpaths.
- (b) **Front Porches.** Any new, detached dwelling shall have a front porch no less than sixteen feet in width as measured along the street frontage and no less than six feet in depth measured from the front property line to the interior of the lot.
- (c) **On-site Parking.** A two-car garage or carport located in the rear or side yard is required.

Sec. 7.6. - Design Requirements.

See Articles 10, 12 and 40 of this Zoning Ordinance. Where there are conflicting requirements between the articles cited herein and this Article 7, the requirements of Article 7 shall apply.

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 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.

Sec. 8.4. - Permitted Uses.

Permitted uses shall be proposed by an applicant for rezoning to PUD and shall be limited to those uses approved by the Governing Body; provided, however, that the following shall apply when the site proposed to be rezoned and developed is designated as "suburban residential" on the adopted future development map of the City of Flowery Branch:

- (a) At least twenty (20) percent of the total area of the planned unit development shall be conservation, open space, and/or landscaped area.
- (b) At least seventy (70) percent of the units proposed and approved as part of the planned community development shall be detached, single-family dwellings.

In the case of a PUD zoning district that was already developed or partially developed on the effective date of this zoning ordinance, said development shall continue to be governed by the conditions of zoning, site or development plan approval, architectural elevations, approved mixes of uses, and any other development-specific stipulations of the original PUD approval, until or unless otherwise amended by the Governing Body, and the land use parameters described in this Section shall not apply to such prior PUD zoning district approvals by the Governing Body.

The applicant for PUD zoning shall include in the application a list of all land uses proposed to be included in the PUD, which shall be limiting on the application if approved, unless otherwise specifically provided by the Governing Body. In addition, the application shall contain a development schedule indicating the approximate dates for beginning and completing the project, or each phase if the development is to be phased, and the extent of development and types of land uses in each phase. This information shall also specify the number of residential units by type and density, and the total square footage of buildings devoted to non-residential uses.

Sec. 8.5. - Dimensional Requirements.

Lot sizes, maximum densities (units per acre), setbacks and yards, building coverage, building heights, and other dimensional requirements shall be proposed by an applicant for rezoning to PUD and as may be approved by the Governing Body. The applicant for PUD zoning shall submit the dimensional requirements for, at minimum, the types of requirements for conventional residential zoning districts as specified in Table 6.2 of this zoning ordinance and compare the proposed dimensional requirements with

said requirements in Table 6.2 for the R-1 and/or R-2 zoning district. Standards proposed by the developer are legally binding on the development if approved, unless otherwise specified by the Governing Body.

In addition, other dimensional requirements of this zoning ordinance, including but not limited to Article 25 (regulations for steep slopes) where applicable, shall also be proposed by the applicant.

Sec. 8.6. - 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 Guidelines.

The following provisions are not requirements per se, but may be made requirements as a part of rezoning approval. 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.
- (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) See also Article 10 of this Zoning Ordinance.

ARTICLE 9. - NONRESIDENTIAL ZONING DISTRICTS

Sec. 9.1. - O-P, Office-Professional District.

- (a) *Purpose and Description.* This zoning district is intended to implement the "Institutional Campus" character area established in the comprehensive plan. The Office-Professional district is intended to encourage and provide suitable areas for professional, medical, research and scientific functions, general offices, and certain related activities. This district is intended to apply to single-function office buildings and to planned office parks and planned office complexes. In some cases, the OP district may be appropriate as a transition between a commercial zoning district and a single-family or multi-family residential zoning district.
- (c) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts."

- (d) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."
- (e) *Design Requirements.* See Articles 10 and 40 of this Zoning Ordinance.

Sec. 9.2. - INST, Institutional District.

- (a) *Purpose and Description.* This zoning district is intended to implement the "Institutional Campus" character area established in the comprehensive plan. The Institutional zoning district is intended to encourage and provide suitable areas for single-function institutional campuses including the Atlanta Falcons Training Facility, schools, and large churches.
- (b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts."
- (c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."
- (d) *Design Requirements.* See Articles 10 and 40 of this Zoning Ordinance.

Sec. 9.3. - NS, Neighborhood Shopping District.

- (a) *Purpose and Description.* This zoning district is intended to primarily implement the "neighborhood commercial" character area established in the comprehensive plan but may also be used to implement the "mixed use – downtown" and "mixed use – neighborhood" character areas. The NS district is intended to provide areas for limited, small-scale commercial uses of a convenience nature serving nearby residential neighborhoods as opposed to a regional market. This district provides for attractive, non-auto related neighborhood businesses and services within enclosed buildings that have a scale compatible with pedestrians and that are connected to adjacent residential neighborhoods and do not generate adverse impacts which would detract from the desirability of adjacent properties for residential use.
- (b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts."
- (c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."
- (d) *Design Requirements.* See Articles 10 and 40 of this Zoning Ordinance.

Sec. 9.4. - HB, Highway Business District.

- (a) *Purpose and Description.* This zoning district is intended to implement the "activity center" and "activity center-retail" character areas established in the comprehensive plan. This zoning district will be an accessible center of businesses, services, and complementary uses with attractive building and site features and contributing extensively to the economic base of the city. The widest possible range of commercial uses is contemplated in this zoning district, except for industry, mixed use developments, and single-family residences including manufactured homes.
- (b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts."
- (c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."
- (d) *Design Requirements.* See Articles 10 and 40 of this Zoning Ordinance.

Sec. 9.5. - CBD, Central Business District.

- (a) *Purpose and Description.* This zoning district is intended to primarily implement the "Old Town" character area established in the comprehensive plan, but may also be used to implement the "Mixed Use – Downtown" character area. Developments are built to a pedestrian-friendly scale (i.e., "Main

Street Commercial") that complement the historic character of the City's downtown core and that include plazas and small urban pocket parks.

- (b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts."

- (c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."

- (d) *Construction Approval.*

1. Any proposed construction project must be approved by the City Council prior to issuance of any permit.

2. For lots zoned CBD which are within the city's local historic district, compliance with the city's historic preservation ordinance is required prior to issuance of any building permit. See also Section 9.5.(f)7. below.

- (f) *Construction Approval Requirements.* All construction proposals shall submit at a minimum the following:

1. Legal description of the property;
2. Survey of the property;
3. Existing conditions analysis of the site to be redeveloped, including any existing buildings, structures, and/or uses on the subject site, and the existing land uses and description of buildings, structures, and uses on all adjacent lots;
4. Letter of intent describing the proposed use(s) of the property or other action requested (redevelopment project approval). The applicant must be comprehensive in terms of describing all principal uses that will be included - these will become limiting and binding on the developer - refer to the permitted uses listing in Table 9.1 of Article 9 of the Flowery Branch Zoning Ordinance. For complex projects, the applicant should describe the intended phasing of the project, if applicable. The letter of intent shall address the following:
 - a. How the proposed action compares (and is consistent with) the goals, policies, and development requirements of the Old Town Redevelopment Plan;
 - b. How the project will be consistent with any adopted design guidelines for the type of development and/or the proposed use; and
 - c. How the general design, the character and appropriateness of design, scale of buildings, arrangement, texture, materials, and colors of buildings in the proposed redevelopment project will be appropriate in its surroundings;
5. Two copies and one electronic copy of a site plan of the property, at an appropriate engineering scale, showing the proposed use and relevant information (buildings, parking, open spaces, etc.) regarding proposed improvements;
6. Statistics regarding the proposed development (this may be incorporated into the letter of intent, or shown on the site plan, or both). At minimum, such statistics shall include the total square footage of the redevelopment project, including any existing buildings to be retained, the total gross square footages of building(s) devoted to each use, and proposed building heights for all buildings and structures proposed in the redevelopment project;
7. Two copies and one electronic copy of all exterior elevation drawings of all building faces that will front on a public or private street, and rear and side elevations of same if requested by Zoning Administrator, drawn to an architectural scale and signed by an architect. If structured parking is proposed, elevations of the parking structure must also be submitted. Said exterior elevation drawings shall clearly show in sufficient detail the exterior appearance and architectural design of proposed principal buildings. Each application shall also indicate proposed materials, textures and colors and provide samples of materials and colors. In cases where an applicant has already made application for approval of a certificate of appropriateness (COA), the applicant can submit

the complete application for certificate of appropriateness as submitted to the Historic Preservation Commission. Where an applicant has already received a certificate of appropriateness from the Historic Preservation Commission, resubmission of the approved application for certificate of appropriateness shall constitute compliance with this application requirement unless the Zoning Administrator notifies the applicant that additional information is needed for aspects not covered in the approved COA application;

8. Facility impact analyses, including the following:
 - a. Proof of water and sewer availability from the Public Works Director and Wastewater Treatment Plant Superintendent.
 - b. Analysis of the adequacy of drainage for the site (description and assessment of adequacy of stormwater facilities on-site and off-site).
9. A written development agreement, if the developer requests city participation in the provision of on-site or off-site facilities, such as the sharing of costs for facilities, shared parking, etc. which may or may not be available from the city. If accepted by the city, the development agreement may become a condition of project approval or it may be considered and approved separately from redevelopment project approval;
10. If any variances or administrative variances are required, the applicant will file a separate application following submission requirements and processes for the type of variance sought.

Sec. 9.6. - M-1, Light Manufacturing and Industrial District.

- (a) *Purpose and Description.* This zoning district is intended to accommodate light industrial uses and to implement the "industrial employment" character area established in the comprehensive plan. The M-1 district provides for various types of industrial, manufacturing or warehousing operations that generally require storage of materials or goods, but are of low noise or nuisance level. Land for the M-1 district should be located in relation to the local road network due to frequent truck traffic and designated so as to not disrupt normal traffic flow. This district provides a concentration of employment and job activity, contributing substantially to the economic base of the city.
- (b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts." Light industries are the primary permitted uses.
- (c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."
- (d) *Design Requirements.* Please see Article 14 sec. 14.13 and Article 40 of this ordinance.

Sec. 9.7. - M-2, Heavy Manufacturing and Industrial District.

- (a) *Purpose and Description.* This zoning district is intended to accommodate heavy industrial uses and to implement the "industrial employment" character area established in the comprehensive plan. The M-2 district provides for industrial, manufacturing and warehousing operations which require buildings and open areas for fabricating, processing, extracting or repairing equipment, raw materials, manufactured products or wastes and which require adequate separation and screening from residential and commercial uses. Land for the M-2 district should be located in relation to the local road network so as to not disrupt normal traffic flow. This district provides a concentration of employment and job activity, contributing substantially to the economic base of the city.
- (c) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 9.1 , "Permitted and Conditional Uses in Nonresidential Zoning Districts." Light and heavy industries are the primary permitted uses.
- (d) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."
- (e) *Design Requirements.* Please see Article 14 sec. 14.13 and Article 40 of this ordinance.

Table 9.1
Permitted and Conditional Uses in Nonresidential Zoning Districts
(P = Permitted Use C = Conditional Use X = Prohibited)

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Accessory building, structure, or use	P	P	P	P	P	P	P
Adaptive reuse of a detached single-family dwelling for a personal service establishment or enclosed retail establishment	C	C	P	P	P	X	X
Adult business (see Adult Entertainment of Code of Ordinances No. 360)	X	X	X	X	X	P	P
Agricultural processing	X	X	X	X	X	X	C
Aircraft landing area	X	X	X	X	X	X	C
Animal hospital or veterinary clinic	P	P	P	P	X	X	X
Animal rendering, slaughtering, and recycling plant	X	X	X	X	X	X	X
Animal shelter	X	P	X	C	X	P	P
Apparel manufacturing	X	X	X	X	X	P	P
Art gallery	P	P	P	P	P	X	X
Asphalt plant	X	X	X	X	X	X	C
Auction house or auction yard (excluding livestock)	X	X	X	X	X	P	P
Auction house or auction yard (including livestock)	X	X	X	X	X	X	P
Automated teller machines (accessory use)	P	P	P	P	X	P	P
Automobile sales and service establishment	X	X	X	P	X	X	X
Automobile sales without service	X	X	X	P	X	X	X
Automobile service establishment without sales	X	X	X	P	X	P	P
Bank or financial institution	P	P	P	P	P	X	X

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Batching plant	X	X	X	X	X	X	C
Bed and breakfast inn	P	P	P	P	P	X	X
Big box commercial building	X	X	X	C	X	C	C
Borrow site	X	C	X	C	X	X	P
Botanical garden	P	P	P	C	X	X	X
Bottling or canning plant	X	X	X	X	X	C	P
Brewery or distillery	X	X	X	X	X	P	P
Broadcasting studio	P	P	P	P	X	P	P
Building material sales	X	X	X	C	X	P	P
Building sales establishment	X	X	X	C	X	P	P
Bulk storage	X	X	X	X	X	X	P
Camp or campground	X	C	X	C	X	X	X
Car wash	X	X	X	C	X	P	P
Caretaker's residence	X	X	X	C	C	P	P
Carnival	X	X	X	C	X	X	P
Cemetery or mausoleum	X	P	X	C	X	P	P
Church, temple, synagogue, or place of worship, including specified accessory uses (see Sect. 14.3)	P	P	C	P	X	C	C
Clinic	P	P	P	P	X	X	X
Club or lodge, nonprofit, sponsored by a civic or similar organization	P	P	C	P	X	C	C
Club, private	X	C	X	C	X	X	X

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Cold storage plant or frozen food locker	X	X	X	X	X	P	P
Co-generation facility	X	X	X	X	X	C	C
College or university	C	P	X	C	X	C	C
Commercial recreational facility, indoor	X	X	C	P	X	C	C
Commercial recreational facility, outdoor	X	X	X	C	C	C	C
Communication tower and antenna	P	P	X	P	X	P	P
Community recreation area	P	P	P	P	P	P	P
Composting facility	X	X	X	X	X	X	P
Conservation areas and passive recreational facilities	P	P	P	P	P	P	P
Construction field office and/or yard (temporary use)	X	P	X	P	X	P	P
Continuing care retirement community	C	P	X	P	C	X	X
Contractor's establishment	X	X	X	P	X	P	P
Convenience store, with or without gasoline pumps	X	X	P	P	X	P	P
Cottage industry	P	P	P	P	P	P	P
Crematorium in conjunction with a funeral home or mortuary	X	C	X	C	X	P	P
Crematorium not in conjunction with a funeral home or mortuary	X	X	X	X	X	X	P
Crisis center	C	P	X	P	X	P	P
Custom order shop	X	X	P	P	P	P	P
Day care center serving no more than 17 persons	P	P	P	P	X	C	C
Day care center serving 18 persons or more	X	P	C	P	X	C	C
Distribution center, including truck terminals	X	X	X	C	X	P	P

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Dry cleaning plant	X	X	X	C	X	P	P
Dwelling, single-family detached	X	X	X	X	P	X	X
Dwelling, townhome (single-family attached fee-simple)	X	X	X	X	P	X	X
Dwelling, multi-family	X	X	X	X	C	X	X
Dwelling, located within a building containing a nonresidential principal use	X	X	X	X	X	X	X
Explosives storage	X	X	X	X	X	X	C
Exterminating and pest control business or disinfecting service	X	X	C	P	X	P	P
Extraction and removal of sand, gravel, top soil, clay, dirt, precious metals, gems, and minerals	X	X	X	X	X	X	C
Fairgrounds	X	P	X	X	C	P	P
Finance, insurance, and real estate establishment, 2,500 square feet or less of gross floor area per establishment	P	P	P	P	P	P	P
Finance, insurance, and real estate establishment, more than 2,500 square feet of gross floor area per establishment	P	P	P	P	P	X	X
Food processing plant	X	X	X	X	X	X	P
Fuel oil distributor	X	X	X	X	X	P	P
Funeral home or mortuary	X	X	X	C	X	P	P
Gas tank sales	X	X	X	C	X	X	P
Greenhouse (commercial)	X	X	X	P	X	P	P
Group home	C	P	X	P	X	X	X
Growler	X	X	P	P	P	P	P
Gym or exercise facility, not open 24 hours a day	P	P	P	P	P	P	P

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Gym or exercise facility open 24 hours a day	P	P	X	P	P	P	P
Hazardous waste receiving, handling, and/or disposal facility, or volatile organic liquid handling and storage	X	X	X	X	X	X	C
Health spa	X	X	X	P	P	P	P
Hospital	C	P	X	P	C	C	C
Incinerator	X	X	X	X	X	X	C
Institutional residential living and care facility, serving no more than 17 persons	P	P	P	P	X	X	X
Institutional residential living and care facility, serving 18 persons or more	C	P	X	P	X	X	X
Junk/salvage yard	X	X	X	X	X	X	C
Kennel	X	X	X	P	X	P	P
Laboratory	P	P	C	P	X	P	P
Landfill (sanitary, construction/demolition, inert waste)	X	X	X	X	X	X	C
Landscaping company	X	X	X	P	X	P	P
Live/work unit	C	X	C	C	P	P	P
Lodging service (hotel, motel, motor hotel, inn)	X	C	X	P	P	X	X
Logging yard	X	X	X	X	X	X	P
Lumber yard	X	X	X	C	X	P	P
Machine shop	X	X	X	P	X	P	P
Manufactured home, "Class A"	X	X	X	X	X	X	X
Manufactured home other than "Class A"	X	X	X	X	X	X	X
Manufactured home park	X	X	X	X	X	X	X

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Manufacturing, ceramics	X	X	X	X	X	C	P
Manufacturing, cosmetics or toiletries	X	X	X	X	X	P	P
Manufacturing, coating of cans, coils, fabrics, vinyl, metal furniture, appliance surfaces, wire, paper, and flat wood paneling	X	X	X	X	X	C	C
Manufacturing, electronics, camera, or photographic or communication equipment	X	X	X	X	X	P	P
Manufacturing, instrument assembly	X	X	X	X	X	P	P
Manufacturing, metal products	X	X	X	X	X	C	P
Manufacturing, pharmaceuticals and medical supplies	X	X	X	X	X	P	P
Manufacturing, textiles	X	X	X	X	X	P	P
Manufacturing, wood products	X	X	X	X	X	P	P
Manufacturing, processing, and assembling, within buildings, not otherwise specified	X	X	X	X	X	C	C
Marina	X	C	X	P	X	X	X
Materials recovery facility	X	X	X	X	X	X	C
Micro brewery	X	X	X	X	P	P	P
Mixed use building or development	C	X	P	X	P	C	X
Museum	P	P	P	P	P	P	P
Office	P	P	P	P	P	P	P
Office-warehouse	X	X	X	C	X	P	P
Open air business	X	X	X	P	C	C	C
Open storage yard (principal use)	X	X	X	C	X	P	P

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Package Store	X	X	X	P	X	P	P
Parking deck or structures, on-site or off-site	C	C	X	P	C	C	C
Parking lot, off-site	P	P	P	P	C	P	P
Personal service establishment	C	C	P	P	P	P	P
Petroleum bulk storage site	X	X	X	X	X	X	P
Power plant, private	X	X	X	X	X	X	C
Public or semi-public use	P	P	P	P	P	P	P
Rail yard	X	C	X	X	X	X	P
Railroad freight terminal	X	C	X	X	X	X	P
Recreational vehicle park	X	X	X	C	X	X	X
Recovered materials processing facility	X	X	X	X	X	X	C
Recycling center	X	X	X	X	X	C	C
Restaurant, excluding drive-ins or drive through facilities and fast-food restaurants as defined	X	C	P	P	P	P	P
Restaurant, including drive-ins or drive through facilities and fast-food restaurants as defined	X	X	X	P	X	C	C
Retail trade establishment, enclosed	X	X	P	P	P	P	P
Retreat center	P	P	X	P	X	X	X
Riding academy or equestrian center	X	X	X	P	X	C	C
Rooming or boarding house	C	X	X	C	X	X	X
Sawmill	X	X	X	C	X	X	P
School for the arts	P	P	C	P	C	C	C

Use	O-P	INST	NS	HB	CBD	M-1	M-2
School, private, elementary, middle, or high	P	P	C	P	X	C	C
School, public	P	P	X	X	X	X	X
School, professional	P	P	C	P	X	C	C
School, special	P	P	X	X	X	C	C
School, trade	C	C	X	X	X	C	C
Self-service storage facility (mini-warehouse)	X	X	X	C	X	P	P
Service and fuel-filling station	X	X	X	P	X	P	P
Showroom	X	X	X	X	X	P	P
Slaughterhouse	X	X	X	X	X	X	C
Solid waste handling and/or transfer facility	X	X	X	X	X	X	C
Special event facility	C	P	C	P	X	X	X
Taxi cab and limousine service	X	X	X	C	X	C	C
Tattoo Parlor	X	X	X	P	X	C	C
Temporary use approved by the Zoning Administrator	P	P	P	P	P	P	P
Therapeutic camp	X	C	X	X	X	X	X
Tow service	X	X	X	P	X	C	P
Truck stop or truck terminal	X	X	X	C	X	X	P
Utility company	P	P	X	P	X	P	P
Utility company substation	P	P	P	P	P	P	P
Vehicle emission testing facility	X	X	X	P	X	P	P
Warehouse or storage building	X	X	X	C	X	P	P

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Water plant or wastewater treatment facility	X	X	X	X	X	X	X
Wholesale trade establishment	X	X	X	C	C	P	P
Wireless telecommunications equipment	X	C	X	C	X	C	C
Wireless telecommunications facility	X	C	X	C	X	C	C
Wrecked motor vehicle compound	X	X	X	C	X	X	P
Yoga Studio	P	P	P	P	P	P	P

Table 9.2
Dimensional Requirements for Nonresidential Zoning Districts

Dimensional Requirement (measurement unit)	O-P	INST	NS	HB	CBD	M-1	M-2
Maximum height (feet)	35	45	35	60	Note 1	75	75
Maximum height (number of stories)	3	3	3	5	Note 1	4	5
Maximum density (units per acre)	3	3	3	12	N/A	N/A	N/A
Minimum lot size for detached single family dwelling (square feet)	10,000	10,000	10,000	10,000	7,000	N/A	N/A
Minimum lot size for other uses (square feet)	10,000	None	None	None	None	None	None
Minimum lot width (feet)	75	75	90	None	None	100	100
Minimum heated floor area per dwelling unit (square feet)	1,200	1,200	1,200	700	700	700	700
Minimum heated floor area for other uses (square feet)	None	None	2,500 per tenant space	None	None	None	None
Minimum front yard setback (feet)	25	40	25	None	None	25	25
Minimum side setback, interior lot line (feet)	10	40	10	10	None	15	15
Minimum side setback, corner lot (feet)	15	40	15	15	None	25	25
Minimum side setback, interior lot line (width in feet) for institutional zones abutting other institutional zones	N/A	10	N/A	N/A	N/A	N/A	N/A
Minimum landscape strip required along side property lines for institutional zones abutting other institutional zones (width in feet)	N/A	5	N/A	N/A	N/A	N/A	N/A

Dimensional Requirement (measurement unit)	O-P	INST	NS	HB	CBD	M-1	M-2
Minimum rear setback (feet)	20	40	20	25	None	25	25
Minimum setback abutting an R-1, R-2, R-3, TND, or PUD district (feet)	25	50	40	30	None	60	60
Minimum width of natural buffer abutting an R-1, R-2, R-3, TND, or PUD district (feet)	15	40	30	30	None	50	50
Minimum landscape strip required along right-of-ways for any nonresidential or multi-family use (width in feet)	10	25	10	10 (None if built to front lot line)	None	30	30
Minimum landscape strip required along side property lines for any nonresidential or multi-family use (width in feet)	5	15	5	None	None	None	None
Maximum lot coverage (percent)	35	40	45	50	None	None	None
Minimum landscaped open space (percent)	25	20	15	15	N/A	10	10

Note 1. Building Height and Number of Stories. The maximum height of any building, including those on lots subsequently zoned CBD after the effective date of this zoning ordinance amendment, shall be three stories and 45 feet, except as follows:

The maximum building height shall be four stories and 60 feet for the following city blocks: The city block bounded by Railroad Avenue, Pine Street Extension, Church Street, and Chestnut Street; the city block bounded by Railroad Avenue, Main Street, Church Street, and Pine Street Extension; and the city block bounded by Railroad Avenue, Bailey Drive, Church Street, and Main Street. The building height may project 6 feet above the maximum for purposes of screening roof mounted equipment, safety railings and/or other service equipment.

ARTICLE 10. - DEVELOPMENT REQUIREMENTS AND GUIDELINES

Sec. 10.1. - Applicability.

- (a) The development requirements and guidelines are intended to apply to all land uses unless the context clearly indicates otherwise as specifically provided in this Article, and with the exception that Sec. 10.7. – Architectural Design, Sec. 10.8, – Pedestrian Retail and Sec. 10.10. – Office, Institutional, Business, and Industrial Parks and Campuses do not apply to townhouses, single-family detached dwellings, and duplexes.
- (b) See Article 12, Sec. 12.6, Sec. 12.7, and 12.8 in this Zoning Ordinance for additional requirements that pertain to townhouses, single-family detached dwellings, and duplexes.
- (c) See also Article 40. *Design Review*.

Sec. 10.7. - Architectural Design.

- (a) Architectural design should be compatible with the developing character of the neighboring area. Design compatibility includes complementary building style, form, size, color, materials, and detailing. The designer should consider each of the following contexts as part of the design process:
 - 1. Size (the relationship of the project to its site).
 - 2. Scale (the relationship of the building to those around it).
 - 3. Massing (the relationship of the building's various parts to each other).
 - 4. Fenestration (the placement of windows and doors).
 - 5. Rhythm (the relationship of fenestration, recesses and projections).
 - 6. Setback (in relation to setback of immediate surroundings).
 - 7. Materials (their compatibility with the historic district).
 - 8. Context (the overall relationship of the project to its surroundings).
- (b) Efforts to coordinate the height of buildings and adjacent structures are encouraged. This is especially applicable where buildings are located very close to each other. It is often possible to adjust the height of a wall, cornice or parapet line to match that of an adjacent building. Similar design linkages such as window lines should be placed in a pattern that reflects the same elements on neighboring buildings.
- (c) Diversity of architectural design should be encouraged. "Theme" or stylized architecture which is characteristic of a particular historic period or trend is not encouraged, unless the existing building or site is historically important to the district or necessary for architectural harmony.
- (d) Multiple buildings on the same site shall be designed to create a cohesive visual relationship between the buildings.
- (e) Long or continuous wall planes shall be avoided, particularly in pedestrian activity areas, where buildings should exhibit more detail and elements appropriate for close range pedestrian view. Recesses and projections should be used along the front facade to break up long expanses of wall planes.
- (f) Façade articulation.
 - 1. *Office, institutional, commercial, and industrial uses.* The walls of buildings shall not extend more than 200 linear feet parallel to a street unless the front facade of the building is designed in a way that breaks up the building face into discrete architectural elements, which can be accomplished through the following:
 - Facade modulation: stepping back or extending forward a portion of the facade; and/or
 - Providing bay windows or repeating window patterns at regular intervals; and/or

Providing a porch, patio, deck, covered entry to portions of the facade at the ground level, or in the case of buildings containing two or more story, balconies; and/or

Changing the roofline by alternating dormers, or using stepped roofs, gables, or other roof elements; and/or

Changing materials with the change in building plane.

Consistent: Roof planes should be varied to increase visual interest, and awnings above windows and entrances also help to provide visual interest;

Inconsistent: Flat roofs and lengthy, non-articulated walls;

Consistent: A line of mature trees that almost entirely screens what would otherwise be a large, imposing side wall of a big box;

Inconsistent: The rear side of this shopping center consists of a finished but monotonous wall. Trash receptacles are not enclosed.

2. Multi-family dwellings. Variation in the roofline of buildings and offsets in pitched roofs and gables is required. Facades over 50 feet in length must incorporate projections or recesses a minimum of 12 inches in depth. The combined length of said projections and recesses must constitute at least 20% of the total facade length. On street-facing facades of any building in a multi-family development, the blank wall area (defined as the portion of the exterior facade of a building that does not include windows or doors; pilasters or other articulation greater than 12 inches in depth; or a substantial change in material) shall not exceed 30 feet in either a vertical or horizontal direction. Transparency (defined as the minimum percentage of windows and doors that must cover a ground or upper story facade) on a street-facing facade of any building in a multi-family development shall be a minimum of 20% on each story.

(g) Outside of pedestrian retail districts, building surfaces over two stories high or fifty feet in length shall be relieved with changes of wall plane (i.e., recesses and projections) that provide strong shadow or visual interest.

- (h) All sides of a building may impact on its surroundings and shall utilize an architectural finish of primary materials consisting of real brick (full-depth or thin brick), unpainted natural stone, unpainted cast stone, true three-coat cement stucco, natural wood or cementitious siding including lap siding and board and batten, and wood or cementitious shakes and shingles. Front facades shall be at least 50% real brick and/or unpainted natural stone. Side facades shall be at least 50% real brick and/or unpainted natural stone. Rear facades that are visible from a public right-of-way shall be at least 50% real brick and/or unpainted natural stone. Requirements for brick or stone may be modified to accommodate creatively designed structures as determined by the Community Development Director.
- (i) Exterior building materials on the primary structure shall not include smooth-faced concrete block, tilt-up concrete panels, or prefabricated steel panels, with the exception that exterior building materials on industrial buildings may be split face (integrated block) and/or tilt-up concrete panels accented with steel panels. However, elevations visible from the public right-of-way must be permanent, non-metal construction.
- (j) The following types of building materials shall not be used: highly reflective, shiny, or mirror-like materials; mill-finish (non-colored) aluminum metal windows or door frames; exposed, unfinished foundation walls; exposed plywood or particle board; and unplastered, exposed concrete masonry blocks.
- (k) Piecemeal embellishment and frequent changes in material shall be avoided. Material or color changes generally shall occur at a change of plane. A horizontal accent stripe (e.g., a foot wide stripe of different color) shall be used to help reduce the monotonous color and break up the appearance of large building walls, and shall be used when there is a change in exterior finish.
- (l) Facade colors shall be low reflectance, subtle, neutral, or earth tone colors. High-intensity colors, metallic colors, black, or fluorescent colors shall not be used. Building trim and accent areas on non-residential buildings may feature brighter colors, including primary colors, provided that the width of the trim shall not exceed four (4) feet.

- (m) Building colors should be carefully chosen so that each building complements that of its neighbors. Colors can be classified as the "base" color (used on the majority of the building surface), "trim" color (used on the window trim, fascia, balustrades, and posts), and "accent" color (used on signs, awnings, and doors). The base color shall consist of more subdued earth tones or brick shades. Trim colors shall have contrasting lighter or darker shade than the base color. If natural brick is used, it shall not be painted.
- (n) The use of awnings on buildings are recommended so as to provide much needed protection from sun, wind, and rain, and to improve aesthetics of the building exterior.
- (o) Awnings are recommended to be constructed with a durable frame covered by a canvas material. Awnings that are backlit through translucent materials may be acceptable but are not particularly encouraged. Aluminum and other metal canopies are acceptable in most instances, particularly when integrated into shopping center designs. Flameproof vinyl, canvas or metal awnings and canopies may be used.
- (p) Solid colors are preferred over striped awnings, but striping is permitted if colors compliment the character of the structure or group of buildings.
- (q) Awnings are encouraged for first floor retail uses to provide architectural interest and to encourage pedestrian activity. Where awnings are used, they should be designed to coordinate with the design of the building and any other awnings along the same block face.
- (r) The design of fences and walls shall be compatible with the architecture of the main building(s) and should use similar materials. All walls or fences fifty feet in length or longer, and four feet in height or taller, should be designed to minimize visual monotony through changes in plane, height, material or material texture or significant landscape massing. Chain link fencing is discouraged. Use of special fencing design or materials should be discussed in cases where site security is paramount. If used, chain link fences should be vinyl coated (black or green colored vinyl encouraged).
- (s) All commercial, industrial, large multifamily residential and institutional sites must provide appropriate refuse dumpsters and other similar areas devoted to the storage of waste materials and grease or oil containers. The minimum area for said requirement shall be 36 square feet. All garbage dumpsters and other similar areas devoted to the storage of waste materials and grease or oil containers should be screened on three (3) sides of said dumpster or area with a minimum six (6) foot high solid wooden fence, or a wall constructed of materials substantially similar in appearance to the building on site. In addition, said dumpster areas should be gated on the fourth side with a material that provides opaque screening, should be screened on three (3) sides of said dumpster or area with a minimum six (6) foot high solid wooden fence, or a wall constructed of materials substantially similar in appearance to the building on site. In addition, said dumpster areas should be gated on the fourth side with a material that provides opaque screening.
- (t) Rooftop mechanical and electrical equipment shall be screened from public view by building elements that are designed as an integral part of the building architecture, or by a parapet wall.
- (u) Where roof shingles are used, architectural shingles shall be required.

ARTICLE 12. - REQUIREMENTS FOR SPECIFIC RESIDENTIAL PRINCIPAL BUILDINGS AND USES

Sec. 12.1. - Commercial Recreation Facility.

Within a residential subdivision or multiple-family residential development, community recreation facilities as defined by this Zoning Ordinance must be platted when a part of a subdivision or part of the site plan approval for a multiple-family residential development. Community recreation facilities shall be subject to the following requirements:

- (a) *Exterior lighting.* If lighted, exterior lighting shall require a lighting plan to be submitted and approved prior to installation. See Article 23 of this Zoning Ordinance.
- (b) *Swimming Pools and Tennis Courts.* Swimming pools and tennis courts shall be setback a minimum of twenty-five (25) feet from all property lines of the tract of land devoted to community recreation, with a minimum ten (10) foot wide landscape strip along all property lines of said tract. See Article 19 of this Zoning Ordinance for landscape strip specifications.
- (c) *Buildings.* Buildings (excluding accessory structures) shall be setback a minimum of twenty-five (25) feet from the property line of the tract. If outdoor patios or decks are provided, they shall be located no closer than twenty-five (25) feet from the property line of the tract and a minimum ten (10) foot wide landscape strip shall be provided between said outdoor patio or deck and the property line or boundary of said tract. See Article 19 of this Zoning Ordinance for landscape strip specifications.
- (d) *Parking.* Parking shall be provided per the requirements of Article 21 of this Zoning Ordinance.

Sec. 12.2. - Model Home.

A dwelling unit may be constructed and used as a model home or temporary office for the sale of lots under the following conditions:

- (a) *Time of Construction.* The model home is typically constructed before approval of a final plat, and hence the model home is the principal use of the entire unsubdivided parcel until the final plat is approved.
- (b) *Location on a Lot.* The model home shall be placed on a lot designated on the approved preliminary plat and shall be placed in a manner that meets the applicable zoning district dimensional requirements so that it complies at the time it is erected and when it is sold and/or converted for single-family residential use.
- (c) *Sales.* Sales shall be limited to the lots and buildings within the subdivision where the model home is located.
- (d) *Certain Buildings Prohibited.* A manufactured home or portable building shall not be used as a model home or temporary sales office.
- (e) *Duration and Discontinuance.* The use of the model home for a sales office shall be discontinued within 30 days after Certificates of Occupancy have been issued on 90 percent of the lots in the subdivision.
- (f) *Parking and Accessibility.* The model home shall comply with off-street parking and applicable accessibility standards.

Sec. 12.3. - Multi-family Development.

- (a) *Condominiums.* If a condominium form of ownership is proposed, the development shall meet all current applicable state laws including the Georgia Condominium Act (O.C.G.A. § 44-3-70 et seq.). Proposed bylaws and the articles of incorporation for the condominium association shall be submitted with the application for development approval.
- (b) *Laundry facilities.* On-site accessory laundry facilities are permitted accessory uses for developments with 25 or more units.

- (c) *Setbacks.* Buildings within multi-family developments shall be subject to the setbacks for the entire lot as established in applicable zoning district dimensional requirements. There shall be no requirements for setbacks from private driveways within the multi-family development, except as may be determined by the Zoning Administrator to be essential to meet building or accessibility codes, to meet sight accessibility requirements for motorists and pedestrians, or other essential public safety considerations during the site plan review process.
- (d) *Site Plan Approval.* Site plan approval by the Zoning Administrator shall be required. The Zoning Administrator may place conditions of development approval on any multiple-family site plan approval, which such conditions are specifically related to compliance with a requirement of this Zoning Ordinance or other applicable regulation. Furthermore, reasonable conditions may be placed on the development through site plan approval by the Zoning Administrator in order to (1) ensure compliance with design and development standards specified in this Zoning Ordinance for said use or (2) ensure consistency with development guidelines or policies of the comprehensive plan.
- (e) *Design Standards.* See Section 10.7 of this Zoning Ordinance.

Sec. 12.4. - Relocated Residence.

A relocation permit is required to relocate a residential structure, whether it is to be moved out of or into the city limits. The relocation permit is not a building permit for the placement of the structure at a new location. The applicant shall include the following with the application for the relocation permit:

- (a) *Picture.* A photograph of the structure at its present location.
- (b) *Existing Location.* The current location (address and tax parcel number) where the structure is now located.
- (c) *Proposed Location in City.* If the structure is to be relocated inside the city limits, the proposed location (address and tax parcel number) of the structure. To ensure compliance with the applicable zoning district dimensional requirements, when the relocated residential structure is proposed to be located within the city limits, the Zoning Administrator shall require submission of the proposed location (address and tax parcel number) and a copy of the recorded plat of the lot on which the structure will be placed (if none exists the applicant shall be required to comply with subdivision requirements of the city's Subdivision and Land Development Ordinance).
- (d) *Floor Area.* The total heated floor area of the existing structure and, if to be located within the city, the renovated structure.
- (e) *Building Permit.* A building permit shall be required.
- (f) *Exterior Improvements.* All exterior improvements to the structure once relocated shall be completed within six months of relocation.
- (g) *Historic Preservation.* If located or proposed to be located within a historic district as recognized in this Zoning Ordinance or other historic preservation ordinance of the city, there must be a copy of the approved Certificate of Appropriateness from the Historic Preservation Commission prior to relocating the residential structure.
- (h) *Inspection.* The Zoning Administrator shall inspect or arrange for the inspection of the structure for compliance with the minimum standards of the zoning district proposed for location and other applicable regulations and codes.

Sec. 12.5. - Subdivision Entrance Monuments.

No subdivision entrance monument shall be permitted to be erected unless it meets the following requirements:

- (a) *Design.* The subdivision entrance monument and the landscape surrounding the monument shall be designed by a registered landscape architect.
- (b) *Design Review.* Design plan review and approval is required. See Article 40 of this zoning ordinance.

Sec. 12.6. - Townhouses.

In zoning districts where permitted, fee-simple townhouses shall meet the following requirements:

- (a) *Lot Frontage and Lot Width.* Each platted lot shall have a minimum of twenty (20) feet of frontage on a public street or private road that meets public street standards, and each lot shall have a minimum lot width of twenty (20) feet.
- (b) *Lot Size.* The minimum size of a lot for each fee-simple townhouse lot (i.e., the extent of land owned by the owner of the unit) shall be 2,000 square feet in lot area.
- (c) *Front Building Setbacks.* There shall be a minimum twenty (20) foot front setback from any perimeter boundary of the fee-simple townhouse subdivision and a 30 foot front setback from any public or private street exterior to or within the subdivision.
- (d) *Side Setbacks and Zero Lot Line.* Zero lot line between units within the same building shall be permitted, subject to applicable fire and building codes.
- (e) *Rear Setbacks.* There shall be a minimum twenty (20) foot rear setback from townhouse lot boundaries for all buildings and structures, except when the rear property line abuts an alley, in which case no setback shall be required.
- (f) *Building Separation.* There shall be a minimum building separation of twenty (20) feet between townhouse buildings.
- (g) *Building Unit Offsets.* To avoid a monotonous appearance, for any given building, no more than six (6) units may have common walls. Any building containing more than three (3) units with common walls must have the front façade, rear façade, and the roof of each attached unit distinct from the other through separation, staggering, or offsets in design. A minimum of two (2) exterior colors shall be used on buildings containing up to four (4) units, and a minimum of three (3) exterior colors shall be used on buildings containing five (5) or six (6) units; however, when all exteriors are unpainted brick, they shall not be required to vary in color. See also Sec. 12.6.(k)1.
- (h) *Rear Access.* Townhouse developments shall be designed to provide proper access to all dwelling units for firefighting purposes, as may be determined by applicable codes. Rear access, if required for firefighting purposes or by Subsection (n) below, shall be accomplished by alleys.
- (i) *Parking.* Two enclosed parking spaces minimum per unit shall be provided.
- (j) *Subdivision Plat Approval.* Each townhouse development or phase thereof shall require preliminary and final subdivision plat approval in accordance the City of Flowery Branch Subdivision and Land Development Ordinance.
- (k) *Wall Finishes.*

1. Exterior wall finish materials (excluding foundations, trim, windows and doors) shall be limited to: real brick (full-depth or thin brick), unpainted natural stone, unpainted cast stone, true three-coat cement stucco, natural wood or cementitious siding including lap siding and board and batten; and wood or cementitious shakes and shingles. A horizontal accent strip (i.e., band board or belly board / band) shall be used when there is a change in material. Each dwelling unit is limited to two of the allowed wall finishes listed in this subsection and one paint color. Adjoining or adjacent units shall not be the same exterior color.

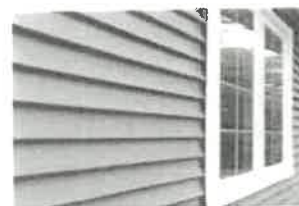
The following are illustrative examples of wall finishes that **DO NOT** meet the requirements of this section:



Faux Stone Veneer



Faux Brick Veneer



Vinyl Siding

2. All street-facing facades shall meet the following requirements:

a. Each applicable facade shall have: a minimum of 5% transparency (defined as the minimum percentage of windows and doors that must cover a ground or upper story façade) of the total wall area; and, a maximum of 20 feet of blank wall area (defined as the portion of the exterior façade of a building that does not include windows or doors; pilasters or other articulation greater than 12 inches in depth; or a substantial change in material) in either a vertical or horizontal direction.

b. False windows may count toward the transparency requirement where they are similar in size, shape, and materials to other windows on that building and consist of trim with closed shutters that have the appearance of a shuttered window or windows. A single louvered panel with trim may also count toward this requirement. False windows shall not be allowed to count toward this requirement unless shutters adjacent to a true window or windows are also provided on another exterior wall.

- (l) **Foundation Walls.** Exposed foundation walls must be faced in real brick or real stone to the level of the first finished floor when there is a basement or at least 24 inches above grade for the entire perimeter wall when the building has a slab on grade. Faux brick or stone foundation panels are prohibited.

The following are illustrative examples of foundation walls that **DO NOT** meet the requirements of this section:



Faux Brick Foundation Panel



Foundation wall missing / insufficient height on the side



Foundation wall is only located on the front façade

- (m) **Roof Materials.** Pitched roofs shall be finished in either architectural shingles or standing seam metal roofs.

- (n) **Garage Placement and Materials.**

1. Where townhouse developments abut public streets, lots fronting onto these streets shall address garage placement as follows: the front façade of the townhouse shall face the public street, and garages shall be rear-loaded.

2. Where front-loaded garages are allowed, garage doors shall be carriage-style (both the door style/paneling as well as the hardware) and may either:

a. Recess at least one foot behind the front wall plane of the dwelling unit and the front entrance. When the garage door is recessed less than one foot, there shall be required a garage eyebrow treatment (trellis, pergola, roof, or a second-story architectural feature) that extends at least one foot beyond the garage face.

b. Project beyond the front wall plane and the front entrance upon providing a garage eyebrow treatment (trellis, pergola, roof, or second-story architectural feature) that extends at least one foot beyond the garage face, as well as decorative lighting that is mounted above or to the sides of the garage door.

3, All front-loaded garages shall be finished in real brick or real stone. The finish shall cover the entire façade of a projecting garage. When garage doors are recessed in accordance with Sec.(n) 2.a. above, the façade of the ground floor shall be finished in the required material(s).

4. Single-story detached garages that meet the requirements of subsections (k), (l) and (m) above and are placed to the rear of the building(s) are allowed in lieu of attached garages.

The following are illustrative examples of garage treatments that **DO NOT** meet the requirements of this section:



Brick or stone is only partially used or is not used at all as the required exterior finish, and carriage-style garage doors are not used. In addition, required elements over the projecting garages (left and middle examples) are missing.

(o) *Private Open Space.* Private, usable open space, such as balconies, patios, decks, etc. shall be provided contiguous to each dwelling unit. The area of such open space for each dwelling unit shall not be less than 10% of the floor area of the unit served.

1. Each dwelling unit with a rear-loaded garage shall provide a usable covered porch that runs the entire width of the front façade. The porch shall be at least 6 feet deep (not including steps, if applicable).

2. Rear patios, decks and porches shall be covered with a roof, pergola, or projecting architectural feature that is designed with materials to match the façade and/or trim of the building.

(p) *Residential Driveway Length.* Townhouses are required to have a minimum driveway length of twenty-three (23) feet as measured from the back of sidewalk or back of curb, as applicable.

(p) *Design Review.* See Article 40.

Sec. 12.7. – Single-Family Detached Dwellings.

Detached single-family dwellings shall meet the following requirements.

(a) *Wall Finishes.*

1. See Sec. 12.6.(k)1.

2. Facades facing a side yard shall meet the following requirements:

a. Each applicable façade shall have: a minimum of 5% transparency (defined as the minimum percentage of windows and doors that must cover a ground or upper story façade) of the total wall area; and, a maximum of 20 feet of blank wall area (defined as the portion of the exterior façade of a building that does not include windows or doors; pilasters or other articulation greater than 12 inches in depth; or a substantial change in material) in either a vertical or horizontal direction.

b. False windows may count toward the transparency requirement where they are similar in size, shape, and materials to other windows on that building and consist of trim with closed shutters that have the appearance of a shuttered window or windows. A single louvered panel with trim may also count toward this requirement. False windows shall

not be allowed to count toward this requirement unless shutters adjacent to a true window or windows are also provided on another exterior wall.

- c. Walls that are fully finished in brick shall be exempt from the transparency requirement in Subsection a. above.

3. Facades facing a rear yard shall meet the following requirements:

- a. Sec. 12.7.(a) 2. shall apply to rear facades that are visible from a public street.
- b. Rear patios, decks and porches shall be covered with a roof, pergola, or projecting architectural feature that is designed with materials to match the façade and/or trim of the building.

(b) *Entrance Features.*

1. The primary entrance to a residence must be emphasized through the use of an unenclosed roofed porch, veranda or terrace that is a minimum of: six (6) feet deep (not including the steps); and, 40% of the width of the front façade or 11 feet, whichever is greater.
2. A stoop or gable may be used in lieu of a porch, veranda or terrace when the front façade finish is brick. A stoop shall not be more than six (6) feet deep (not including the steps) and cannot be fully enclosed.
3. Entry steps shall have enclosed risers.
4. Columns shall be a minimum width of eight (8) inches and shall be wood or durable material that resembles wood from top to bottom or atop stone or masonry bases.

(c) *Foundation and Roof materials.* See Sections 12.6 (l) and (m).

(d) *Garage Placement and Materials.*

1. Where detached single-family developments abut public streets, lots fronting onto these streets shall address garage placement as follows: the front façade of the dwelling shall face the public street, and garages shall be rear-loaded. This requirement shall not apply when homes are oriented such that the side yards front the public street.

2. For single-family detached dwellings with attached front-loaded garages, garage doors shall not project more than eight (8) feet from the front wall plane and front entrance. Any projecting garage shall not prevent the requirement of Sec. 12.7.(b)1 being met.

3. Projecting front-loaded garages shall have a garage eyebrow treatment (trellis, pergola, roof, or second-story architectural feature) that extends at least one foot beyond the garage face, as well as decorative lighting above or to the sides of the garage. The gable (if applicable) above the garage door shall not be blank and shall include window(s) and decorative lighting. Additional gable treatments options include a gable vent and a change in material.

4. All front-loaded garages shall be finished in real brick or real stone. The finish shall cover the façade of the projecting garage wall but is not required to be used on the gable (if applicable) above the required garage eyebrow treatment. When a garage does not project, the façade of the ground floor garage shall be finished in the required material(s).

5. Garage doors shall be carriage-style (both the door style/paneling and hardware).

The following are illustrative examples of garage treatments that **DO NOT** meet the requirements of this section:



missing elements: full required extent of brick or stone finish, "eyebrow" treatment above the garage, and gable features (left and middle photos); brick or stone finish, carriage style door and front porch (photo at right). A carriage-style garage door is also not used in the photo at left.

(e) Residential Driveway Length. See Sec. 20.11.(c).

(f) Design Review. See Article 40.

Sec. 12.8. – Two-Family Dwellings (Duplexes).

Duplexes shall meet the requirements of Sec. 12.7.

ARTICLE 14. - SPECIFIC PROVISIONS FOR PRINCIPAL NONRESIDENTIAL

Sec. 14.13. - Industrial Uses.

In M-1 and M-2 zoning districts all new construction must adhere to the following requirements in addition to any and all other requirements set forth elsewhere in this ordinance:

- (a) 20% open space requirement - landscaping and/or natural areas excluding any detention ponds unless they are built as an amenity.
- (b) Landscape and buffer plan must be submitted and approved by the Zoning Administrator.
 - 1. A significant amount of landscaping will be required to ensure proper screening.
 - 2. Plans will be approved on a case by case basis taking into account the location of the project and the topography of the site.
- (c) Minimum 75% of required parking shall be located in the rear of the primary structure(s). If on a corner lot parking shall be adequately screened from the right-of-way.
- (d) All loading/unloading bays shall be located in the rear of the primary structure(s).
- (e) Master sign plan must be submitted and approved by the Zoning Administrator.
- (f) Architectural renderings of the project must be submitted and approved by the Zoning Administrator prior to the issuance of any permits.
- (g) See also Article 10 *Development Requirements and Guidelines* of this Zoning Ordinance.

Sec. 14.14. – Package Stores.

Package stores shall meet all requirements set forth by the City of Flowery Branch Code of Ordinances and in addition shall comply with the following:

- (a) No new package store shall be allowed to operate within 2,640 feet (.5 miles) of an existing, legally established, package store. Distance shall be calculated from the store front and shall extend in every direction. It is the responsibility of the property owner or business owner to provide proof that this condition is being met at the time of occupational tax license application submittal.
- (b) No package store may operate within one hundred (100) yards of a legally established church or religious institution. It is the responsibility of the property owner or business owner to provide proof that this condition is being met at the time of occupational tax license application submittal.
- (c) No package store may operate within two hundred (200) yards of any legally established school building, educational building, school grounds, or college campus. It is the responsibility of the property owner or business owner to provide proof that this condition is being met at the time of occupational tax license application submittal.

Sec. 14.15. - Application Requirements for Uses Specified in this Article.

In addition to the requirements for conditional use applications as specified in this Zoning Ordinance, if applicable, all applicants for any use specified by this Article shall submit to the Zoning Administrator the following information for review and approval:

- (a) *Plat.* A copy of the recorded plat for the subject property.
- (b) *Site Plan.* The site plan required by this Zoning Ordinance, which must show areas proposed for the handling and storage of overburden, by-products, and/or excavated materials including the estimated type and volume of extraction.
- (c) *Operations Plan.* An operations plan, which shall include: the date of commencement of operation and its expected duration and the proposed hours of operation.
- (d) *State or Federal Permit Documents.* A copy of all documents submitted or prepared for submission to the Georgia Department of Natural Resources or any other state or federal

regulatory agency, as may be required, for the purpose of obtaining a state permit or federal authorization.

- (e) *Review by Georgia Department of Transportation.* A statement from the Georgia Department of Transportation which shall identify any state-maintained road within or adjacent to the subject property, and which shall identify any repaving, repairs, alterations, turning lanes, or other additions necessary to accommodate the potential increase in traffic volume or weight occasioned by the proposed operations.
- (f) *Review by City Engineer.* A statement from the City Engineer or other qualified professional which identifies all city roads within or adjacent to the property and which shall identify any repaving, repairs, alterations, turning lanes, or other additions necessary to accommodate the potential increase in traffic volume or weight occasioned by the proposed operations.

Public Hearing Published	01/17/2021	First Reading	12/02/2021
Public Hearing	12/02/2021	Adopted	12/16/2021

ARTICLE 40. - DESIGN REVIEW

Sec. 40.1. - Purposes.

Careful attention to the architectural design of buildings and the layout of development sites is in the economic interests of the City, its citizens, and business owners. Attractive and integrated architectural and site design features tend to improve an area's image, raise overall property values, attract new businesses and residents, and improve the quality of life. Research and experience have shown that there is a positive return on investment for providing attractive design features, for both government and property owners. This ordinance establishes a design review process and requires review and approval by the Zoning Administrator of design plans.

Sec. 40.2. - Applicability.

- (a) This Article shall apply to all development within the city limits of Flowery Branch, unless otherwise specifically exempted from compliance.
- (b) Developments within the CBD, M-1, and M-2 zoning districts shall meet all requirements as shown in Article 9 of this ordinance.
- (c) See also Article 10 of this Zoning Ordinance for design requirements pertaining to all uses within the City.

Sec. 40.3. - Exemptions.

The following activities are exempt from filing a design review request:

- (a) All applications for land development or building permits are required to meet the requirements of this Article and are therefore exempt from making a formal request unless the applicant chooses to do so independently, concurrently, or in advance of the building or land development permit application.
- (b) The re-occupation of vacant office, commercial, institutional, or light industrial space within a single-tenant or multi-tenant building that received prior approval, where no new changes to the external features of the building or site inconsistent with prior approval will take place, except for a change in signage.
- (c) Changes of ownership but which do not involve any changes to external features of the building or site inconsistent with prior approval, including signage.
- (d) Repainting of an existing building to a similar color.
- (e) Revisions of window or door placement.
- (f) An increase or decrease in the number of parking spaces of ten percent (10%) from the number originally approved.
- (g) Repair or reconstruction of existing freestanding retaining walls, decorative walls, and fences, when repaired or replaced with materials that are the same or substantially similar to those originally approved.
- (h) Modifications to outdoor lighting fixtures involving the replacement of light fixtures, and which may involve an increase in the number of light fixtures at the same or lesser height, provided that the type of lighting and materials used for such light fixtures shall be of the same as or similar to those originally approved, and subject to the provisions of Article 23 of this zoning ordinance.
- (i) The relocation of an access driveway or curb cut which does not affect or interfere with the approved placement of buildings or structures.

Public Hearing Published 01/17/2021
Public Hearing 12/02/2021

First Reading 12/02/2021
Adopted 12/16/2021

- (j) The addition of a temporary use that is permitted in the zoning district in which the subject property is located.
- (k) Development and activity that is specifically exempt from design review by another section of this zoning ordinance.
- (l) Other similar minor changes as determined by the Zoning Administrator. The Zoning Administrator may exempt a minor development or change to an existing development from design review, and he or she may exempt a proposed change to an existing building or structure from design review approval, where in his or her judgment, the proposed development or change to existing building or structure meets the spirit and intent of this Article and applicable design guidelines that apply to the proposed development.
- (m) Any development activity that is within the jurisdiction of the Historic Preservation Commission and which requires a Certificate of Appropriateness according to the City's historic preservation ordinance.

Sec. 40.4. - Authority.

- (a) The Zoning Administrator shall have authority to review, approve, conditionally approve, or deny design review applications.

Sec. 40.5. - General Requirements.

- (a) For any development, building, structure, or activity to which this Article applies, approval of a design plan shall be required before a building permit or other permit, as appropriate, is issued or any improvement, grading, alteration of land(s), or construction of building(s) commences.
- (b) The Zoning Administrator shall not authorize, and the Building Inspector shall not issue, a building permit, a certificate of occupancy, or a development permit until all requirements of this, and any and all relevant articles pertaining to review are satisfactorily met.
- (c) For any business, activity, or establishment which is required to obtain a business registration pursuant to the Flowery Branch City Code, no such business registration shall be issued, and operation shall not commence, until the business, activity, or establishment has either received approval of a design review request as required by this Article or has been found by the Zoning Administrator to be exempt from design plan approval.

Sec. 40.6. - Initiation of Design Review Requests.

A request for design review 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 design approval is sought.

Sec. 40.7. - Request Requirements.

Requests for design review shall require submittal of the following requirements specified in this Section.

- (a) Written request, including signed and notarized signature of property owner;
- (b) Legal description of the property;
- (c) Survey of the property;
- (d) Letter of intent describing the proposed use of the property or other action requested;
- (e) Site plan of the property at an appropriate engineering scale showing the proposed use and relevant information regarding proposed improvements, including landscaping;

Public Hearing Published 01/17/2021
Public Hearing 12/02/2021

First Reading 12/02/2021
Adopted 12/16/2021

- (f) Statistics regarding the proposed development;
- (g) Description of any special conditions voluntarily made a part of the request;
- (h) Exterior elevation drawings drawn to scale and signed by an architect, engineer or other appropriate professional and submitted in sufficient number of copies as required by the Zoning Administrator. Said exterior elevation drawings shall clearly show in sufficient detail the exterior appearance and architectural design of proposed change(s) to buildings or structures and new construction, as applicable. Each application shall also indicate proposed materials, textures and colors and provide samples of materials and colors. The Zoning Administrator may accept written descriptions, photographs, or other information in lieu of signed elevation drawings and color and material samples.
- (i) Other information as may be required by the Zoning Administrator.

Sec. 40.8. - Criteria for Considering Design Review Requests.

The following general criteria shall be used by the Zoning Administrator in determining whether an application for design review shall be approved, conditionally approved, or denied:

- (a) Consistency with any adopted design guidelines for the type of development and/or the proposed use.
- (b) The nature and character of the surrounding areas, and the consistency and compatibility of the proposed application with such nature and character.
- (c) The general design, the character and appropriateness of design, scale of buildings, arrangement, texture, materials, and colors of the structure in question and the relation of such elements to similar features of structures in the immediate surrounding area, site, and landscaping.
- (d) Among other grounds for considering a design inappropriate are the following defects: character foreign to the area, arresting and spectacular effects, violent contrasts of material, color, intense or lurid colors, a multiplicity or incongruity of details resulting in a restless and disturbing appearance, and the absence of unity and coherence in composition not in consonance with the density and character of the present structure or surrounding area.

Sec. 40.9. - Appeals.

If the applicant wishes to appeal the decision of the Zoning Administrator, he/she may do so in compliance of Article 39 of this ordinance.



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: SPLOST IX - Discussion about Projects

COUNCIL MEETING DATE: May 1, 2025

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

Yes

AMOUNT AND SOURCE OF FUNDS:

N/A

RECOMMENDATION:

SAMPLE MOTION:

No motion needed.

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Initial categories - SPLOST IX.pdf](#)

SPLOST IX
City of Flowery Branch

	DRAFT
Project Name/Description	Estimated Project Cost
Roads, streets, bridges, stormwater, sidewalks, and related improvements	\$ 9,445,142
Parks and leisure facilities, land and equipment	726,549
Public safety facilities, land, vehicles and equipment	1,453,099
Public works facilities, land, vehicles and equipment	1,453,099
Public utilities facilities, land, vehicles and equipment	1,453,099
	\$ 14,530,987



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider Recommendation to Approve Grant Award from Firehouse Subs Public Safety Foundation

COUNCIL MEETING DATE: May 1, 2025

HISTORY:

Automated External Defibrillators (AEDs) are a lifesaving tool that when deployed in the field significantly increases the survival rate for someone experiencing cardiac arrest. Currently, FBPD's Patrol Unit is not fully equipped with each vehicle carrying an AED. By adding these 8 new devices the FBPD is aggressively working towards the goal of making sure that every patrol vehicle is equipped with an AED. Doing so will drastically reduce response time and afford better life-saving capability.

FACTS AND ISSUES:

The Firehouse Subs Public Safety Foundation provides lifesaving equipment and needed resources to first responders and public safety organizations, enabling better preparedness to save lives in the communities they serve.

OPTIONS:

To approve, or not approve, a grant award in the amount of \$15,440 from the Public Subs Safety Foundation to purchase (8) AED's.

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

No

AMOUNT AND SOURCE OF FUNDS:

\$15,440 - Grant Funds

RECOMMENDATION:

To approve the acceptance of a grant award in the amount of \$15,440 from the Public Subs Safety Foundation to purchase (8) AEDs for Police Department use.

SAMPLE MOTION:

I make a motion to approve acceptance of a grant award in the amount of \$15,440 from the Public Subs

Safety Foundation to purchase (8) AEDs for Police Department use, and to authorize the Mayor and staff to execute necessary documents to apply for and accept any grants awarded to the City of Flowery Branch.

COLLABORATING DEPARTMENT:

DEPARTMENT: Finance

Prepared by: Shelia Cooper

ATTACHMENTS

- [Executive Summary - Firehouse Subs Grant Award.pdf](#)

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: Recommendation to Approve Grant Award from Firehouse Subs Public Safety Foundation

DATE: May 1, 2025

(X)RECOMMENDATION
() POLICY DISCUSSION
() STATUS REPORT
() OTHER

BUDGET INFORMATION:
ANNUAL-
CAPITAL-

COUNCIL ACTION REQUESTED ON: N/A

PURPOSE:

To accept a grant award from Firehouse Safety Subs Public Safety Foundation to the Flowery Branch Police Department in the amount of \$15,440 to purchase (8) automated external defibrillators (AED's).

HISTORY:

Automated External Defibrillators (AEDs) are a lifesaving tool that when deployed in the field significantly increases the survival rate for someone experiencing cardiac arrest. Currently, FBPD's Patrol Unit is not fully equipped with each vehicle carrying an AED. By adding these 8 new devices the FBPD is aggressively working towards the goal of making sure that every patrol vehicle is equipped with an AED. Doing so will drastically reduce response time and afford better life-saving capability.

FACTS AND ISSUES:

The Firehouse Subs Public Safety Foundation provides lifesaving equipment and needed resources to first responders and public safety organizations, enabling better preparedness to save lives in the communities they serve.

OPTIONS:

To approve, or not approve, a grant award in the amount of \$15,440 from the Public Subs Safety Foundation to purchase (8) AED's.

RECOMMENDED SAMPLE MOTION:

I make a motion to approve acceptance of a grant award in the amount of \$15,440 from the Public Subs Safety Foundation to purchase (8) AEDs for Police Department use, and to authorize the Mayor and staff to execute necessary documents to apply for and accept any grants awarded to the City of Flowery Branch as of April 16, 2025.

DEPARTMENT: Finance

Prepared by: Elias Gobble



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider Resolution No. 25-003 Subscribing to Certain Ethics Principles and Pledging to Conduct the Affairs of the City Council of Flowery Branch, Georgia Accordingly.

COUNCIL MEETING DATE: May 1, 2025

HISTORY:

In January of 2005, April of 2009, January of 2013 and January of 2017, the City of Flowery Branch adopted an Ethics Ordinance and Resolution to become a Certified City of Ethics.

FACTS AND ISSUES:

To recertify as a City of Ethics, a current resolution signed by the majority of the governing body re-adopting the five ethics principles must be approved by April 30, 2025.

â€¢ Serve others, not ourselves

â€¢ Use resources with efficiency and economy

â€¢ Treat all people fairly

â€¢ Use the power of our position for the wellbeing of our constituents

â€¢ Create an environment of honesty, openness and integrity.

OPTIONS:

1) Adopt Resolution 25-003 to continue in GMA's Certified City of Ethics program.

2) Do not Adopt Resolution 25-003 to continue in GMA's Certified City of Ethics program.

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

Yes

AMOUNT AND SOURCE OF FUNDS:

N/A

RECOMMENDATION:

Approve Resolution 25-003 approving the city's continuation of being a Certified City of Ethics through the Georgia Municipal Association subscribing to certain ethics principles and pledging to conduct the affairs of the City Council of Flowery Branch, Georgia accordingly.

SAMPLE MOTION:

I make a motion to adopt Resolution 25-003.

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [ES - Resolution 25-003 City of Ethics 5-1-25.pdf](#)
- [Resolution 25-003 City of Ethics TB 4 22 25.pdf](#)
- [ARTICLE_III.____CODE_OF_ETHICS 4 22 25.pdf](#)



FLOWERY BRANCH CITY COUNCIL EXECUTIVE SUMMARY

SUBJECT: Consider Resolution No. 25-003 subscribing to certain ethics principles and pledging to conduct the affairs of the City Council of Flowery Branch, Georgia accordingly.

DATE: April 23, 2025

(X)RECOMMENDATION
() POLICY DISCUSSION
() STATUS REPORT
() OTHER

BUDGET INFORMATION:

ANNUAL- \$0

CAPITAL-

COUNCIL ACTION REQUESTED ON: May 1, 2025

PURPOSE: To consider the city's continuation of being a Certified City of Ethics thorough the Georgia Municipal Association subscribing to certain ethics principles and pledging to conduct the affairs of the City Council of Flowery Branch, Georgia accordingly.

HISTORY: In January of 2005, April of 2009, January of 2013 and January of 2017, the City of Flowery Branch adopted an Ethics Ordinance and Resolution to become a Certified City of Ethics.

FACTS AND ISSUES: To recertify as a City of Ethics, a current resolution signed by the majority of the governing body re-adopting the five ethics principles must be approved by April 30, 2025. (Since the last meeting was canceled we have requested, and have been granted an extension to May 2, 2025.)

- Serve others, not ourselves
 - Use resources with efficiency and economy
 - Treat all people fairly
 - Use the power of our position for the wellbeing of our constituents
-
-

-
-
- Create an environment of honesty, openness and integrity.

OPTIONS:

- 1) Adopt Resolution 25-003 to continue in GMA's Certified City of Ethics program.
 - 2) Do not Adopt Resolution 25-003 to continue in GMA's Certified City of Ethics program.
-
-

RECOMMENDED SAMPLE MOTION:

I make a motion to adopt Resolution 25-003.

DEPARTMENT: Administration

Prepared by: Tonya Parrish

RESOLUTION NO. 25-003

A RESOLUTION OF THE CITY COUNCIL OF FLOWERY BRANCH,
GEORGIA SUBSCRIBING TO CERTAIN ETHICS PRINCIPLES AND
PLEDGING TO CONDUCT THE AFFAIRS OF THE CITY COUNCIL OF
FLOWERY BRANCH, GEORGIA ACCORDINGLY

WHEREAS the Board of Directors of the Georgia Municipal Association has established a Certified City of Ethics program; and,

WHEREAS the City of Flowery Branch, Georgia, wishes to remain certified as a Certified City of Ethics under the GMA Program; and,

WHEREAS part of the re-certification process requires the Mayor and Council to subscribe to the ethics principles approved by the GMA Board;

WHEREAS, the Mayor and City Council Members have reviewed the requirements of the City's Ethics ordinance, found at Article III of Chapter 2 of the Code of Flowery Branch;

NOW THEREFORE BE IT RESOLVED by the governing authority of the City of Flowery Branch, Georgia, that as a group and as individuals, the governing authority subscribes to the following ethics principles and pledges to conduct its affairs accordingly:

- Serve Others, Not Ourselves
- Treat All People Fairly
- Use Resources with Efficiency and Economy
- Use the Power of Our Position for the Well Being of Our Constituents
- Create an Environment of Honesty, Openness and Integrity

SO RESOLVED this 1st day of May, 2025.

Edward R. Asbridge, Mayor

ATTEST:

Chris Mundy, Post 1

Shelia R. Cooper, City Clerk

Joseph Mezzanotte, Post 2

APPROVED AS TO FORM:

William McDaniel, Post 3

Ted C. Baggett, City Attorney

Joe Anglin, Post 4

Oliver McClellan, Post 5

ARTICLE III. CODE OF ETHICS

Sec. 2-44. Intent.

- (a) It is essential to the proper administration and operation of the city that:
- (1) The members of its governing authority be, and give the appearance of being, independent and impartial;
 - (2) Public office not be used for private gain; and
 - (3) There be public confidence in the integrity of the governing authority.
- (b) The governing authority finds that the public interest requires that it protect against such conflicts of interest by establishing appropriate ethical standards with respect to the conduct of the members of the governing authority in situations where a conflict may exist.

(Ord. No. 318, § 1, 1-27-2005)

Sec. 2-45. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Complaint means a written sworn statement filed with the mayor or mayor pro tem containing specific allegations of misconduct by a member; provided, however, such allegations must be filed within six months of discovery of the alleged misconduct.

Governing authority or member of the governing authority means the mayor or any councilmember and any member appointed to any board or commission of the city.

Interest means any direct pecuniary benefit which is not a remote interest held by or accruing to a member of the governing authority as a result of a contract or transaction that is or may be the subject of an official act or action by or with the city. A member of the governing authority shall be deemed to have an interest in transactions involving:

- (1) Any person in the member's immediate family;
- (2) Any person with whom a contractual relationship exists whereby the member may receive any payment or other benefits unless the member is receiving a benefit for goods or services in the normal course of business for which the member has paid a commercially reasonable rate;
- (3) Any business in which the member is a director, officer, employee, agent, or shareholder, except as otherwise provided in this article; or
- (4) Any person of whom the member is a creditor, whether secured or unsecured.

(Ord. No. 318, § 2, 1-27-2005)

Sec. 2-46. Prohibitions.

- (a) No member of the governing authority shall:
- (1) By conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of official acts;
 - (2) Directly or indirectly request, exact, receive, or agree to receive a gift, loan, favor, promise, or thing of value for himself or another person if it could reasonably be considered to influence the member in the discharge of official duties;
 - (3) Disclose or otherwise use confidential information acquired by virtue of his official position for his or another person's private gain;
 - (4) Use his official position to attempt to secure privileges that are not available to the general public;
 - (5) Engage in, accept employment with, or render services for any private business or professional activity when such employment or rendering of services is adverse to and incompatible with the proper discharge of official duties;
 - (6) Engage in any activity or transaction that is prohibited by law now existing or hereafter enacted which is applicable to him by virtue of being a member of the governing authority;
 - (7) Use his position to request or require an employee to:
 - a. Do clerical work on behalf of the member's family, business, social, church or fraternal interest when such work is not furthering a city interest;
 - b. Perform any work outside the employee's normal course of municipal employment;
 - c. Purchase goods or services to be used for personal, business, or political purposes; and
 - d. Work for the member personally without paying the employee just compensation;
 - (8) Use government property of any kind for other than officially approved activities, nor shall he direct employees to use such property for any purposes other than those officially approved;
 - (9) Use his position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to himself or persons having an interest.
- (b) The prohibition in subsection (a)(2) of this section shall not apply in the case of:
- (1) An occasional nonpecuniary gift of insignificant value;
 - (2) An award publicly presented in recognition of public service;
 - (3) A commercially reasonable loan or other financial transaction made in the ordinary course of business by an institution or individual authorized by the laws of the state to engage in the making of such a loan or financial transaction;
 - (4) Campaign contributions made and reported in accordance with state law.
- (c) The prohibition in subsection (a)(5) of this section shall not apply to a member of the governing authority who is a licensed professional and appears on behalf of any applicant in such professional capacity so long as disclosures required by section 2-47 are made to the board or commission chairperson 30 days prior to any action being taken, and the member is associated with the project at the time the initial application is filed.

(Ord. No. 318, § 3, 1-27-2005)

Sec. 2-47. Disclosure of conflicts of interest.

An appointed member of the governing authority who has an interest that he has reason to believe may be affected by his official acts or actions or by the official acts or actions of the governing authority shall disclose the precise nature of such interest by written or verbal statement 30 days prior to the governing authority's taking official action on a matter affecting such interest and abstain from discussion and voting. An elected member of the governing authority shall disclose the nature of any interest he has at the time such matter is presented to the city council for discussion. Such written or verbal statements shall be recorded into the minutes of the meeting and thus become part of the public record. Following any disclosure made pursuant to this section, the member shall refrain from all ex parte communications with other members regarding the application in which he has an interest.

(Ord. No. 318, § 4, 1-27-2005)

Sec. 2-48. Disqualification.

A member of the governing authority shall disqualify himself from participating in any official act or action of the city which results in a pecuniary benefit to the member or a business or activity in which he has an interest when such benefit is not available to the public at large.

(Ord. No. 318, § 5, 1-27-2005)

Sec. 2-49. Prohibited contracts.

The city shall not enter into any contract involving services or property with a member of the governing authority or with a business in which a member of the governing authority has an interest. This section shall not apply in the case of:

- (1) The designation of a bank or trust company as a depository for city funds;
- (2) The borrowing of funds from any bank or lending institution which offers the lowest available rate of interest in the community for such loan;
- (3) Contracts entered into in accordance with O.C.G.A. § 16-10-6;
- (4) Contracts entered into under circumstances that constitute an emergency situation, provided that the mayor prepares a written record explaining the emergency;
- (5) Contracts entered into with a member of the governing authority or with a business in which a member of the governing authority has an interest, provided that such contract is the result of a competitive bid, disclosure of the nature of such member's interest is made prior to the time any bid is submitted, and a waiver of the prohibition contemplated by this section is issued by the city administrator following disclosure.

(Ord. No. 318, § 6, 1-27-2005)

Sec. 2-50. Restrictions on contracts with former members of the governing authority.

The city shall not enter into any contract with any person or business represented by such person who has been, within the preceding 12-month period, a member of the governing authority, unless the contract is awarded by a competitive bid or a committee selection process.

(Ord. No. 318, § 7, 1-27-2005)

Sec. 2-51. Complaints.

Any person having a complaint against any member of the governing authority for an alleged ethics violation shall file in writing a verified complaint setting forth the particular facts and circumstances which constitute the alleged violation against the governing authority. The complaint shall be filed with the mayor or, in the event the complaint regards the mayor, shall be filed with the mayor pro tem. Upon receipt of a complaint, the mayor or, in the event the complaint regards the mayor, the mayor pro tem shall appoint three members of the city council who, along with the city attorney, shall constitute an investigating committee to determine whether the complaint sets forth significant facts and circumstances so as to warrant a hearing before the board of ethics. In the event the complaint does not set forth sufficient facts to constitute an alleged violation and is found unjustified, frivolous or patently unfounded, it shall be dismissed and the complainant notified immediately. In the event the complaint is found to state sufficient facts to warrant a hearing before the board of ethics, the board shall be appointed as provided in section 2-52.

(Ord. No. 318, § 8, 1-27-2005)

Sec. 2-52. Board of ethics.

(a) The composition of the board of ethics shall be as follows:

- (1) The board of ethics of the city shall be composed of five residents of the city to be appointed as provided in subsections (a)(2) and (a)(3) of this section. Each member of the board of ethics shall have been a resident of the city for at least one year immediately preceding the date of taking office and shall remain a resident of the city while serving as a member of the board of ethics. No person shall serve as a member of the board of ethics if the person has, or has had within the preceding one-year period, any interest in any contract, transaction, or official action of the city.
- (2) Each member of the city council shall designate two qualified citizens to provide a pool of 12 individuals who have consented to serve as members of such board of ethics and who will be available for a period of two years, to be called upon to serve in the event a board of ethics is appointed.
- (3) The city manager shall maintain a listing of these 12 qualified citizens. Should the investigating committee determine a complaint warrants a hearing before the board of ethics, the city council, at the first public meeting after such determination, shall draw names randomly from the listing of qualified citizens until the specified five members of the board of ethics have been appointed. Such board will elect one of its members to serve as chairperson.
- (4) The members of the board of ethics shall serve without compensation. The governing authority shall provide meeting space for the board of ethics. Subject to budgetary procedures and requirements of the city, the city shall provide the board of ethics with such supplies and equipment as may be reasonably necessary for it to perform its duties and responsibilities.

(b) The constituted board of ethics shall have the following duties and powers:

- (1) To establish procedures, rules and regulations governing its internal organization and conduct of its affairs;
- (2) To hold a hearing within 60 days after the receipt of complaint; failure to hold a hearing within the specified time shall result in dismissal of the complaint as to the transaction and shall prevent refiling if a complaint arises in the same incident for at least a period of six months;
- (3) To prescribe forms, approved by the city attorney, for the disclosure required in this article and to make available to the public information disclosed as provided in this section;

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- (4) To receive and hear complaints of violations of the standards required by this article;
 - (5) To make such investigation and response to a complaint as it deems necessary to determine whether any person has violated any provisions of this article;
 - (6) To hold such hearings and make such inquiries as deemed necessary to investigate and rule upon complaints;
 - (7) To report its findings to the governing authority for such action as the governing authority deems appropriate.

(Ord. No. 318, § 9, 1-27-2005)

Sec. 2-53. Service of complaint; hearings and disposition of complaints.

The board of ethics as appointed as set forth in section 2-52 shall cause the complaint to be served on the member of the governing authority charged as soon as practicable. Service may be by personal service or by certified mail, return receipt requested. A hearing shall be held within 60 days after the filing of the complaint. The board of ethics shall conduct the hearing in accordance with the procedures and regulations it establishes, but, in all circumstances, the hearing shall include the taking of testimony and the cross examination of witnesses. The decision of the board of ethics shall be rendered to the city council within five days after completion of the hearing.

(Ord. No. 318, § 10, 1-27-2005)

Sec. 2-54. Penalty; member rights.

- (a) Any member of the governing authority who knowingly violates any provision of the code of ethics provided in this article shall be subject to public reprimand or censure by the governing authority.
- (b) At any hearing held by the board of ethics, the member of the governing authority who is the subject of inquiry shall have the right to written notice of the allegations at least ten business days before a hearing, to be represented by counsel, to hear and examine the evidence and witnesses and to present evidence and witnesses in opposition or in extenuation.

(Ord. No. 318, § 11, 1-27-2005)

Sec. 2-55. Appeals.

- (a) Any member of the governing authority or the complainant adversely affected by these findings of the board of ethics may obtain judicial review of such decision as provided in subsection (b) of this section.
- (b) An action for judicial review may be commenced by filing an application for a writ of certiorari in the superior court of the county within 30 days after the decision of the board of ethics. The filing of such application shall act as supersedes.

(Ord. No. 318, § 12, 1-27-2005)



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider a Contract with ESG Engineering, Inc., for Professional Engineering Services for the Design and Construction Administration of a Drinking Water Well Construction Project for the City.

COUNCIL MEETING DATE: May 1, 2025

HISTORY:

The City owns two inactive groundwater wells (Wells #4 & #5) on City property at the corner of Atlanta Hwy and Vireo Dr that were purchased from the State of Georgia for the purpose of re-activating them to supplement the City's drinking water supply. To reactivate the wells and integrate them into the City's water system, the City will engage ESG Engineering, Inc., to design and permit the associated construction work required to activate the wells. This will include specifications for testing and cleaning, examination of test results, submission of testing data to the State for permitting, and drafting of engineering drawings, specifications, and a construction contract.

FACTS AND ISSUES:

ESG Engineering, Inc., in conjunction with sub-consultants, will perform engineering work through the tasks identified in the engineering services agreement/contract:

Task #1 – Geotechnical Data Collection

This task will include soil borings to collect important subsurface data such as soil type/condition, bearing pressure, and suitability of soil for use as fill material on the project site. The boring report will also include a recommended building foundation section/thickness and recommended pavement section/thickness. This task will also include wetland delineation to ensure wetlands are accounted for in site layout.

Task #2 – Hydrogeological Testing & EPD Permitting

This task includes drafting of specifications for well cleaning, pump testing, and water quality testing, as well as pre-and post-cleaning camera inspection, on-site observation of testing and cleaning, examination of test results, and submission of testing data to the State for permitting.

Task #3 – Engineering Design

This task includes professional design services for the following drinking water improvements:

- Two new groundwater wells including chem feed building, well pumps, chemical feeds, associated electrical and controls improvements, and site design/grading/drainage plans.

- A new 12" transmission main to connect the new wells to the system, including approximately 1900 LF of 12" pipe.

- A new 200 LF small diameter (4"–48") water main under Atlanta Hwy to replace an existing, leaking water main.

Task #4 – Construction Administration

This task includes pre-construction meeting coordination and attendance, submittal reviews, site visits, monthly progress meetings, verification of construction progress and adherence with the Plans & Specifications, payment request approval, punch-list meeting, and Engineers certification of work complete.

OPTIONS:

1) Contract with ESG Engineering or 2) Do Not Contract with ESG Engineering

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

Yes

AMOUNT AND SOURCE OF FUNDS:

\$GEFA loan for Drinking Water - \$272,550

RECOMMENDATION:

Contract with ESG Engineering, Inc., for professional engineering services for the design and construction administration of a drinking water well construction project for the City.

SAMPLE MOTION:

I make a motion to contract with ESG Engineering for professional engineering services for the design and construction administration of a drinking water well construction project for the City.

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Executive Summary - Groundwater Wells #4 and #5 \(ESG\).pdf](#)
- [2025.03_-_Task_Order_-_FB_Wells__4__5__ESG_TB.pdf](#)

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: Professional Engineering Services for Groundwater Wells Project

DATE: April 17, 2025

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

BUDGET INFORMATION:

ANNUAL-
CAPITAL- \$272,550.00

COUNCIL ACTION REQUESTED ON: April 17, 2025

PURPOSE: To contract with ESG Engineering, Inc., for professional engineering services for the design and construction administration of a drinking water well construction project for the City.

HISTORY: The City owns two inactive groundwater wells (Wells #4 & #5) on City property at the corner of Atlanta Hwy and Vireo Dr that were purchased from the State of Georgia for the purpose of re-activating them to supplement the City's drinking water supply. To reactivate the wells and integrate them into the City's water system, the City will engage ESG Engineering, Inc., to design and permit the associated construction work required to activate the wells. This will include specifications for testing and cleaning, examination of test results, submission of testing data to the State for permitting, and drafting of engineering drawings, specifications, and a construction contract.

FACTS AND ISSUES: ESG Engineering, Inc., in conjunction with sub-consultants, will perform engineering work through the tasks identified in the engineering services agreement/contract:

Task #1 – Geotechnical Data Collection

This task will include soil borings to collect important subsurface data such as soil type/condition, bearing pressure, and suitability of soil for use as fill material on the project site. The boring report will also include a recommended building foundation section/thickness and recommended pavement section/thickness. This task will also include wetland delineation to ensure wetlands are accounted for in site layout.

Task #2– Hydrogeological Testing & EPD Permitting

This task includes drafting of specifications for well cleaning, pump testing, and water quality testing, as well as pre-and post-cleaning camera inspection, on-site observation of testing and cleaning, examination of test results, and submission of testing data to the State for permitting.

Task #3– Engineering Design

This task includes professional design services for the following drinking water improvements:

- Two new groundwater wells including chem feed building, well pumps, chemical feeds, associated electrical and controls improvements, and site design/grading/drainage plans.
- A new 12” transmission main to connect the new wells to the system, including approximately ±1900 LF of 12” pipe.
- A new ±200 LF small diameter (2”-4”) water main under Atlanta Hwy to replace an existing, leaking water main.

Task #4 – Construction Administration

This task includes pre-construction meeting coordination and attendance, submittal reviews, site visits, monthly progress meetings, verification of construction progress and adherence with the Plans & Specifications, payment request approval, punch-list meeting, and Engineers certification of work complete.

OPTIONS: 1) Contract with ESG Engineering or 2) Do Not Contract with ESG Engineering

RECOMMENDED SAMPLE MOTION: I make a motion to contract with ESG Engineering for professional engineering services for the design and construction administration of a drinking water well construction project for the City.

DEPARTMENT: Administration

Prepared by: Tonya D. Parrish

ENGINEER's ADDRESS:	6400 Peake Road, Macon, GA 31210
PROJECT NO.:	<i>Pending</i>
PROJECT NAME:	Groundwater Wells #4 & #5
CLIENT:	City of Flowery Branch
CLIENT'S ADDRESS:	5410 Pine Street, Flowery Branch, GA 30542

CLIENT requests and authorizes ESG Engineering, Inc (hereinafter "ESG Eng" or "ENGINEER") to perform the following Services

Scope of Services

ESG Engineering, Inc., is pleased to submit this Task Order Agreement for the "Groundwater Wells #4 & #5" project and will perform, in conjunction with sub-consultants, the following Scope of Services:

Task #1 – Geotechnical Data Collection

This task will include the performance of soil borings to collect important subsurface data such as soil type/condition, bearing pressure, and suitability of soil for use as fill material on the project site. The boring report will also include a recommended building foundation section/thickness and recommended pavement section/thickness. This task will also include wetland delineation to ensure wetlands are accounted for in site layout. This work will be performed by a third-party geotechnical materials/testing firm; invoices will be paid by ENGINEER and submitted to the City for reimbursement.

Task #2 – Hydrogeological Testing & EPD Permitting

- Well Cleaning (Specification & Observation)
 - Cleaning itself NOT included – to be performed by contractor.
 - Hydrogeologist will write specifications for pre-construction well cleaning and will provide on-site observation and quality control during the cleaning process.
 - Camera the well before and after cleaning to ensure cleaning was performed correctly.
- Pump Test & Analysis
 - Pump Test itself NOT included – to be performed by contractor.
 - Hydrogeologist write specifications for a contractor to perform ± 72 hour pump test on each well and will oversee pump test in the field
 - Analyze pump test results and provide report for submission to EPD
- Water Quality Test & Analysis
 - Water quality testing itself included – to be performed by hydrogeologist.
 - Perform water quality testing (organic, inorganic, and radiological tests) and provide report for submission to EPD.
 - Submit letter of recommendation for the City to provide to the EPD for review and approval.

Task #3– Engineering Design

ESG Engineering will provide professional engineering design services for the construction of new drinking water improvements in the City of Flowery Branch. This task will include Engineering Plans, Technical Specifications, and Contract Documents. The proposed design will include the following:

- Two new groundwater wells including chem feed building, well pumps, chemical feeds, associated electrical and controls improvements, and site design/grading/drainage plans.

- A new 12" transmission main to connect the new wells to the system, including approximately ±1900 LF of 12" pipe.
- A new ±200 LF small diameter (2"-4") water main installed via directional drill under ATL Hwy to replace an existing, leaking water main.

Design will also include ancillary work required for the project, including service transfers, minor relocation of existing utilities, erosion & sedimentation control measures, and traffic control. Also included in this task will be any standard permitting* required for the project, bid administration services during the publicly-advertised bid period, and contract administration services following award of the project contract. Any work performed outside these descriptions will be billed hourly under an "additional engineering" task and will be approved by the City Manager prior to performance. Resident inspection is not provided under this task order and would be undertaken upon request and by amendment to this task order contract.

Task #3 – Construction Administration

This task includes preconstruction meeting coordination and attendance, submittal reviews, site visits, monthly progress meetings, verification of construction progress and adherence with the Plans & Specifications, payment request approval, punch-list meeting, and Engineers certification of work complete

**Any additional work including, but not limited to, easement exhibits and/or field-staking, special permitting (US Army Corp, power company), geotechnical inspection, etc., will be completed hourly and in addition to quoted lump sum fees. At this time these items are not expected to be required.*

Compensation

The parties acknowledge and agree that the City will compensate ESG Eng as set forth below for the tasks described and for the Scope of Services performed by ESG Eng pursuant to the terms provided below and the terms and conditions of the Agreement.

Approximate Estimate of Construction: \$3,100,000 (not performed by ESG)

Total amount of compensation to ESG- an amount not to exceed \$272,550.00.

Task 1 – Geotechnical Data Collection	\$12,550.00 (Lump Sum)
Task 2 – Hydrogeological Testing & EPD Permitting	\$50,000.00 (HNTE)**
Task 3 – Survey, Design Engineering, and Bid Administration (4.8%)	\$148,000.00 (Lump Sum)
Task 4 – Construction Administration (2.0%)	\$62,000.00 (Lump Sum)

*Fees that remain unused for one task may be allocated to fulfill another task, provided that the cumulative total of all fees remain within the pre-established total.

**Hourly Rates for Hydrogeological Work:

Geologist: \$100/hr

Environmental Tech: \$50/hr

Schedule

Work will begin when the signed Agreement is returned.

Other Terms

Not Applicable

Services covered by this AGREEMENT will be performed in accordance with the Provisions and any attachments or schedules. This AGREEMENT supersedes all prior agreements and understandings and may only be changed by written amendment executed by both parties.

CLIENT:

Signature _____
Name (printed) Ed Asbridge
Title Mayor
Date 4/17/2025

ESG Engineering, Inc:

Signature 
Name (printed) Arthur (Trey) Gavin
Title SVP and GM
Date 2/07/2025

PROVISIONS

1. Authorization to Proceed

Execution of this AGREEMENT by CLIENT will be authorization for ENGINEER to proceed with the Services, unless otherwise provided for in this AGREEMENT.

2. Payment of Invoices

ENGINEER will submit monthly invoices for services rendered and CLIENT will make payments to ENGINEER within thirty (30) days of CLIENT's receipt of ENGINEER's invoice.

ENGINEER will retain receipts for reimbursable expenses in general accordance with Internal Revenue Service rules pertaining to the support of expenditures for income tax purposes. Receipts will be available for inspection by CLIENT's auditors upon request.

If CLIENT disputes any items in ENGINEER's invoice for any reason, including the lack of supporting documentation, CLIENT may temporarily delete the disputed item and pay the remaining amount of the invoice. CLIENT will promptly notify ENGINEER of the dispute and request clarification and/or correction. After any dispute has been settled, ENGINEER will include the disputed item on a subsequent, regularly scheduled invoice, or on a special invoice for the disputed item only.

CLIENT recognizes that late payment of invoices results in extra expenses for ENGINEER. ENGINEER retains the right to assess CLIENT interest at the rate of one percent (1%) per month, but not to exceed the maximum rate allowed by law, on invoices which are not paid within thirty (30) days from the date CLIENT receives ENGINEER's invoice. In the event undisputed portions of ENGINEER's invoices are not paid when due, ENGINEER also reserves the right, after seven (7) days prior written notice, to suspend the performance of its services under this Agreement until all past due amounts have been paid in full.

3. Cost Opinions

Any opinions of probable project cost or probable construction cost provided by ENGINEER are made on the basis of information available to ENGINEER and on the basis of ENGINEER's experience and qualifications and represents its judgment as an experienced and qualified professional engineer. However, since ENGINEER has no control over the cost of labor, materials, equipment or services furnished by others, or over the contractor(s)' methods of determining prices, or over competitive bidding or market conditions, ENGINEER does not guarantee that proposals, bids or actual project or construction cost will not vary from opinions of probable cost ENGINEER prepares or that CLIENT's actual project costs, financial aspects, economic feasibility, or schedules will not vary from ENGINEER's opinions, analyses, projections or estimates. If CLIENT wishes greater assurance as to any element of the Project cost, feasibility, or schedule, CLIENT will employ an independent cost estimator, contractor or other appropriate advisor.

4. Standard of Care

The standard of care for all professional engineering, consulting and related services performed or furnished by ENGINEER and its employees under this Agreement will be the care and skill ordinarily used by members of ENGINEER's profession practicing under the same or similar circumstances at the same time and in the same locality. ENGINEER makes no warranties, express or implied, under this Agreement or otherwise, in connection with ENGINEER's services.

5. Construction Procedures

ENGINEER's observation or monitoring portions of the work performed under construction contracts shall not relieve the contractor from its responsibility for performing work in accordance with applicable contract documents. ENGINEER shall not control or have charge of, and shall not be responsible for, construction means, methods, techniques, sequences, procedures of construction, health

or safety programs or precautions connected with the work and shall not manage, supervise, control or have charge of construction.

ENGINEER shall not be responsible for the acts or omissions of the contractor or other parties on the project. ENGINEER shall be entitled to review all construction contract documents and to require that no provisions extend the duties or liabilities of ENGINEER beyond those set forth in this Agreement. CLIENT agrees to include ENGINEER as an indemnified party in CLIENT's construction contracts for the work, which shall protect ENGINEER to the same degree as CLIENT. Further, CLIENT agrees that ENGINEER shall be listed as an additional insured under the construction contractor's liability insurance policies.

6. Services and Information

CLIENT will provide all criteria and information pertaining to CLIENT's requirements for the project, including design objectives and constraints, space, capacity and performance requirements, flexibility and expandability, and any budgetary limitations. CLIENT will also provide copies of any CLIENT-furnished Standard Details, Standard Specifications, or Standard Bidding Documents which are to be incorporated into the project.

CLIENT will furnish the services of soils/geotechnical engineers or other consultants that include reports and appropriate professional recommendations when such services are deemed necessary by ENGINEER. The CLIENT agrees to bear full responsibility for the technical accuracy and content of CLIENT-furnished documents and services.

In performing professional engineering and related services hereunder, it is understood by CLIENT that ENGINEER is not engaged in rendering any type of legal, insurance or accounting services, opinions or advice. Further, it is the CLIENT's sole responsibility to obtain the advice of an attorney, insurance counselor or accountant to protect the CLIENT's legal and financial interests. To that end, the CLIENT agrees that CLIENT or the CLIENT's representative will examine all studies, reports, sketches, drawings, specifications, proposals and other documents, opinions or advice prepared or provided by ENGINEER, and will obtain the advice of an attorney, insurance counselor or other consultant as the CLIENT deems necessary to protect the CLIENT's interests before CLIENT takes action or forebears to take action based upon or relying upon the services provided by ENGINEER.

7. Re-use of Documents

All documents, including all reports, drawings, specifications, computer software or other items prepared or furnished by ENGINEER pursuant to this Agreement, are instruments of service with respect to the project. ENGINEER retains ownership of all such documents. CLIENT may retain copies of the documents for its information and reference in connection with the project; however, none of the documents are intended or represented to be suitable for reuse by CLIENT or others on extensions of the project or on any other project. Any reuse without written verification or adaptation by ENGINEER for the specific purpose intended will be at CLIENT's sole risk and without liability or legal exposure to ENGINEER, and CLIENT will defend, indemnify and hold harmless ENGINEER from all claims, damages, losses and expenses, including attorney's fees, arising or resulting therefrom. Any such verification or adaptation will entitle ENGINEER to further compensation at rates to be agreed upon by CLIENT and ENGINEER.

8. Termination

This AGREEMENT may be terminated for convenience on 30 days written notice or if either party fails substantially to perform through no fault of the other and does not commence correction of such nonperformance within 5 days of written notice and diligently complete the correction thereafter. On termination, ENGINEER will be paid for all authorized work performed up to the termination date plus termination expenses, such as, but not limited to, reassignment of personnel, subcontract termination costs, and related closeout costs.

9. Changes

The parties agree that no change or modification to this Agreement, or any attachments hereto, shall have any force or effect unless the change is reduced to writing, dated, and made part of this Agreement. The execution of the change shall be authorized and signed in the same manner as this Agreement. Adjustments in the period of services and in compensation shall be in accordance with applicable paragraphs and sections of this Agreement. Any proposed fees by ENGINEER are estimates to perform the services required to complete the project as ENGINEER understands it to be defined. For those projects involving conceptual or process development services, activities often are not fully definable in the initial planning. In any event, as the project progresses, the facts developed may dictate a change in the services to be performed, which may alter the scope. ENGINEER will inform CLIENT of such situations so that changes in scope and adjustments to the time of performance and compensation can be made as required. If such change, additional services, or suspension of services results in an increase or decrease in the cost of or time required for performance of the services, an equitable adjustment shall be made, and the Agreement modified accordingly.

10. Insurance

ENGINEER agrees to procure and maintain, at its expense, Workers' Compensation insurance as required by statute; Employer's Liability of \$250,000; Automobile Liability insurance of \$1,000,000 combined single limit for bodily injury and property damage covering all vehicles, including hired vehicles, owned and non-owned vehicles; Commercial General Liability insurance of \$1,000,000 combined single limit for personal injury and property damage; and Professional Liability insurance of \$1,000,000 per claim for protection against claims arising out of the performance of services under this Agreement caused by negligent acts, errors, or omissions for which ENGINEER is legally liable. CLIENT shall be made an additional insured on Commercial General and Automobile Liability insurance policies and certificates of insurance will be furnished to the CLIENT.

11. Limitation of Liability

ENGINEER's liability for CLIENT's damages will, in the aggregate, not exceed the lesser of \$100,000 or its fee, for any and all injuries, damages, claims, losses or expenses (including attorney and expert fees) arising out of the ENGINEER's services or this AGREEMENT regardless of cause(s) or the theory of liability, including negligence, indemnity or other recovery, shall include ENGINEER's officers, affiliated corporations, employees, and subcontractors.. This Provision takes precedence over any conflicting Provision of this AGREEMENT, or any document incorporated into it or referenced by it.

Both parties agree to indemnify the other party for third party personal injury and property damage claims to the extent caused by the indemnifying party's negligent acts, errors or omissions. However, neither Party to this Agreement shall be liable to the other Party for any special, incidental, indirect, or consequential damages (including but not limited to loss of use or opportunity; loss of good will; cost of substitute facilities, goods, or services; cost of capital; and/or fines or penalties), loss of profits or revenue arising out of, resulting from, or in any way related to the Project or the Agreement from any cause or causes, including but not limited to any such damages caused by the negligence, errors or omissions, strict liability or breach of contract.

12. Severability and Survival

If any of the provisions contained in this AGREEMENT are held illegal, invalid or unenforceable, the other provisions shall remain in full effect. Limitations of liability shall survive termination of this AGREEMENT for any cause.

13. No Third-Party Beneficiaries

CLIENT and ENGINEER, respectively, bind themselves, their partners, successors, assigns, and legal representatives to the covenants of this

Agreement. Neither CLIENT nor ENGINEER will assign, sublet, or transfer any interest in this Agreement or claims arising therefrom without the written consent of the other. No third-party beneficiaries are intended under this Agreement.

14. Hazardous Materials

CLIENT represents to ENGINEER that, to the best of its knowledge, no hazardous materials are present at the project site. However, in the event hazardous materials are known to be present, CLIENT represents that to the best of its knowledge it has disclosed to ENGINEER the existence of all such hazardous materials, including but not limited to asbestos, PFAS, PCB's, petroleum, hazardous waste, or radioactive material located at or near the project site, including type, quantity and location of such hazardous materials. It is acknowledged by both parties that ENGINEER's scope of services does not include services related in any way to hazardous materials. In the event ENGINEER or any other party encounters undisclosed hazardous materials, ENGINEER shall have the obligation to notify CLIENT and, to the extent required by law or regulation, the appropriate governmental officials, and ENGINEER may, at its option and without liability for delay, consequential or any other damages to CLIENT, suspend performance of services on that portion of the project affected by hazardous materials until CLIENT: (i) retains appropriate specialist consultant(s) or contractor(s) to identify and, as appropriate, abate, remediate, or remove the hazardous materials; and (ii) warrants that the project site is in full compliance with all applicable laws and regulations.

CLIENT acknowledges that ENGINEER is performing professional services for CLIENT and that ENGINEER is not and shall not be required to become an "arranger," "operator," "generator," or "transporter" of hazardous materials, as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1990 (CERCLA), which are or may be encountered at or near the project site in connection with ENGINEER's services under this Agreement. If ENGINEER's services hereunder cannot be performed because of the existence of hazardous materials, ENGINEER shall be entitled to terminate this Agreement for cause on 30 days written notice. To the fullest extent permitted by law, CLIENT shall indemnify and hold harmless ENGINEER, its officers, directors, partners, employees, and subconsultants from and against all costs, losses, and damages (including but not limited to all fees and charges of engineers, architects, attorneys, and other professionals, and all court or arbitration or other dispute resolution costs) caused by, arising out of or resulting from hazardous materials, provided that (i) any such cost, loss, or damage is attributable to bodily injury, sickness, disease, or death, or injury to or destruction of tangible property (other than completed Work), including the loss of use resulting therefrom, and (ii) nothing in this paragraph shall obligate CLIENT to indemnify any individual or entity from and against the consequences of that individual's or entity's sole negligence or willful misconduct.

15. Utility Locations

If underground sampling/testing is to be performed, a local utility locating service shall be contacted to make arrangements for all utilities to determine the location of underground utilities. In addition, CLIENT shall notify ENGINEER of the presence and location of any underground utilities located on the CLIENT's property which are not the responsibility of private/public utilities. ENGINEER shall take reasonable precautions to avoid damaging underground utilities that are properly marked. The CLIENT agrees to waive any claim against ENGINEER and will indemnify and hold ENGINEER harmless from any claim of liability, injury or loss caused by or allegedly caused by ENGINEER's damaging of underground utilities that are not properly marked or are not called to ENGINEER's attention prior to beginning the underground sampling/testing.

16. Assignments

Neither party shall have the power to or will assign any of the duties

or rights or any claim arising out of or related to this AGREEMENT, whether arising in tort, contract or otherwise, without the written consent of the other party, except that ENGINEER may assign this AGREEMENT to a parent, affiliate or subsidiary company or to a surviving entity in the event of a merger or acquisition. Any unauthorized assignment is void and unenforceable.

17. Integration

This AGREEMENT incorporates all previous communications and negotiations and constitutes the entire agreement of the parties. If CLIENT issues a Purchase Order in conjunction with performance of the Services, general or standard terms and conditions on the Purchase Order do not apply to this AGREEMENT.

18. Force Majeure

ENGINEER shall not be responsible for delays caused by factors beyond ENGINEER's reasonable control, including but not limited to delays because of strikes, lockouts, work slowdowns or stoppages, government ordered industry shutdowns, power or server outages, acts of nature, widespread infectious disease outbreaks (including, but not limited to epidemics and pandemics), failure of any governmental or other regulatory authority to act in a timely manner, failure of the CLIENT to furnish timely information or approve or disapprove of ENGINEER's services or work product, or delays caused by faulty performance by the CLIENT's or by contractors of any level or any other events or circumstances not within the reasonable control of the party affected, whether similar or dissimilar to any of the foregoing. When such delays beyond ENGINEER's reasonable control occur, the CLIENT agrees that ENGINEER shall not be responsible for damages, nor shall ENGINEER be deemed in default of this Agreement, and the parties will negotiate an equitable adjustment to ENGINEER's schedule and/or compensation if impacted by the force majeure event or condition.

19. Litigation Support

In the event ENGINEER is required to respond to a subpoena, government inquiry or other legal process related to the services in connection with a legal or dispute resolution proceeding to which ENGINEER is not a party, CLIENT shall reimburse ENGINEER for reasonable costs in responding and compensate ENGINEER at its then standard rates for reasonable time incurred in gathering information and documents and attending depositions, hearings, and trial.

20. Operational Technology Systems

CLIENT agrees that the effectiveness of operational technology systems ("OT Systems") and features designed, recommended or assessed by ENGINEER are dependent upon CLIENT's continued operation and maintenance of the OT Systems in accordance with all standards, best practices, laws, and regulations that govern the operation and maintenance of the OT Systems. CLIENT shall be solely responsible for operating and maintaining the OT System in accordance with applicable industry standards (i.e. ISA, NIST, etc.) and best practices, which generally include but are not limited to, cyber security policies and procedures, documentation and training requirements, continuous monitoring of assets for tampering and intrusion, periodic evaluation for asset vulnerabilities, implementation and update of appropriate technical, physical, and operational standards, and offline testing of all software/firmware patches/updates prior to placing updates into production. Additionally, CLIENT recognizes and agrees that OT Systems are subject to internal and external breach, compromise, and similar incidents. Security features designed, recommended or assessed by ENGINEER are intended to reduce the likelihood that OT Systems will be compromised by such incidents. However, ENGINEER does not guarantee that CLIENT's OT Systems are impenetrable, and CLIENT agrees to waive any claims against ENGINEER resulting from any such incidents that relate to or affect CLIENT's OT Systems.

21. Access to Facilities and Property

CLIENT will make its facilities accessible to ENGINEER as required for the performance of its services and will provide labor and safety equipment as required by ENGINEER for such access. CLIENT will perform, at no cost to ENGINEER, such tests of equipment, machinery, pipelines, and other components of CLIENT's facilities as may be required in connection with ENGINEER's services.

22. Dispute Resolution

The parties will use their best efforts to resolve amicably any dispute, including use of alternative dispute resolution options. The parties shall initially attempt to resolve the dispute by direct negotiation at the project level, should a resolution not be agreed to then an attempt to resolve the dispute shall be made by Senior Executives within the first thirty (30) days of project dispute. If the parties cannot resolve the dispute by direct negotiation within sixty (60) days from the commencement of direct negotiation, the parties may choose an alternative dispute resolution process or either party may decide to litigate.

23. Changes

CLIENT may make or approve changes within the general Scope of Services in this AGREEMENT. If such changes affect ENGINEER's cost or time required for performance of the services, an equitable adjustment will be made through an amendment to this AGREEMENT.

24. Controlling Law and Agreement

This Agreement is to be governed by the law of the state where ENGINEER's services are performed.

These Terms and Conditions shall take precedence over and any inconsistent or contradictory provisions contained in any proposal, contract, purchase order, requisition, notice to proceed or like document.

25. Execution

This Agreement, including the exhibits and schedules made part hereof, constitute the entire Agreement between ENGINEER and CLIENT, supersedes and controls over all prior written or oral understandings. This Agreement may be amended, supplemented or modified only by a written instrument duly executed by the parties.



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider a Construction Contract for a Storm Drainage Repairs/Rehabilitation Project to a Responsible, Responsive Bidder.

COUNCIL MEETING DATE: May 1, 2025

HISTORY:

A portion of existing storm drainage pipeline along Trumpet Flower Avenue in the Summit Lake neighborhood is exhibiting signs of failure, including joint separation, which can lead to more extreme failures, including sinkholes that could undermine the roadway, sidewalk, and/or driveways. Following an initial CCTV inspection, the City requested ESG Engineering to design/specify improvements to repair the pipe. ESG Engineering determined that Cured In Place Pipe (CIPP) rehabilitation would be an effective solution to prevent further failure and extend the life of the pipe. CIPP is a "trenchless" technology for repairing damaged pipes by inserting a resin-coated liner inside the existing pipe that hardens to create a new durable pipe and has the advantage of not disturbing existing asphalt, sidewalks, driveways, etc. Included in the project are pre-construction cleaning/debris removal, grouting of existing voids to prepare for lining, CIPP liner and installation, traffic control, testing, pre- & post-construction CCTV, bypass pumping, and removal & reinstallation of catch basin tops.

FACTS AND ISSUES:

ESG Engineering recommends awarding the project to the low bidder, Southern Premier Contractors, Inc., at the low bid price of \$40,800.00.

The contract Notice of Award is provided for approval by Council. Should Council approve and award the project to Southern Premier Contractors, Inc., ESG Engineering will engage the contractor to sign contract documents and subsequently proceed with construction.

The developer, Doug Cotter (Cotter Properties), has also contributed \$25,000 towards the repair of this storm drain structure.

OPTIONS:

1) Award the Contract or 2) Do Not Award the Contract

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

Yes

AMOUNT AND SOURCE OF FUNDS:

\$40,800 - Doug Cotter and Stormwater Project

RECOMMENDATION:

Award a construction contract for a storm drainage repairs/rehabilitation project to a responsible, responsive bidder.

SAMPLE MOTION:

I make a motion to award the Summit Lake Stormwater Rehabilitation contract to the low bidder, Southern Premier Contractors, Inc., in the amount of \$40,800.00.

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Executive Summary - Recommendation of Award Summit Lake.pdf](#)
- [Summit Lake - Bid Tabulation 03.27.2025.pdf](#)
- [00621 - NOTICE OF AWARD Summit Lake.pdf](#)

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: Recommendation of Award for Summit Lake Stormwater Rehabilitation

DATE: April 17, 2025

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

BUDGET INFORMATION:

ANNUAL-
CAPITAL- \$40,800.00

COUNCIL ACTION REQUESTED ON: April 17, 2025

PURPOSE: To award a construction contract for a storm drainage repairs/rehabilitation project to a responsible, responsive bidder.

HISTORY: A portion of existing storm drainage pipeline along Trumpet Flower Avenue in the Summit Lake neighborhood is exhibiting signs of failure, including joint separation, which can lead to more extreme failures, including sinkholes that could undermine the roadway, sidewalk, and/or driveways.

Following an initial CCTV inspection, the City requested ESG Engineering to design/specify improvements to repair the pipe. ESG Engineering determined that Cured In Place Pipe (CIPP) rehabilitation would be an effective solution to prevent further failure and extend the life of the pipe. CIPP is a “trenchless” technology for repairing damaged pipes by inserting a resin-coated liner inside the existing pipe that hardens to create a new durable pipe and has the advantage of not disturbing existing asphalt, sidewalks, driveways, etc. Included in the project are pre-construction cleaning/debris removal, grouting of existing voids to prepare for lining, CIPP liner and installation, traffic control, testing, pre- & post-construction CCTV, bypass pumping, and removal & reinstallation of catch basin tops.

FACTS AND ISSUES: ESG Engineering recommends awarding the project to the low bidder, Southern Premier Contractors, Inc., at the low bid price of \$40,800.00.

The contract Notice of Award is provided for approval by Council. Should Council approve and award the project to Southern Premier Contractors, Inc., ESG Engineering will engage the contractor to sign contract documents and subsequently proceed with construction.

The developer, Doug Cotter (Cotter Properties), has also contributed \$25,000 towards the repair of this storm drain structure.

OPTIONS: 1) Award the Contract or 2) Do Not Award the Contract

RECOMMENDED SAMPLE MOTION: I make a motion to award the Summit Lake Stormwater Rehabilitation contract to the low bidder, Southern Premier Contractors, Inc., in the amount of \$40,800.00.

DEPARTMENT: Administration

Prepared by: Tonya D. Parrish

BID TABULATION FOR ALL BIDS
RECEIVED AT THE CITY OF FLOWERY BRANCH
ON TUESDAY, MARCH 27, 2025 AT 2:00 PM

ESG Engineering
6400 Peake Road
Macon, Georgia 31210

PROJECT:
Summit Lake Stormwater Rehabilitation

BIDDERS:													
Southern Premier Contractors, INC.				SAK Construction, LLC				Gulf Coast Underground, LLC				Federal EC, LLC	
3395 Lawrenceville HWY				864 Hoff Road				5655 Middle Road				504 Allatoona Hills Drive	
Lawrenceville, GA 30044				O'Fallen, MO 63366				Theodore, AL 36582				Woodstock, GA 30189	
												Vortex Services, LLC	
												18150 Imperial Valley Drive	
												Houston, TX 77060	

A. BASE BID													
ITEM NO.	QTY.	UNIT	DESCRIPTION	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL
				PRICE	PRICE	PRICE	PRICE	PRICE	PRICE	PRICE	PRICE	PRICE	PRICE
100	1	LS	Stormwater Pipe Rehabilitation (includes pipe cleaning/debris removal, CIPP. Pipe cutting, traffic control, testing, pre- & post-construction CCTV, bypass pumping, removal & reinstallation of catch basin tops and all other work necessary for a complete and functional preoject as shown & described in the Plans & Specifications)	\$ 37,800.00	\$ 37,800.00	\$ 47,500.00	\$ 47,500.00	\$ 122,855.40	\$ 122,855.40	Bid was Incomplete/ Nonresponsive		Bid was Incomplete/ Nonresponsive	
101	2	EA	Replacement of damaged/broken catch basin tops/sidewalk.	\$ 1,500.00	\$ 3,000.00	\$ 8,350.00	\$ 16,700.00	\$ 1,500.00	\$ 3,000.00	N/A		N/A	
TOTAL BID PRICE:					\$ 40,800.00		\$ 64,200.00		\$ 125,855.40	N/A		N/A	

I hereby certify that this is a true and accurate Bid Tabulation of all bids received on March 27, 2025.



Andrew Swicegood, PE

**SECTION 00621
NOTICE OF AWARD**

PROJECT IDENTIFICATION:

Summit Lake Stormwater Rehabilitation

The OWNER has considered the BID submitted by you for the above-described WORK in response to its Advertisement for Bids dated March 27, 2025, and Instruction to Bidders.

You are hereby notified that your BID has been accepted for items in the amount of Forty Thousand Eight Hundred & 00/100 Dollars (\$40,800.00).

You are required to execute the Agreement and furnish the required Certificates of Insurance with fifteen (15) calendar days from the date of the Notice to you.

If you fail to execute said Agreement and to furnish required documentation within fifteen (15) days from the date of this notice, said OWNER will be entitled to consider all your rights arising out of the OWNER'S acceptance of your BID as abandoned. The OWNER will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this NOTICE of AWARD to the OWNER.

Dated this ____ day of _____, 20____.

City of Flowery Branch
OWNER

By: _____

Title: _____

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF AWARD is hereby acknowledged by Southern Premier Contractors, Inc. this ____ day of _____, 20____.
(Contractor)

By: _____

Title: _____



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider CivicPlus Agenda and Meeting Management Master Service Agreement

COUNCIL MEETING DATE: May 1, 2025

HISTORY:

The City has subscribed to Granicus since 2015, but service has become increasingly unreliable in recent years, with long delays in resolving support issues and a lack of urgency. Since implementing live streaming in early 2024, there have been nine video upload failures, leaving residents to rely on the City's YouTube Channel. Starting in July 2024, major streaming encoder issues prompted months of troubleshooting with Granicus, who initially stated the issue was with the City's IT and audio systems. Despite AV tests confirming all equipment was functional, Granicus only acknowledged in January 2025 that the outdated LiveCast Encoder was the root cause. Even after a firmware update, video quality issues like freezing and skipping persist. Additionally, problems with Minutes Maker have been met with minimal support, typically just a recommendation to uninstall and reinstall.

FACTS AND ISSUES:

CivicPlus offers an easy-to-use item entry allows staff members to enter agenda items, upload attachments, and collaborate with each other to make the items "meeting" ready. Configurable field types and the embedded text editor ensure that we are capturing all the information needed for Select to generate staff reports. Automated PDF file conversion and built in integrations with Microsoft's OneDrive and Google Drive simplify the inclusion of supporting documentation and attachments.

CivicPlus Agenda and Meeting Management Select automatically indexes published meeting content with Board Portal search functionality, so it is easy for officials to find information quickly. The full-text search tool empowers officials to locate published meeting content by searching for keywords, date range, and more. An item summary view allows officials to see the motions, votes, and any comment or discussion on the item that was recorded in the meeting minutes in an intuitive display, preventing a manual search through full minutes documents.

The Granicus subscription from July 1, 2024 – June 30, 2025, cost was \$10,185.08.

The Granicus Annual Renewal Subscription from July 1, 2025, to June 30, 2026, will be \$11,203.59 if the CivicPlus Software is not approved.

CivicPlus initial term is \$18,158.00 with an Annual Renewal Subscription of \$13,933.00

The City maintains two active subscriptions with CivicPlus: Social Media Archiving and Municode, which CivicPlus has acquired. Transitioning to a unified vendor would enhance efficiency and simplify service management.

OPTIONS:

Approve or Deny

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

Yes

AMOUNT AND SOURCE OF FUNDS:

\$18,158.00

RECOMMENDATION:

SAMPLE MOTION:

I make a motion to approve the contract with CivicPlus for automated agenda and meeting management for an amount not to exceed \$18,158 and terminate the subscription with Granicus.

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Executive Summary CivicPlus Agenda & Minutes Software Consideration.pdf](#)
- [Flowery Branch - GA - CivicPlus AMM SOW \(FINAL\).pdf](#)
- [AMM Select Pro-Premium Package.pdf](#)

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: Consider CivicPlus Agenda and Meeting Management Master Service Agreement

DATE: April 25, 2025

(X) RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:

() STATUS REPORT

ANNUAL- \$13,933.00

() OTHER

CAPITAL-

COUNCIL ACTION REQUESTED ON: May 1, 2025

PURPOSE: To consider a contract with CivicPlus for automated agenda and minutes management.

HISTORY: The City has subscribed to Granicus since 2015, but service has become increasingly unreliable in recent years, with long delays in resolving support issues and a lack of urgency. Since implementing live streaming in early 2024, there have been nine video upload failures, leaving residents to rely on the City's YouTube Channel. Starting in July 2024, major streaming encoder issues prompted months of troubleshooting with Granicus, who initially stated the issue was with the City's IT and audio systems. Despite AV tests confirming all equipment was functional, Granicus only acknowledged in January 2025 that the outdated LiveCast Encoder was the root cause. Even after a firmware update, video quality issues like freezing and skipping persist. Additionally, problems with Minutes Maker have been met with minimal support, typically just a recommendation to uninstall and reinstall.

FACTS AND ISSUES: CivicPlus offers an easy-to-use item entry allows staff members to enter agenda items, upload attachments, and collaborate with each other to make the items "meeting" ready. Configurable field types and the embedded text editor ensure that we are capturing all the information needed for Select to generate staff reports. Automated PDF file conversion and built in integrations with Microsoft's OneDrive and Google Drive simplify the inclusion of supporting documentation and attachments.

CivicPlus Agenda and Meeting Management Select automatically indexes published meeting content with Board Portal search functionality, so it is easy for officials to find information quickly. The full-text search tool empowers officials to locate published meeting content by searching for keywords, date range, and more. An item summary view allows officials to see the motions, votes, and any comment or discussion on the item that was recorded in the meeting minutes in an intuitive display, preventing a manual search through full minutes documents.

The Granicus subscription from July 1, 2024 – June 30, 2025, cost was \$10,185.08.
The Granicus Annual Renewal Subscription from July 1, 2025, to June 30, 2026, will be \$11,203.59 **if the CivicPlus Software is not approved.**

CivicPlus initial term is \$18,158.00 with an Annual Renewal Subscription of \$13,933.00

The City maintains two active subscriptions with CivicPlus: Social Media Archiving and Municode, which CivicPlus has acquired. Transitioning to a unified vendor would enhance efficiency and simplify service management.

OPTIONS: Approve or Deny

RECOMMENDED SAMPLE MOTION: I make a motion to approve the contract with CivicPlus for automated agenda and minutes management for an amount not to exceed \$18,158 and terminate the subscription with Granicus.

DEPARTMENT: Administration

Prepared by: Shelia Cooper

**CivicPlus**

302 South 4th St. Suite 500
Manhattan, KS 66502
US

Quote #:
Date:
Expires On:

Statement of Work
Q-98025-1
4/9/2025 12:43 PM
5/2/2025

Client:
City of Flowery Branch, GA

Bill To:
FLOWERY BRANCH CITY, GEORGIA

SALESPERSON	Phone	EMAIL	DELIVERY METHOD	PAYMENT METHOD
Darren Cornejo		darren.cornejo@civicplus.com		Net 30

Discount(s)

QTY	PRODUCT NAME	DESCRIPTION	12 Month Value
1.00	AMM: Year 1 Annual Fee Discount	Year 1 Annual Fee Discount	USD -1,325.00
1.00	AMM: Year 1 Annual Fee Discount	Year 1 Annual Fee Discount	USD -2,500.00
1.00	AMM: Year 1 Annual Fee Discount	Year 1 Annual Fee Discount	USD -475.00

One-time(s)

QTY	PRODUCT NAME	DESCRIPTION	12 Month Value
1.00	AMM Select: Pro Premium Implementation	Pro Premium Implementation; Includes config. of up to 10 meeting types, up to 10 boards, 1 approval workflow per meeting type, 4 hrs of training, and 2 hrs of consulting; Includes 1 original agenda, 1 original minutes, and 1 original staff report design	USD 3,900.00
1.00	CivicPlus Media: Implementation Fee	CivicPlus Media: Implementation Fee	USD 1,050.00
1.00	AMM Select: Live Meeting Manager Implementation Fee	Live Meeting Manager Implementation	USD 500.00
1.00	AMMS: Platform IdP Integration Implementation Fee	Platform IdP Integration Implementation Fee	USD 1,575.00

QTY	PRODUCT NAME	DESCRIPTION	12 Month Value
1.00	AMM Select: Historical Import Fee with Videos (up to 500)	Historical import of up to 500 meetings; Volume is calculated based on number of meetings being imported; Import does include video files	USD 1,500.00

Recurring Service(s)

QTY	PRODUCT NAME	DESCRIPTION	12 Month Value
1.00	AMM Select: Pro Annual Fee	AMM Select: Pro Annual Fee	USD 5,300.00
1.00	CivicPlus Media: Annual Fee	CivicPlus Media Annual Fee: Unlimited storage, unlimited users, up to 3 concurrent streams	USD 5,000.00
1.00	AMM Select: Live Meeting Manager Annual Fee	AMM Select: Live Meeting Manager Annual Fee	USD 1,900.00
1.00	AMMS: Platform IdP Integration Annual Fee	Platform IdP Integration Annual Fee	USD 1,733.00

List Price - Initial Term Total	USD 22,458.00
Total Investment - Initial Term	USD 18,158.00
Annual Recurring Services (Subject to Uplift)	USD 13,933.00

Initial Term	12 Months
Initial Term Invoice Schedule	100% Invoiced upon Signature Date

Renewal Procedure	Automatic 1 year renewal term, unless 60 days notice provided prior to renewal date
Annual Uplift	5% to be applied in year 2

This Statement of Work ("SOW") shall be subject to the terms and conditions of the CivicPlus Master Services Agreement and the applicable Solution and Services terms and conditions located at <https://www.civicplus.help/hc/en-us/p/legal-stuff> (collectively, the "Binding Terms"), By signing this SOW, Client expressly agrees to the terms and conditions of the Binding Terms throughout the term of this SOW.

Please note that this document is a SOW and not an invoice. Upon signing and submitting this SOW, Client will receive the applicable invoice according to the terms of the invoicing schedule outlined herein.

Acceptance of Quote # Q-98025-1

The undersigned has read and agrees to the Binding Terms, which are incorporated into this SOW, and have caused this SOW to be executed as of the date signed by the Customer which will be the Effective Date:

For CivicPlus Billing Information, please visit <https://www.civicplus.com/verify/>

Authorized Client Signature

CivicPlus

By (please sign):

By (please sign):

Printed Name:

Printed Name:

Title:

Title:

Date:

Date:

Organization Legal Name:

Billing Contact:

Title:

Billing Phone Number:

Billing Email:

Billing Address:

Mailing Address: (If different from above)

PO Number: (Info needed on Invoice (PO or Job#) if required)



agenda and meeting
management

SELECT

Select Pro with Premium Implementation

Proposal valid for 60 days from date of receipt



Company Overview

CivicPlus started back in June of 1998 with a simple yet powerful vision: to create a website solution that allowed municipal staff to maintain their websites daily without needing a technical webmaster. As technology advanced, we saw our customers' need to bring more services online. We expanded our vision to make local government work better as a whole.

Today, CivicPlus provides public sector technology that automates processes, digitizes services, and enhances civic experiences. Our wide range of government software solutions are designed to be flexible, scalable, and customizable, ensuring a frictionless experience for residents and staff. Our portfolio includes solutions for:



- Municipal Websites
- Web Accessibility
- Agenda and Meeting Management
- Codification
- Emergency and Mass Notifications
- Parks and Recreation Management
- 311 and Citizen Relationship Management
- Process Automation and Digital Services
- Planning, Permitting, Licensing, and Code Enforcement
- Fire and Life Safety Inspections
- Social Media Archiving
- FOIA Management

EXPERIENCE & RECOGNITION

25+ Years
10,000+ Customers
950+ Employees



CivicPlus has over 25 years of experience working with municipal organizations across the US and Canada. Our commitment to deliver the right solutions in design and development, end-user satisfaction, and secure hosting has been instrumental in making us a leader in government web technology. We are proud to have earned the trust of our over 10,000 customers and their over 100,000 administrative users. In addition, over 340 million residents engage with our solutions daily. With such experience, we are confident that we can provide the best solution for you.

PRIMARY OFFICE

302 S. 4th Street, Suite 500, Manhattan, KS 66502

Phone: 888.228.2233

Fax: 785.587.8951

civicplus.com



civicplus.com

Powering & Empowering Government

We empower municipal leaders to transform interactions between residents and government into consistently positive experiences that elevate resident satisfaction, increase revenue, and streamline operations.

Government leaders tell us that one of their most pressing needs is to improve how residents access and experience municipal services; however, they struggle with budget cutbacks and technology constraints. CivicPlus enables civic leaders to solve these problems, making consistently positive interactions between residents and government possible.

CivicPlus is the only government technology company exclusively committed to powering and empowering governments to efficiently operate, serve, and govern using our innovative and integrated technology solutions built and supported by former municipal leaders and award-winning support teams. With it, municipalities increase revenue and operate more efficiently while fostering trust among residents.



Features & Functionality

Select Solution

CivicPlus' Select software is the fastest, most intuitive way to streamline the entire agenda management process—from creating agenda items to managing live meetings. It provides time-saving automation while allowing clerks to balance these conveniences with manual controls and overrides. Internal collaboration with Select is easy with customized workflows, version tracking, and built-in communication tools.

Our Pro package includes the most frequently used functionality to manage your agendas and meetings. You'll be able to seamlessly create agendas with the ability to assign an item status and use configurable workflows to help manage your internal processes. Built-in integrations and a suite of APIs make working with other internal applications easy. Select's user-defined roadmap ensures that the product will continue to grow and adapt as transparency requirements and compliance expectations change.



Fully Integrated, Cloud-Based Software Suite

- » User-friendly, modern interface
- » Unlimited users
- » Unlimited storage
- » Highly configurable to your agenda and meeting management processes
- » Adaptable permission settings
- » Confidential attachments
- » Enhanced Analytics for Data Visibility
- » Field-level versioning
- » Single sign-on via the CivicPlus Platform
- » Integrated code of ordinances
- » Secure Cloud-Based Hosting
- » Automatic Updates
- » Customer-Defined Roadmap
- » Built-in integrations with Dropbox, Microsoft's One Drive, Google Drive, Laserfiche, Zoom, and API availability (additional fees may apply)



Agenda Management

FLEXIBLE, PERSONALIZED DESIGNS

Standardized designs throughout the system provide consistency and clarity to agendas, packets, staff reports, and minutes.

EFFICIENTLY MANAGE AGENDA PACKETS OF ANY SIZE

The software compiles your items and all the legislation, memorandums, or supporting documentation into a bookmarked PDF packet quickly and easily, no matter the size of the packet. Create multiple packet versions instantly to include or exclude specific attachments for your different internal and external users. Last-minute changes to the agenda or packet can be made and published with minimal effort.

Administrators choose what they publish to the public, internal users, and elected or appointed officials and when the information goes out. Automated email notifications can be enabled so all users, both internal and external, know when the meeting documents are published.

CONVENIENT, ANYTIME AGENDA MODIFICATIONS

Changes to the agenda can be made at any time by administrators without affecting global configurations or settings. Drag-and-drop reordering allows you to move items and automatically rennumbers everything on the agenda. One-touch copy and move functions enable you to duplicate or move agenda items from meeting to meeting, eliminating the need for duplicate data entry.

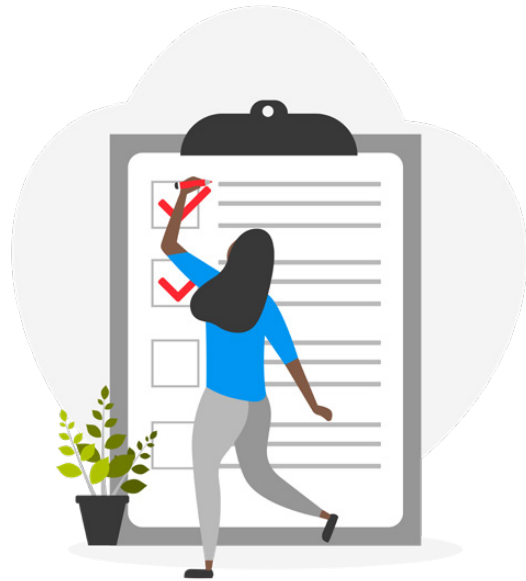
Item Management

CREATE AGENDA ITEMS AND STAFF REPORTS IN SECONDS

An easy-to-use item entry allows staff members to enter agenda items, upload attachments, and collaborate with each other to make items meeting ready. Configurable field types and our embedded text editor ensure that you are capturing all the information needed for Select to generate staff reports. Automated PDF file conversion and built-in integrations with Microsoft's OneDrive and Google Drive simplify the inclusion of supporting documentation and attachments.

MANAGE THE MEETING READINESS OF ITEMS

Update item statuses (approved, in-progress, tabled, etc.), assign tasks to staff members to update item content and attachments, leave comments on items, and be notified when changes are made to items.



AUTOMATE YOUR APPROVALS PROCESS

The workflow engine streamlines the routing of your agenda items, automates notifications, and gives full transparency to collaborators as it passes through the approval process. As contributors change items, the system tracks revisions, keeping them visible within the item fields and on the item timeline. In-app messaging and task assignments keep everyone in the loop and agenda prep moving forward.

CUSTOM TAGS TO GROUP LIKE AGENDA ITEMS

Administrators can set up tags that can be used by staff when creating their agenda items for improved searching and reporting. Associate like content with pre-defined tags relevant to your community.

Board Portal

FLEXIBLE ACCESS

Your officials can choose how to access meeting content—helping them work better, faster. Efficiently deliver packets of any size by paper, email, Dropbox, Google Drive, or post to the Board Portal. It is optimized for all devices, including desktops, laptops, and tablets. No separate application required.

A PERSONAL MEETING REPOSITORY

Give officials a personal, secure location to review and take notes on all meeting content, including agendas, supporting documents, minutes, and media.

FIND WHAT YOU NEED-FASTER

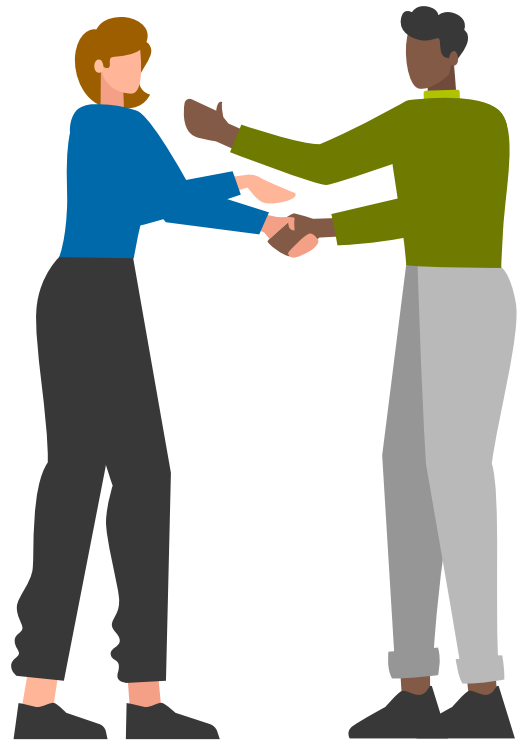
Agenda and Meeting Management Select automatically indexes published meeting content with Board Portal search functionality, so it is easy for officials to find information quickly. Our full-text search tool empowers officials to locate published meeting content by searching a keyword, date range, and more. An item summary view allows officials to see the motions, votes, and any comment or discussion on the item that was recorded in the meeting minutes in an intuitive display, preventing a manual search through full minutes documents.



Public Resident Portal

FEATURES

- Resident portal to embed on any webpage gives access to all meeting content on a single page
- PDF downloads of Agenda, Packet, Minutes, Notices, and Other pertinent meeting documents
- HTML agenda view hyperlinks attachments within the meeting agenda for direct access to specific documents
- Full-text search and filtering options
- Email notifications
- Social sharing
- Mobile-responsive
- Custom branding
- Side-by-side agenda and video display with optional CivicPlus Media live streaming and on-demand video service (additional fees apply)
- Optional Motions and Vote minutes display updates the HTML agenda view to allow residents to quickly see the final disposition of agenda items without having to read full minutes documents
- Integrated live or on-demand video with timestamps to easily jump to desired content (additional fees apply)
- Optional public commenting forum
- Easily jump to past, current, upcoming events with an embedded calendar and continuous scrolls



CONTENT ACCESSIBILITY

It's not enough to be transparent by publishing your agendas and other meeting documents online. Your meeting content must be accessible to all members of the public.

Closed captioning is also available with our CivicPlus Media service for live streaming and on-demand video. Additional fees apply for CivicPlus Media and closed captioning.

CONTENT TRANSPARENCY

Build public trust with access to fully searchable meeting content, including legislative decisions and public meeting videos. Meet municipal transparency requirements while keeping residents engaged and informed.



Minutes Module

AUTOMATED MINUTES SETUP

A fully-integrated Minutes module will automatically migrate all your agenda content. No manual pre-meeting minutes setup or agenda import is required. Move from the meeting agenda to the Minutes module with a single click.

KEEP UP WITH THE MEETING ACTION

Meetings move fast. Select's cloud-based platform allows you to move quickly through your agenda items, recording official actions and discussion, without having to wait for the system to catch up. The clean, intuitive interface gives single-screen access to all your meeting controls.



SPEAKER MANAGER

Speakers can be added to the discussion at any time during the live meeting, while the built-in speaker timer helps keep meetings running efficiently.

EASY, INTUITIVE MINUTES-TAKING

While in your live meeting, use the Minutes module to capture critical meeting actions from a single screen with a clean and intuitive user interface. Take roll and manage attendance, record motions and votes, enter speaker information, and record comments or discussion to be brought into your minutes document.

If using CivicPlus Media's integrated video streaming and video-on-demand service, you can also create timestamps for the accompanying video during the live meeting. Additional fees apply.



The Civic Experience Platform

Developed specifically to enable municipalities to deliver consistently positive interactions across every department and every service, the Civic Experience Platform includes technology innovations that deliver frictionless, one-stop, and personalized resident interactions. Benefit from our Civic Experience Platform with:

- Single Sign-On (SSO) to all of your CivicPlus products supporting two-factor authentication and PCI Level password compatibility
- A single dashboard and toolbar for administrative access to your CivicPlus software stack
- Access to a continually growing and fully documented set of APIs
- A centralized data store with robust data automation and integration capabilities

CIVICPLUS PORTAL

CivicPlus Portal empowers residents to be more engaged and informed about progress in your community. With a single username and password, residents can watch a public meeting recording, submit a public works request, pay a utility bill, or register for an upcoming event. The result is more engaged and informed voters and fewer phone calls, walk-ins, or emails to your department asking how to find documents or submit records requests.

INTEGRATION HUB

Integration Hub is a tool that can help you unify your disparate cloud-based solutions and your CivicPlus solutions, assemble powerful workflows, and set up complex automations—without the need for a developer. With Integration Hub's easy-to-use drag-and-drop interface, non-technical users can build integrations for syncing content and data between CivicPlus solutions or with third parties (for an additional fee) saving your staff's valuable time.

Integrated Code of Ordinances & Web

As the only local government software provider with an integrated agenda and meeting management, codification, and municipal website solution offering, our suite allows for digital transformation of the entire legislative process - from the start of the agenda process to the final online publishing of the newly adopted legislation.

If you are also a customer of CivicPlus' codification services, the cutting-edge integration between your meetings and agenda management and code of ordinances reduces the manual steps associated between your agenda management and codification processes. As an example, you can send ordinances directly to CivicPlus for codification by our team of legal editors. When pushed from Select, this uncoded legislation will be visible on the landing page of our Online Code Hosting platform nearly instantaneously. You can also take this to the next level by integrating our Municipal Website solutions with our Online Code Hosting solution, allowing for one-stop search capabilities. With this integration, the public can instantly access your code, meetings, packets, and agendas in one simple search straight from your municipal website.

EXAMPLES OF MEANINGFUL CIVIC EXPERIENCE INTEGRATIONS

The following are examples of integrations between the CivicPlus Agenda and Meeting Management Select with other CivicPlus solutions and tools. If you have yet to experience all that CivicPlus can provide, please reach out for additional information and a quote.

Municipal Websites Central (Web Central)	• Set-up a workflow to post in Web Central's News Flash once you've published your meeting documents. • Automatically add agenda or minute files to Web Central's Document Center to be displayed on your website after they are published in Select. • Meeting information and dates are automatically integrated to the Web Central's Calendar. • Meeting files are automatically included in the website's search results.
Codification	• Send adopted ordinances to the Codification Legal Team in one click. • Send ordinances straight to your online code portal as "Adopted and Not Yet Codified". • Instantly link your online code to the meeting content produced within Select.
CivicPlus Media	• Share high-definition, on-demand video or live video feeds of your meetings directly from Select and CivicPlus Media, seamlessly integrated with your meeting agendas and equipped with clear bookmarking and navigation.
Integration Hub	• Third-party integrations examples include integrations with Zoom, Webex, and GoToMeetings, and with Laserfiche, Google Drive, Dropbox, and other APIs.



Implementation

Project Timeline

14 – 16 Weeks

While every implementation is unique, the following timeline can provide you with information about the different implementation stages and what you can expect at each stage.

PHASE 1: INITIATE	• Project Kickoff and communication including timeline, deliverables, and an implementation questionnaire to capture details for your configuration
PHASE 2: ANALYZE	• Design Review meeting to review and discuss needs for proposed Agenda, Minutes, and Item/Staff Report designs • Obtain internal approvals on proposed designs and send in final approval
PHASE 3: DESIGN & CONFIGURE	• Configuration of designs • Configuration of up to 10 boards • Configuration of up to 10 meeting types • Configuration of up to 10 approval workflows • Configuration of up to 1 item/staff report
PHASE 4: OPTIMIZE	• Virtual consulting session(s) to review current processes and documents and discuss desired goals, best practices, and configuration options • Configuration is completed and handed off for review, testing, and feedback • Configuration adjustments made per submitted feedback
PHASE 5: EDUCATE	• Live, virtual training sessions are conducted within configured site
PHASE 6: LAUNCH	• First Live Meeting and System Launch • Access to live chat features, Technical Support and introduction to Live Care



Implementation Approach

Implementation & Support Experience Designed for You

The Select Implementation Team has experience and expertise to help administrations of any size transform the entire meeting management process. We know implementation can't be a one size fits all solution and offer flexible packages designed to meet your desired outcomes.

Our Premium Implementation Package is the perfect fit for transforming complex agenda and meeting processes. Have CivicPlus create original designs that meet the specific needs of your Agendas, Minutes, and Item/Staff Reports. A dedicated and knowledgeable Implementation Team will manage your project from end-to-end—consulting and collaborating with your team to build confidence navigating the system, configuring the system to automate your process, and delivering live virtual training to your users.

Beyond implementation, your users will feel empowered by our in-application support tools, a full online help center, as well as phone, email, and live chat support with members of the dedicated, award-winning Technical Support team.

CONSULTING

Up to Two Hours of Virtual Consultation

During this consulting session, your implementation consultant will be reviewing your submitted project questionnaire with your key project staff. The implementation consultant will review your agenda, minutes, and item/staff report designs and discuss the configurations that will be made to ensure your workflows match your current agenda and meeting processes.

DESIGN CONFIGURATIONS

We will configure the following consistent with your branding and content needs:

- One original Agenda Design with both four Section Designs and four Item Designs per Agenda Design
- One original Minutes Design with two Discussion Designs
- One original Item/Staff Report Design with up to 32 fields; eight system defaults, eight text boxes, eight check boxes, and eight date fields

Additional design configurations and approval workflows can be purchased as needed. For no additional cost, Approval Workflows can be created from scratch and Meeting Types can be duplicated and modified—while still making use of existing designs—by administrative users at any time using Help Center resources.

TRAINING

Up to Four Hours of Virtual Training

Your implementation consultant will guide user groups through live, virtual training sessions using your custom configured Agenda and Meeting Management Select solution. We recommend no more than 20 users per session. Individual sessions are either 30 or 60 minutes in duration.



Continuing Services

Technical Support & Services

With technology, unlimited support is crucial. Our live technical support engineers based in North America are ready to answer your staff members' questions and ensure their confidence. CivicPlus' support team is available 8 a.m. – 6 p.m. CST to assist with any questions or concerns regarding technical functionality and usage of Select.

CivicPlus Technical Support will provide a toll-free number as well as an online email support system for users to submit technical issues or questions. If the customer support specialist is unable to assist with the question or issue, the three-tier escalation process will begin to report issues to our product engineering team for resolution.

Support at a Glance

- Technical support engineers available 8 a.m. – 6 p.m. (CST) Monday – Friday (excluding holidays)
- Accessible via phone and email
- 4-hour response during normal hours
- 24/7 emergency technical support for named points of contact
- Dedicated customer success manager
- Online self-service help with the CivicPlus Help Center (civicplus.help)

Emergency technical support is available 24/7 for designated, named points-of-contact, with members of CivicPlus' support teams available for urgent requests.



AWARD-WINNING

CivicPlus has been honored with three Gold Stevie® Awards, six Silver Stevie® Awards, and nine Bronze Stevie® Awards. The Stevie Awards are the world's top honors for customer service, contact center, business development, and sales professionals.

CIVICPLUS HELP CENTER

CivicPlus customers have 24/7 access to our online Help Center where users can review articles, user guides, FAQs, and can get tips on best practices. Our Help Center is continually monitored and updated by our dedicated Knowledge Management Team to ensure we are providing the information and resources you need to optimize your solution. In addition, the Help Center provides our release notes to keep your staff informed of upcoming enhancements and maintenance.

CONTINUING PARTNERSHIP

We won't disappear after your solution is launched. You'll be assigned a dedicated customer success manager who will partner with you by providing information on best practices and how to utilize the tools of your new system to most effectively engage your residents.



MAINTENANCE

CivicPlus is proactive in identifying any potential system issues and often corrects issues before they ever affect our customers' web solutions. Our standard maintenance includes:

- Regular review of site logs, error messages, servers, router activity, and the internet in general
- Full backups performed daily
- Regularly scheduled upgrades including fixes and other enhancements
- Operating system patches
- Testing and development

Hosting & Security

Redundant power sources and internet access ensure consistent and stable connections. We invest over 1.0M annually to ensure we adapt to the ever-changing security landscape while providing maximum availability. CivicPlus' extensive, industry-leading process and procedures for protecting and hosting your site are unparalleled.

CLOUD-HOSTING WITH AZURE

The infrastructure is fully hosted within the Azure Cloud environment using their Infrastructure as a Service (IaaS) model. Using a mix of Azure Virtual Machines and Storage Accounts, all processing and data storage is done within this environment. All users need is a web browser to access and utilize the application. Your system is monitored 24/7/365 with a 99.9% guaranteed up-time (excluding maintenance). Additional details regarding our hosting and security services can be provided upon request.

DISASTER RECOVERY

Agenda and Meeting Management Select utilizes Azure's Site Recovery Services and Geographically Redundant Storage Accounts (GRS) to provide disaster recovery between Azure regions. All data is written to a GRS account, which creates copies of that data in data centers across multiple Azure regions, so access to the data is always available. Site Recovery Services allows us to quickly spin up and failover to clones of our Azure Virtual Machines.

Disclaimer

A successful project begins with a contract that meets the needs of both parties. This proposal is intended as a non-binding document, and the contents hereof may be superseded by an agreement for services. Its purpose is to provide information on a proposed project we believe will meet your needs based on the information available. If awarded the project, CivicPlus reserves the right to negotiate the contractual terms, obligations, covenants, and insurance requirements before a final agreement is reached. Subject to the terms of the final controlling agreement, CivicPlus requires its standard Master Services and Solutions and Service Terms to be incorporated and linked in the final agreement. For reference, the CivicPlus standard Master Services and Solutions and Service Terms can be found online at civicplus.help/hc/en-us/sections/. We look forward to developing a mutually beneficial contract with you.

Optional Enhancements

LIVE MEETING MANAGER

Live Meeting Manager enhances live meetings by integrating the board portal with audience display pages, offering a unified experience with efficient controls. It features automations to engage participants through in-chamber displays, electronic voting with one-click, and real-time updates of the current item. The system allows easy display of speaker details, board member requests, and chairperson controls for managing the meeting. Additionally, it automatically bookmarks video timestamps to agenda items, making it easier for viewers to access specific discussion topics.

CIVICPLUS MEDIA: LIVE STREAMING & ON-DEMAND VIDEO

Increase resident engagement and participation by sharing high-definition live video feeds of your meetings directly from Select and CivicPlus Media. Stream up to three concurrent live proceedings and seamlessly integrate all video content directly into your meeting agendas. Videos feature clear bookmarking and navigation so viewers can quickly find discussions of interest. Viewers can watch videos from any device with no software or application downloads necessary. Integrated closed captioning and translation services are available at an additional cost.

BOARDS & COMMITTEES MODULE

The Boards and Committees module tracks vacancies, applications, and appointments. Interactive dashboards give you quick access to actionable information. Easily manage rosters and generate communications using customized templates. Store system-generated communications and other necessary documentation at the board or individual member level. Track training and other internal requirements.



BOARD APPLICATIONS

The Board Applications solution powered by CivicPlus' Process Automation and Digital Services solution offers a digital platform to streamline the recruitment, vetting, and appointment of local government board members. This solution includes an online portal for residents to apply for board positions, eliminating the need for paper submissions. The Board Applications solution simplifies the recruitment and management of board members by allowing administrators to promote open positions and enabling residents to apply online from any device, securely storing all personal data. It ensures transparent communication with customizable email templates, notifies administrators of new applications, and facilitates digital review and selection by board committees. The solution supports remote collaboration with features for managing meeting schedules, member rosters, and vacancies, and offers reporting, analytics, and advanced search functionality to streamline board operations and inform strategic decisions.

Additionally, the optional addition of the Power Automate Connector integrates with Office 365 products to automate routine tasks, enhancing efficiency.

PLATFORM IDENTITY PROVIDER (IDP) INTEGRATION

CivicPlus offers IdP integration capabilities, which means you'll benefit from easier integration between your CivicPlus solutions and your favorite third-party solutions. Provide single sign-on (SSO) functionality to streamline managing and supporting user credentials and identify management solutions. CivicPlus IdP partners include Microsoft's Entra ID (formerly Azure AD), Microsoft's Active Directory Federation Services (AD FS) versions 3.0, 4.0, and 5.0, and Okta.

LASERFICHE INTEGRATION

With a third-party integration in Integration Hub you can route data to Laserfiche's cloud-hosted solution.

HISTORICAL FILE IMPORT

As part of your implementation project, we will import a specified number of meetings to your new system. Choose an import with or without videos in increments of up to 500, 500-750, or 750+ meetings.

The process includes indexing your imported agendas for keyword searching and retrieval. You and your residents will still have access to this historical information with increased functionality. Historic meeting documents imported into Select by your implementation consultant will be optimized for character recognition to improve complete text search, and accessibility for screen reading assistive devices.





FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider March 20, 2025 City Council Meeting Minutes

COUNCIL MEETING DATE: May 1, 2025

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 March 20, 2025 City Council Meeting Minutes.pdf](#)



**City of Flowery Branch
City Council Meeting
Thursday, March 20, 2025, 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 meeting to order at 6:02 p.m.

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

Also present were City Manager Tonya Parrish, City Clerk Shelia Cooper, Finance Director Matthew Hamby, Planning and Community Development Director Chris McCrary, Human Resources Director Krystle Hightower, Public Works & Utilities Director Bill Whidden, Director of Fun Renee Carden and City Attorney Frank Hartley.

Absent: None

PLEDGE OF ALLEGIANCE:

Mayor Asbridge led the Pledge of Allegiance.

ADOPTION OF AGENDA:

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

MOTION: Chris Mundy

SECOND: Joe Anglin

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

NAYS: None

Motion carried

AWARDS & RECOGNITIONS:

Mayor Asbridge introduced Peter Woerner, Public Utilities Manager. Manager Woerner wanted to congratulate and recognize three utilities employees who have successfully completed state certifications. A Class 1 Certification is very hard to earn and may take years to complete.

David McGovern received his Class 1 Wastewater Certification in the fall of 2024 and was recently promoted to Lead Operator. David oversees the minor day-to-day functions. David is cross trained and can be utilized in other areas when the need arises.

Jonathan Whitlock received his Class 1 Wastewater License in the fall of 2024 and was recently promoted to Lab Operator/Water and Sewer Assistant. Jonathan has been busy running the water and sewer lab for the City of Flowery Branch and he is cross trained and happy to assist when there is a need.

James Boggs received his Class 1 Maintenance Technologist Certificate in the fall of 2024 and has taken on the Lead Maintenance role for over one year now. He leads a small crew of employees in maintaining all the water and sewer assets in the City of Flowery Branch.



Pictured left to right: Peter Woerner, Public Utilities Manager, Mayor Asbridge, David McGovern, Lead Operator, and Jonathan Whitlock, Lab Operator/Water and Sewer Assistant. (James Boggs was not in attendance)

PUBLIC HEARING: There were no public hearings.

UNFINISHED BUSINESS - WORK SESSION:

Consider the Second Reading of Ordinance 730 for a Conditional Use Permit at 5205 Railroad Avenue for the Operation of a Micro-Brewery.

Director McCrary presented Ordinance 730. The applicant is seeking the approval of a Conditional Use Permit for the operations of a micro-brewery within the existing building located at 5205 Railroad Avenue, tax identification number 08112 016001. The building appears as number sixty-two on the Historical Registry, requiring a Certificate of Appropriateness prior to any material or structural changes to the façade.

Parking Requirements & Recommendations:

- **Core Downtown Parking:** The applicant shouldn't expect the availability of parking to support the restaurant along Railroad Ave., Spring St., and Main St. due to current demands for existing businesses.
- **Spring St. On-Street Parking:** Approximately 20 parallel spaces available.
- **Norfolk Southern Property:** Additional parking may be possible on Norfolk Southern property north of the intersection of Railroad Ave. and Spring St. This option requires the applicant to secure approval from Norfolk Southern and comply with the City's Development Regulations for parking lot improvements.
- **Flowery Branch United Methodist Church:** There are an estimated 16 parking spaces at the church. The applicant would need to secure a shared parking agreement, record the agreement, and submit it to the City.

Staff Analysis:

Given the existing parking constraints in the area, it is reasonable to require the applicant to address the parking deficiency through a combination of available options to meet the required parking capacity. The risk of limited parking is the success of the brewpub and restaurant. Walkable parking is available further north at the gravel lots if customers are willing to walk the distance.

Certificate of Appropriateness:

The subject building located at 5205 Railroad Avenue (Parcel 08112 016001) is designated as historic building #62. Per the Historic District Zoning Ordinance, a certificate of appropriateness is required prior to any material change to the building or site. The applicant provided an existing condition report which gives an accurate representation of the current conditions and highlights critical areas to be addressed:

Summary of Recommended Actions

1. **Roof:** Full replacement or extensive repairs to address leaks and structural issues.
2. **Exterior Walls:** Repair and seal damaged wood elements; apply protective coatings to block walls.
3. **Foundation:** No action required at this time.
4. **Windows and Doors:** Replace or repair for improved functionality and aesthetics.
5. **Interior Repairs:** Address moisture infiltration, repair finishes, and consider new flooring installation.
6. **Utilities:** Conduct detailed inspections and upgrade as necessary to meet future operational demands.

Elevations:

The applicant provided color renderings of the subject building



Recommendations for Conditional Use Permit:

Staff recommend the approval of the proposed Conditional Use Permit (CUP) for the operation of a micro-brewery with the following conditions:

1. The Conditional Use Permit is issued to the entity obtaining the business license and should the occupant vacate the building, the CUP expires.
2. Adequate parking shall be provided to support the proposed micro-brewery and restaurant per the requirements of Table 21.3. The applicant shall provide a parking plan with a combination of proposed parking, street parking along Spring Street, and shared parking with a privately owned entity. The Planning and Community Development Director shall be provided with a copy of the shared parking agreement should the applicant arrange approval of shared parking.
3. All parking spaces proposed must be compliant with Article 21.
4. The approval of the CUP does not provide approval of variances to Federal, State, or Local codes and regulations.
5. The applicant must ensure that proper fire lanes, emergency access routes, and safety measures are in place in accordance with local fire codes and regulations.
6. The building plans shall be substantially similar to the area use breakdown provided by the applicant. The building is +/- 8,700 square feet. 2,000 square feet of brewery, 1,000 square feet of bathroom, 4,900 square feet of restaurant, and 800 square feet of mechanical.

****Director McCrary stated there is one change if Council approves this ordinance, that would be to strike condition number 1 (The Conditional Use Permit is issued to the entity obtaining the business license and should the occupant vacate the building, the CUP expires).**

Recommendations for Certificate of Appropriateness:

Staff recommend the approval of a Certificate of Appropriateness for the subject property with the following conditions:

1. The building materials shall be similar to the information provided in note one on the building elevations.
2. The applicant shall add more wall openings adjacent to Railroad Avenue to break up the wall plane. It should be similar to the elevation facing Atlanta Highway. Final design to be approved by the Planning and Community Development Director.
3. The building finish shall be Galvalume Plus similar in color to the existing building maintaining the character of the building. The finish shall not be reflective or mirror-like. The applicant shall provide a sample of the material with colors for approval by the Planning and Community Development Director.
4. The applicant shall provide architectural details of the windows and doors including material and color. Final design to be approved by the Planning and Community Development Director.
5. The applicant shall provide details of the stepped decking and handicap ramps at the entrance for review of material and colors. Final design to be approved by the Planning and Community Development Director.

Council held a discussion with Director McCrary.

Consider the Second Reading of Ordinance 733 for a Text Amendment to Add Sections 6.5 and Section 6.6; Text Amendment to Revise Table 6.1, Table 6.2 within Article 6, Article 12 Section 12.6 and definitions in Article 2, Section 2.1.

Director McCrary presented Ordinance 733 which introduces SF-TH single family townhome district and RMU – Residential Multi-Unit into Article 6. Each use is described in Sections 6.5 and 6.6. Table 6.1 is revised to show permitted and conditional uses, and 6.2 has been revised to include dimensional requirements for SF-TH and RMU. Design requirements remain the same. For example, no more than 6 townhome units in a building. All architectural standards are in place and will be applied to all permits.

In order to maintain legal consistency, the changes made to townhome dimensional standards require revisions to be made to Section 12.6:

- a) Lot Frontage and Lot Width: minimum lot width ~~twenty~~ ~~(20)~~ unit width plus side setback on end units.
- b) Unit Width: Each rear entry garage townhome shall have a minimum width of 24 feet and each front entry garage townhome shall have a minimum width of 26 feet.
- c) ~~(b)~~ Lot Size: Reordered paragraph to accommodate addition of new (b)

- d) ~~(e)~~ Front Building Setback: a minimum twenty-five ~~(20)~~ (25) foot front setback
- e) ~~(d)~~ Side Setback and Zero Lot Line: Reordered to accommodate addition of new (b)
- f) ~~(e)~~ Rear Setbacks: Added 25-foot setback from garage to alley on rear entry garages

NEW BUSINESS -WORK SESSION:

Update on the Construction of the Wastewater Treatment Plant Expansion

Addison Shealy, Archer Western, presented a second update on the construction of the Wastewater Treatment Plant Expansion. There have been zero safety incidents or quality incidents from the project beginning to date. The Early Works project is complete. All the project permits including the GDOT permit are complete. The yard piping, concrete, site electrical and mechanical are ongoing.



Progress Photos



Project Site



11/22/24



03/14/24



Progress Photos



Project Site



3/20/25



Progress Photos



Bioreactor Basin



11/22/24



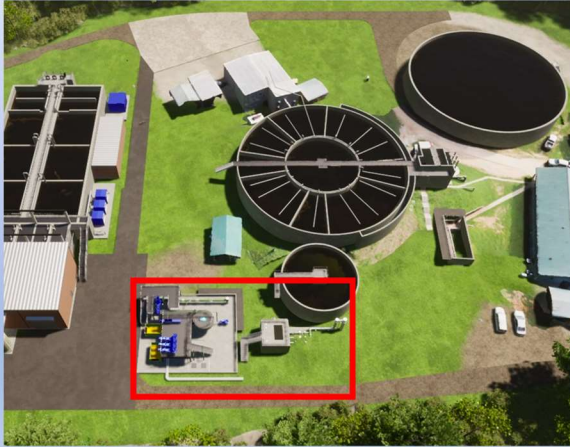
03/14/25



Progress Photos



Headworks Facility & EQI Pump Station



3/14/25



Progress Photos



Plant Entrance



2/10/25



3/14/25



Progress Photos



Concrete Paving/Belt Press at Dewatering Building



Progress Photos



Work Inside EQ Tank Aeration Equipment



11/22/24



03/14/24



Progress Photos



Progress Photos





Progress Photos



Project Financials



Billings

Project Financials	Total Budget	Previous Invoices	February 2024 PayApp	To Date Total	To Date % Complete	Balance to complete
Early Work Package	\$ 2,656,430.00	\$ 220,100.00	\$ 503,566.32	\$ 2,474,018.58	96%	\$ 220,581.11
Main Construction Phase	\$ 43,311,101.00	\$ 1,829,071.39	\$ 1,308,459.14	\$ 7,998,680.21	20%	\$ 35,662,420.79

Allowances & Contingencies Use

Early Work Package						
Description	Original Budget	Approved to Date	Remaining Amount	Pending	Remaining Amount (Including Pending)	% Remaining
Owner Allowances	\$199,190.00	\$97,477.60	\$101,712.40	\$0.00	\$101,712.40	51.06%
Owner Contingency	\$99,711.00	\$69,686.79	\$30,024.21	\$6,000	\$24,024.21	24.09%
CMAR Contingency	\$99,711.00	\$59,799.57	\$39,911.43	\$0.00	\$39,911.43	40.03%

Main Construction Phase						
Description	Original Budget	Approved to Date	Remaining Amount	Pending	Remaining Amount (Including Pending)	% Remaining
Owner Contingency	\$900,000.00	\$18,137.85	\$881,862.15	\$260,019.55	\$621,842.60	69.09%
CMAR Contingency	\$1,600,000.00	\$0.00	\$1,600,000.00	\$25,000.00	\$1,575,000.00	98.44%

Discussion of Timed Parking Spaces on Main Street and Pine Street.

City Manager Parrish presented a discussion on timed parking spaces on Main Street and Pine Street. Council held a open discussion on time parking on Main Street.

Consider Resolution 25-002 to Amend the City of Flowery Branch Investment Policy.

Director Hamby presented Resolution 25-002 to amend the City of Flowery Investment Policy. It is recommended that policies be reviewed at least every five years. After review, two changes are recommended. The current recommendations are to increase the investments for longer than one year from 20% of the portfolio to 30% of the portfolio and to review the policy at least every 5 years instead of annually. No other changes to the policies are recommended. As always, staff will ensure appropriate liquidity is available to maintain current operations.

Consider the First Reading of Ordinance 736 for an Amendment to the Charter of the City of Flowery Branch to Increase the Amount of Per Diem for Meeting Attendance by the Mayor and Councilmembers

City Manager Parrish presented Ordinance 736 for an amendment to the Charter of the City of Flowery Branch to increase the amount of Per Diem for meeting attendance by the mayor and councilmember from \$50.00 to \$100.00 per meeting and to increase the number of allowable meetings from five meetings each month to eight meetings each month. If this ordinance passes, the effective date would be January 1, 2026.

Consider Approval of the Tyler Enterprise Permitting and Licensing Proposal

Director McCrary presented a consideration of Tyler Enterprise Permitting and Licensing proposal. Tyler Enterprise Software offers Flowery Branch a centralized platform that automates, connects, and streamlines essential government processes. The system supports critical operations including planning, permitting, licensing, building and land development inspections, and code enforcement, while ensuring seamless fee management across departments.

The platform enhances overall efficiency and communication, promoting productivity and robust interdepartmental collaboration. Its dedicated mobile application extends these benefits to field operations, empowering employees to work more proficiently. In addition, the comprehensive online portal provides the public with a user-friendly way to submit permit applications, plans, and online payments, offering anytime, anywhere, access to services.

Director Hamby discussed the communication and financial portion of this proposal. The fee proposals are a one-time fee of \$110,575.00 and a recurring fee of \$43,346.00 per the proposal provided by Tyler Technologies. In addition to the Planning software, the city administration has been looking at alternative payment plat forms. Through the review of the Planning software, we became aware of a payment platform that our current financial software provides. By moving to this new platform, it will streamline payments and consolidate payments associated with utility billing, tax payments, and associated planning payments. This will increase efficiency in the

planning and finance departments. In addition to these efficiencies, it will add alternative forms of payments, such as echecks with a flat fee of \$1.95.

Council held a discussion with Director McCrary and Director Hamby.

DEPARTMENT REPORTS:

City Clerk Report:

City Clerk Cooper advised there will conduct its regularly scheduled election on November 4, 2025, to address offices held by the mayor as well as council members representing Post 3, Post 4, and Post 5. The qualifying period will be Monday, August 18, 2025, through August 20, 2025.

Department of Fun Report:

Director Carden noted upcoming events in the City.

Planning Department Report:

Director McCrary presented an update on the Community Development Department. Planning and Community Development functions as a bridge between the City's growth ambitions and the practical, regulatory, and community needs of citizens and developers, ensuring that development benefits the entire community.

Meet the Team!

We Are a Dedicated Team Committed to Professional Excellence, Implementing Innovative Strategies, Community Engagement, and Sustainable Growth for The City of Flowery Branch.



Chris McCrary
Director of Community Development

"A good-to-great leader begins the transformation by first getting the right people on the bus (and the wrong people off the bus) and then figuring out where to drive it." ~Jim Collins



Dani Nash
Administrative Coordinator



Paul Jennison
Building Official



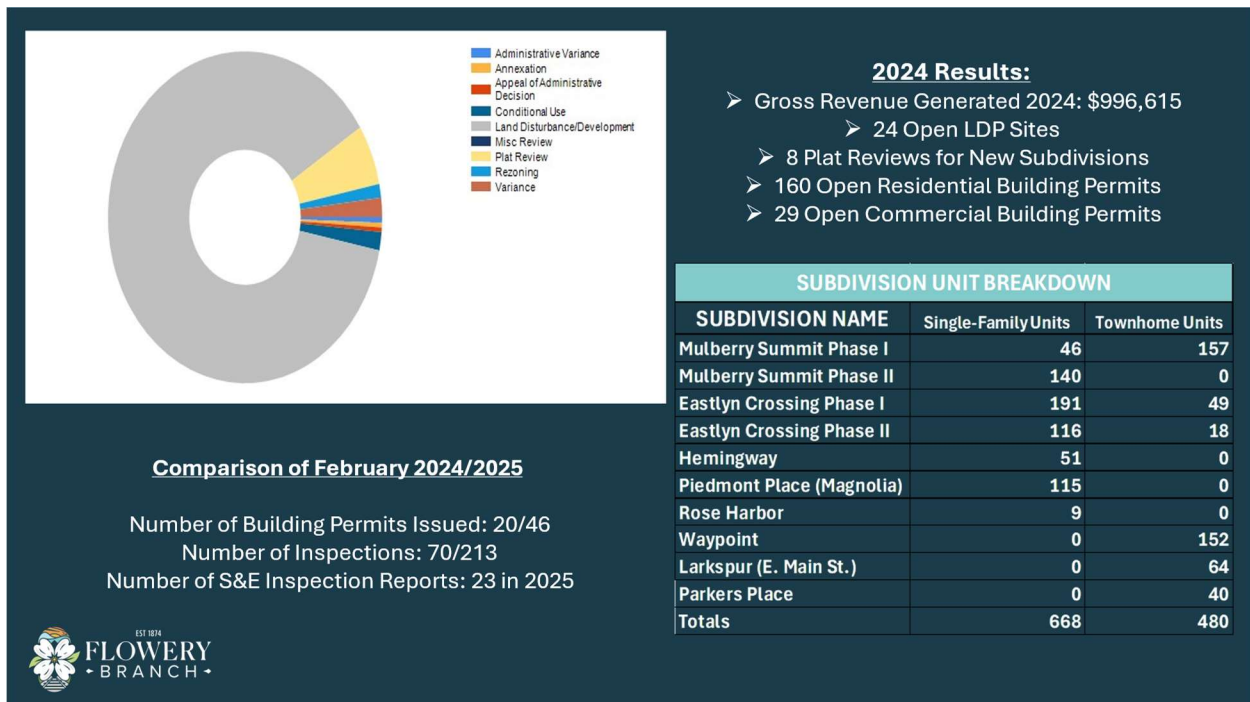
Patty Hurt
Occupational Tax Specialist & Building Permit Clerk

"When you hand good people possibility, they do great things." ~Biz Stone

"It is amazing what you can accomplish if you do not care who gets the credit." ~Harry S Truman







The City of Flowery Branch is still the place to build! The proximity to Lake Lanier and a thriving community makes Flowery Branch an attractive venue for citizens and investors. With multiple large projects currently seeking annexation, our goal is to maintain rigorous standards while increasing efficiency. Higher density, quality focused residential developments are a point

to consider. Our beloved downtown continues to grow as the City embarks on Phase II of downtown development with plans for infrastructure improvements, encouraging more downtown dining and retail options, connectivity objectives, and an expansive vision towards the future of downtown and the CBD zoning district. A complete overhaul of the City's Comprehensive Plan is underway for 2025/2026 allowing for the opportunity to revisit and refine the long-range vision for the City and to involve the community in the shaping of that vision. Applying to make Flowery Branch a PlanFirst Community to increase community access to resources and grants. Updating our landscape ordinance in an effort to celebrate the natural beauty of Flowery Branch and to help balance development needs with community desires. Seeking designation as a Tree City USA through the Arbor Day Foundation would bring recognition and community resources to our beautiful city.

Council report:

Council Member Mundy thanked Director McCrary for his presentation, and he congratulated Mr. Woerner and the Wastewater Plant employees on earning their certifications.

Council Member Mezzanotte stated that planning and wastewater are two great departments. He advised that GDOT had an open house recently and it is a great opportunity for citizens to learn valuable information and meet representatives from GDOT.

Council Member Anglin congratulated the gentlemen from the Wastewater Plant that earned their certificates and stated how much he appreciates all their hard work in their department.

Mayor Asbridge stated he appreciated all the employees and the energy and commitment that is given every day.

ADJOURNMENT WORK SESSION:

Mayor Asbridge adjourned the work session at 7:23 p.m.

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

Mayor Asbridge called the voting session to order at 7:23 p.m.

PUBLIC COMMENTS: There were no public comments.

CONSENT AGENDA:

- Consider March 6, 2025 City Council Meeting Minutes
- Consider February 2025 Per Diem for Council Member McClellan
- Consider February 2025 Per Diem for Council Member Mezzanotte
- Consider New Package Store License for Evimeria Investment, LLC
- Consider New Consumption on Premise License for ShogunFB, LLC

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

MOTION: Chris Mundy

SECOND: William McDaniel

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

NAYS: None

Motion carried

UNFINISHED BUSINESS - VOTING SESSION:

Consider the Second Reading of Ordinance 730 for a Conditional Use Permit at 5205 Railroad Avenue for the Operation of a Micro-Brewery.

City Clerk Cooper read the caption for Ordinance 730.

There was a motion made to approve the second reading of Ordinance 730.

MOTION: Chris Mundy

SECOND: Oliver McClellan

City Attorney Hartley advised there should be a motion to strike Condition 1 of the Conditional Use Permit.

There was an amended motion to approve the second reading of Ordinance 730 with striking Condition 1 of the Conditional Use Permit.

MOTION: Chris Mundy

SECOND: Oliver McClellan

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

NAYS: None

Motion carried

Consider the Second Reading of Ordinance 733 for a Text Amendment to Add Sections 6.5 and Section 6.6; Text Amendment to Revise Table 6.1, Table 6.2 within Article 6, Article 12 Section 12.6 and definitions in Article 2, Section 2.1.

City Clerk Cooper read the caption for Ordinance 733.

Council held a discussion prior to the motion.

There was a motion made to approve Ordinance 733 as presented.

MOTION: Oliver McClellan

SECOND: William McDaniel

Council held a discussion prior to the vote for Ordinance 733.

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

NAYS: None

Motion carried

NEW BUSINESS - VOTING SESSION:

Consider Resolution 25-002 to Amend the City of Flowery Branch Investment Policy.

City Clerk Cooper read the caption of Resolution 25-002.

There was a motion made to approve Resolution 25-002.

MOTION: Joe Anglin

SECOND: Joseph Mezzanotte

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

NAYS: None

Motion carried

Consider the First Reading of Ordinance 736 for an Amendment to the Charter of the City of Flowery Branch to Increase the Amount of Per Diem for Meeting Attendance by the Mayor and Councilmembers

City Clerk Cooper read the caption for Ordinance 736.

There was a motion made to adopt the first reading of Ordinance 736.

MOTION: Oliver McClellan
SECOND: Joseph Mezzanotte
AYES: Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
NAYS: Joe Anglin
Motion carried

Consider Approval of the Tyler Enterprise Permitting and Licensing Proposal

There was a motion made to approve the proposal for Tyler Enterprise Permitting and Licensing.

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

EXECUTIVE SESSION:

There was a motion made to enter an executive session for matters related to the acquisition/disposition of real estate, for matters related to certain personnel issues, and for matters related to pending or potential litigation at 7:33 p.m.

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

There was a motion made to exit the executive session at 8:02 p.m.

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

ADJOURNMENT:

There was a motion made to adjourn the meeting at 8:02 p.m.

MOTION: Oliver McClellan

SECOND: William McDaniel

AYES: Joe Anglin, Oliver McClellan, William McDaniel, 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 3, 2025 City Council Meeting Minutes

COUNCIL MEETING DATE: May 1, 2025

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 3, 2025 City Council Meeting Minutes.pdf](#)



**City of Flowery Branch
City Council Meeting
Thursday, April 3, 2025, 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 meeting to order at 6:00 p.m.

Present: Mayor Asbridge and Council Members Oliver McClellan, William McDaniel, Joseph Mezzanotte, and Chris Mundy.

Also present were City Manager Tonya Parrish, City Clerk Shelia Cooper, Finance Director Matthew Hamby, Planning and Community Development Director Chris McCrary, Human Resources Director Krystle Hightower, Department of Fun Director Renee Carden, Public Works & Utilities Director Bill Whidden, and City Attorney Ted Baggett.

Absent: Council Member Joe Anglin (arrived at 6:11 p.m.)

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: Chris Mundy

SECOND: Oliver McClellan

AYES: Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

AWARDS & RECOGNITIONS: There were no awards or recognitions.

NEW BUSINESS -WORK SESSION:

Consider the Approval of a Preliminary Plat for a TND Zoned Tract Located at 5465 & 5475 E. Main Street, Flowery Branch, Georgia.

Director McCrary presented consideration of a preliminary plat for a TND zoned tract located at 5465 and 5475 East Main Street. The applicant submits the Preliminary Plat for review and consideration in accordance with Article 5 – Preliminary Plat. The site is currently zoned TND,

and the proposed development consists of 64 rear-loaded townhomes on 10.8 acres, yielding a density of 5.9 units per acre. The proposed townhome development are all rear entry garages that are served with alleys. The front facades face towards the streets and sidewalk network. The townhomes are proposed 24' wide and a minimum 1,200 sf of heated floor area. Staff has not completed a design review for architectural compliance. The design includes 2.23 acres of open space of 10.8 acres of total area.

Staff recommends the approval of the Preliminary Plat, subject to the following conditions:

1. E. Main Street Improvements: The frontage of the proposed development along E. Main Street shall be improved in accordance with the standards set forth in Article 10. The project engineer must coordinate with the Director of Public Works prior to the issuance of a Land Disturbance Permit.
2. Waterline Connection: The developer shall establish a waterline loop upon connecting to the water main. Coordination with the Director of Public Works is required by the project engineer before a Land Disturbance Permit is issued.
3. Sanitary Sewer Manhole: The developer shall provide a sanitary sewer manhole at the common property line with the city-owned parcel (08113 002013). The project engineer must coordinate with the Director of Public Works prior to the issuance of a Land Disturbance Permit.
4. Alley Maintenance: All alleys within the development shall be designated as private streets, to be owned and maintained by the Homeowner's Association.
5. Proposed Street Design: The approval of the preliminary plat by the City Council doesn't concurrently approve any variances not specifically requested with a variance application and submittal.

Council held a discussion with Director McCrary.

Council Member Joe Anglin arrived at the meeting at 6:11 p.m.

Ms. Ansley Johnston with Land Design Solutions, 1088 Turtle Pond Drive, Watkinsville, GA 30077, spoke to Council regarding the preliminary plat.

Mr. Clif Poston with Traton Homes, 720 Kennesaw Avenue, Marietta, Georgia 30060, spoke to Council regarding the preliminary plat.

Consider Termination of the Intergovernmental Agreement for Geographic Information System (GIS) Services and Property Addressing Services between Hall County and the City of Flowery Branch dated December 10, 2020.

City Manager Parrish presented a consideration to terminate an Intergovernmental Agreement for Geographic Information System and Property Addressing Services between Hall County and the City of Flowery Branch. Flowery Branch has enjoyed the use of Hall County's GIS services for many years. The time has come where Flowery Branch has a need for more than Hall County's GIS services offer. With the development of its own GIS, Flowery Branch staff will be able to redline corrections out in the field (water lines, sewer lines, stormwater, or roads) and will have real time information readily available to them in the field. Flowery Branch's GIS

software will integrate nicely with our work order systems in both public utilities and public works, allowing staff to see the items in the work order system on a map. This software will also have features to notify those customers affected should there be a water line that is down and notify the same customers of when the water line is back open. Although there will be savings of approximately \$25,000 that the city is no longer paying to Hall County, the funding will go into further building of Flowery Branch's GIS system so there is no savings or excess funding needed for the item.

Council held a discussion with City Manager Parrish.

DEPARTMENT REPORTS:

Department of Fun Report:

Director Carden noted upcoming events.

Human Resources Report:

Director Hightower provided an update on employee wellness program. During the month of February there was a Step Challenge and there were twenty-four participants divided into six teams. The top team finalized with 1,398,122 steps and the team members were Julie Kokoschke, Kelsey Cash, Heather McGuffey, Sgt. Chris Compton. The top three individuals were Sgt. Compton, Julie Kokoschke, and Bill Whidden. Fifteen employees participated in the Chamber Chase 5K/ 2 Mile Walk and Sgt. Compton designed the t-shirt and won Best Use of Company Logo.



Chamber Chase 5K / 2 Mile Walk



15

Attorney Report:

Attorney Baggett presented an report on his role with the City of Flowery Branch. He explains that he represents the City itself, not any one person or group. They do not represent the public that lives or works in the City. They do not represent the employees as individuals. They do not represent the elected officials as individuals. The governing authority has the power to appoint and remove the City Attorney. The governing authority and the employees act in the course of their duties on behalf of the City in making or implementing policy. Thus, they set the direction, and the City Attorney assists with the legal aspects of implementation. Here in Flowery Branch, the City Attorney is not an in-house employee.

He explained they draft and review ordinances, contracts, and real estate documents. They provide counsel to elected officials and employees on matters within their duties on behalf of the City. The types of issues that arise are many and varied in municipal practice; they include but they aren't necessarily limited to: personnel, land use, contracts, and determining the scope of city authority.

He explained if the City of Flowery Branch gets sued, the City Attorney and the City's insurance carrier are notified as soon as it happens. Insurance carriers typically assign lawyers that they work with that are experienced in particular types of cases when money damages are claimed. When there isn't any money damages claimed, it is usually the City Attorney that defends the City.

It can be hard to measure productivity for the City Attorney as unpredictable variables dictate how long certain matters can take as well as outcomes. It is also not wise to share details of legal

advice given in a public meeting. Trademarking the City's new logo, assisting with the City's bond validation, and authoring the attorney letter for the City's audit.

Council Report:

Council Member Mundy wanted to thank the City Attorney for his presentation. He said it is also great to hear about each department and he learns something new with each department presentation.

Council Member McClellan advised he will not be running for re-election as a council member but will be running for the mayor's seat.

Mayor Asbridge reported that he will be supporting Council Member McClellan in his endeavor for the mayor seat.

ADJOURNMENT WORK SESSION:

Mayor Asbridge adjourned the work session at 6:40 p.m.

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

Mayor Asbridge called the voting session to order at 6:40 p.m.

PUBLIC COMMENTS: There were no public comments.

CONSENT AGENDA:

- Consider March 2025 Per Diem for Mayor Asbridge
- Consider Wine & Distilled Spirits at La Casa Del Taco.

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

MOTION: Chris Mundy

SECOND: William McDaniel

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

NAYS: None

Motion carried

UNFINISHED BUSINESS - VOTING SESSION:

Consider the Second Reading of Ordinance 735 for a Text Amendment for Density Definition.

City Clerk Cooper read the caption for Ordinance 735.

There was a motion made to approve the second reading of Ordinance 735.

MOTION: Oliver McClellan

SECOND: Chris Mundy

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

NAYS: None

Motion carried

Consider the Second Reading of Ordinance 736 for an Amendment to the Charter of the City of Flowery Branch to Increase the Amount of Per Diem for Meeting Attendance by the Mayor and Councilmembers

City Clerk Cooper read the caption for Ordinance 736.

There was a motion made to approve the second reading of Ordinance 736.

MOTION: Oliver McClellan

SECOND: William McDaniel

AYES: Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: Joe Anglin

Motion carried

NEW BUSINESS - VOTING SESSION:

Consider the Approval of a Preliminary Plat for a TND Zoned Tract Located at 5465 & 5475 E. Main Street, Flowery Branch, Georgia.

There was a motion made to approve the preliminary plat for a TND Zoned Tract Located at 5465 & 5475 E. Main Street, Flowery Branch, Georgia

MOTION: Chris Mundy

SECOND: Oliver McClellan

Council held a discussion.

AYES: Joe Anglin, Oliver McClellan, Chris Mundy

NAYS: William McDaniel, Joseph Mezzanotte

Motion carried

Consider Termination of the Intergovernmental Agreement for Geographic Information System (GIS) Services and Property Addressing Services between Hall County and the City of Flowery Branch dated December 10, 2020.

There was a motion made to terminate the Intergovernmental Agreement for Geographic Information System (GIS) Services and Property Addressing Services between Hall County and the City of Flowery Branch dated December 10, 2020 and authorize the City Manager to send a letter to Hall County giving the required 90-day notice of termination.

MOTION: Oliver McClellan

SECOND: William McDaniel

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

NAYS: None

Motion carried

EXECUTIVE SESSION: There was no executive session held.

ADJOURNMENT:

There was a motion made to adjourn the meeting at 6:40 p.m.

MOTION: Oliver McClellan

SECOND: William McDaniel

AYES: Joe Anglin, Oliver McClellan, William McDaniel, 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 2025 Per Diem for Mayor Asbridge

COUNCIL MEETING DATE: May 1, 2025

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

Yes

AMOUNT AND SOURCE OF FUNDS:

\$250.00 GL 100-1110-511101

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Mayor Asbridge April 2025 Per Diem.pdf](#)



**City of Flowery Branch
Mayor & Council Attendance Sheet Per Diem Pay**

Name: Mayor Edward R. Asbridge Month/Year: April 2025

Meeting Date	Description of Meeting
4-1 ✓	CHAMBER - TAX ABATEMENT ASSISTANCE 4-5:10pm
4-2 ✓	HC GROUND BREAKING NEW WASTEWATER PLANT
4-10 ✓	STATE OF THE COUNTY - STERLING ON THE LAKE 6:30
4-22 ✓	SH BUSINESS COALITION - KINGS HAWAII 9-10
4-24 ✓	CHAMBER BOB MEETING 12-13

My signature certifies that I am eligible to be paid for 5 meeting dates, a maximum of 5 per month, in accordance with the Per Diem Pay as described in Ordinance 477 and at a rate of \$50.00 per meeting.

Total of \$ 250.00

Edward R. Asbridge
Signature



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider March 2025 Per Diem for Council Member McClellan

COUNCIL MEETING DATE: May 1, 2025

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

Yes

AMOUNT AND SOURCE OF FUNDS:

\$100 GL100-1110-511101

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Council Member McClellan March 2025 Per Diem.pdf](#)



**City of Flowery Branch
Mayor & Council Attendance Sheet Per Diem Pay**

Name: Oliver McClellan Month/Year: March 2025

Meeting Date	Description of Meeting
March 14, 2025	Chamber Network Over Coffee
March 27th, 2025	Chamber of Commerce Board Meeting

My signature certifies that I am eligible to be paid for 2 meeting dates, a maximum of 5 per month, in accordance with the Per Diem Pay as described in Ordinance 477 and at a rate of \$50.00 per meeting.

Total of \$ 100 .00

Oliver McClellan

Signature



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider March 2025 Per Diem for Council Member Mezzanotte

COUNCIL MEETING DATE: May 1, 2025

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

Yes

AMOUNT AND SOURCE OF FUNDS:

GL 100-1110-511101

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Council Member Mezzanotte March 2025 Per Diem.pdf](#)



**City of Flowery Branch
Mayor & Council Attendance Sheet Per Diem Pay**

Name: Joseph Mezzanotte Month/Year: 03/2025

Meeting Date	Description of Meeting
3/4/2025	S.H.B.C. - Hall County Sheriff's Dept.
3/5/2025	G.H.C. of C. - Children's Center for Hope
3/14/2025	Economic Dev. Comm. Hec - Lanier Tech
3/18/2025	G.D.O.T. Open House - Highway 211
3/27/2025	Chamber Board of Directors - Gainesville

My signature certifies that I am eligible to be paid for 5 meeting dates, a maximum of 5 per month, in accordance with the Per Diem Pay as described in Ordinance 477 and at a rate of \$50.00 per meeting.

Total of \$ 250 .00


Signature



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider April 2025 Per Diem for Council Member Mezzanotte

COUNCIL MEETING DATE: May 1, 2025

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

Yes

AMOUNT AND SOURCE OF FUNDS:

\$250.00 GL 100-1110-511101

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Council Member Mezzanotte April 2025 Per Diem.pdf](#)

Received in mailbox 4/24/2025



City of Flowery Branch
Mayor & Council Attendance Sheet Per Diem Pay

Name: Joseph Mezzanotte Month/Year: April/2025

Meeting Date	Description of Meeting
4/2	SPout Springs Sewer Expansion
4/11	Business Development @ City Hall
4/12	Hall County Called SP1257 IX
4/22	Chamber of Commerce @ King's Hawaiian
4/23	GMA District 2 Meetings

My signature certifies that I am eligible to be paid for 5 meeting dates, a maximum of 5 per month, in accordance with the Per Diem Pay as described in Ordinance 477 and at a rate of \$50.00 per meeting.

Total of \$ 250 .00


Signature



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider Recommendation to Approve Grant Award from Firehouse Subs Public Safety Foundation

COUNCIL MEETING DATE: May 1, 2025

HISTORY:

Automated External Defibrillators (AEDs) are a lifesaving tool that when deployed in the field significantly increases the survival rate for someone experiencing cardiac arrest. Currently, FBPD's Patrol Unit is not fully equipped with each vehicle carrying an AED. By adding these 8 new devices the FBPD is aggressively working towards the goal of making sure that every patrol vehicle is equipped with an AED. Doing so will drastically reduce response time and afford better life-saving capability.

FACTS AND ISSUES:

The Firehouse Subs Public Safety Foundation provides lifesaving equipment and needed resources to first responders and public safety organizations, enabling better preparedness to save lives in the communities they serve.

OPTIONS:

To approve, or not approve, a grant award in the amount of \$15,440 from the Public Subs Safety Foundation to purchase (8) AED's.

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

No

AMOUNT AND SOURCE OF FUNDS:

\$15,440 - Grant Funds

RECOMMENDATION:

To approve the acceptance of a grant award in the amount of \$15,440 from the Public Subs Safety Foundation to purchase (8) AEDs for Police Department use.

SAMPLE MOTION:

I make a motion to approve acceptance of a grant award in the amount of \$15,440 from the Public Subs

Safety Foundation to purchase (8) AEDs for Police Department use, and to authorize the Mayor and staff to execute necessary documents to apply for and accept any grants awarded to the City of Flowery Branch.

COLLABORATING DEPARTMENT:

DEPARTMENT: Finance

Prepared by: Shelia Cooper

ATTACHMENTS

- [Executive Summary - Firehouse Subs Grant Award.pdf](#)

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: Recommendation to Approve Grant Award from Firehouse Subs Public Safety Foundation

DATE: May 1, 2025

(X)RECOMMENDATION
() POLICY DISCUSSION
() STATUS REPORT
() OTHER

BUDGET INFORMATION:
ANNUAL-
CAPITAL-

COUNCIL ACTION REQUESTED ON: N/A

PURPOSE:

To accept a grant award from Firehouse Safety Subs Public Safety Foundation to the Flowery Branch Police Department in the amount of \$15,440 to purchase (8) automated external defibrillators (AED's).

HISTORY:

Automated External Defibrillators (AEDs) are a lifesaving tool that when deployed in the field significantly increases the survival rate for someone experiencing cardiac arrest. Currently, FBPD's Patrol Unit is not fully equipped with each vehicle carrying an AED. By adding these 8 new devices the FBPD is aggressively working towards the goal of making sure that every patrol vehicle is equipped with an AED. Doing so will drastically reduce response time and afford better life-saving capability.

FACTS AND ISSUES:

The Firehouse Subs Public Safety Foundation provides lifesaving equipment and needed resources to first responders and public safety organizations, enabling better preparedness to save lives in the communities they serve.

OPTIONS:

To approve, or not approve, a grant award in the amount of \$15,440 from the Public Subs Safety Foundation to purchase (8) AED's.

RECOMMENDED SAMPLE MOTION:

I make a motion to approve acceptance of a grant award in the amount of \$15,440 from the Public Subs Safety Foundation to purchase (8) AEDs for Police Department use, and to authorize the Mayor and staff to execute necessary documents to apply for and accept any grants awarded to the City of Flowery Branch as of April 16, 2025.

DEPARTMENT: Finance

Prepared by: Elias Gobble



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider Resolution No. 25-003 Subscribing to Certain Ethics Principles and Pledging to Conduct the Affairs of the City Council of Flowery Branch, Georgia Accordingly.

COUNCIL MEETING DATE: May 1, 2025

HISTORY:

In January of 2005, April of 2009, January of 2013 and January of 2017, the City of Flowery Branch adopted an Ethics Ordinance and Resolution to become a Certified City of Ethics.

FACTS AND ISSUES:

To recertify as a City of Ethics, a current resolution signed by the majority of the governing body re-adopting the five ethics principles must be approved by April 30, 2025.

â€¢ Serve others, not ourselves

â€¢ Use resources with efficiency and economy

â€¢ Treat all people fairly

â€¢ Use the power of our position for the wellbeing of our constituents

â€¢ Create an environment of honesty, openness and integrity.

OPTIONS:

1) Adopt Resolution 25-003 to continue in GMA's Certified City of Ethics program.

2) Do not Adopt Resolution 25-003 to continue in GMA's Certified City of Ethics program.

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

Yes

AMOUNT AND SOURCE OF FUNDS:

N/A

RECOMMENDATION:

Approve Resolution 25-003 approving the city's continuation of being a Certified City of Ethics through the Georgia Municipal Association subscribing to certain ethics principles and pledging to conduct the affairs of the City Council of Flowery Branch, Georgia accordingly.

SAMPLE MOTION:

I make a motion to adopt Resolution 25-003.

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [ES - Resolution 25-003 City of Ethics 5-1-25.pdf](#)
- [Resolution 25-003 City of Ethics TB 4 22 25.pdf](#)
- [ARTICLE_III.____CODE_OF_ETHICS 4 22 25.pdf](#)



**FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY**

SUBJECT: Consider Resolution No. 25-003 subscribing to certain ethics principles and pledging to conduct the affairs of the City Council of Flowery Branch, Georgia accordingly.

DATE: April 23, 2025

(X)RECOMMENDATION
() POLICY DISCUSSION
() STATUS REPORT
() OTHER

BUDGET INFORMATION:

ANNUAL- \$0

CAPITAL-

COUNCIL ACTION REQUESTED ON: May 1, 2025

PURPOSE: To consider the city's continuation of being a Certified City of Ethics thorough the Georgia Municipal Association subscribing to certain ethics principles and pledging to conduct the affairs of the City Council of Flowery Branch, Georgia accordingly.

HISTORY: In January of 2005, April of 2009, January of 2013 and January of 2017, the City of Flowery Branch adopted an Ethics Ordinance and Resolution to become a Certified City of Ethics.

FACTS AND ISSUES: To recertify as a City of Ethics, a current resolution signed by the majority of the governing body re-adopting the five ethics principles must be approved by April 30, 2025. (Since the last meeting was canceled we have requested, and have been granted an extension to May 2, 2025.)

- Serve others, not ourselves
 - Use resources with efficiency and economy
 - Treat all people fairly
 - Use the power of our position for the wellbeing of our constituents
-
-

-
-
- Create an environment of honesty, openness and integrity.

OPTIONS:

- 1) Adopt Resolution 25-003 to continue in GMA's Certified City of Ethics program.
 - 2) Do not Adopt Resolution 25-003 to continue in GMA's Certified City of Ethics program.
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-

RECOMMENDED SAMPLE MOTION:

I make a motion to adopt Resolution 25-003.

DEPARTMENT: Administration

Prepared by: Tonya Parrish

RESOLUTION NO. 25-003

A RESOLUTION OF THE CITY COUNCIL OF FLOWERY BRANCH,
GEORGIA SUBSCRIBING TO CERTAIN ETHICS PRINCIPLES AND
PLEDGING TO CONDUCT THE AFFAIRS OF THE CITY COUNCIL OF
FLOWERY BRANCH, GEORGIA ACCORDINGLY

WHEREAS the Board of Directors of the Georgia Municipal Association has established a Certified City of Ethics program; and,

WHEREAS the City of Flowery Branch, Georgia, wishes to remain certified as a Certified City of Ethics under the GMA Program; and,

WHEREAS part of the re-certification process requires the Mayor and Council to subscribe to the ethics principles approved by the GMA Board;

WHEREAS, the Mayor and City Council Members have reviewed the requirements of the City's Ethics ordinance, found at Article III of Chapter 2 of the Code of Flowery Branch;

NOW THEREFORE BE IT RESOLVED by the governing authority of the City of Flowery Branch, Georgia, that as a group and as individuals, the governing authority subscribes to the following ethics principles and pledges to conduct its affairs accordingly:

- Serve Others, Not Ourselves
- Treat All People Fairly
- Use Resources with Efficiency and Economy
- Use the Power of Our Position for the Well Being of Our Constituents
- Create an Environment of Honesty, Openness and Integrity

SO RESOLVED this 1st day of May, 2025.

Edward R. Asbridge, Mayor

ATTEST:

Chris Mundy, Post 1

Shelia R. Cooper, City Clerk

Joseph Mezzanotte, Post 2

APPROVED AS TO FORM:

William McDaniel, Post 3

Ted C. Baggett, City Attorney

Joe Anglin, Post 4

Oliver McClellan, Post 5

ARTICLE III. CODE OF ETHICS

Sec. 2-44. Intent.

- (a) It is essential to the proper administration and operation of the city that:
- (1) The members of its governing authority be, and give the appearance of being, independent and impartial;
 - (2) Public office not be used for private gain; and
 - (3) There be public confidence in the integrity of the governing authority.
- (b) The governing authority finds that the public interest requires that it protect against such conflicts of interest by establishing appropriate ethical standards with respect to the conduct of the members of the governing authority in situations where a conflict may exist.

(Ord. No. 318, § 1, 1-27-2005)

Sec. 2-45. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Complaint means a written sworn statement filed with the mayor or mayor pro tem containing specific allegations of misconduct by a member; provided, however, such allegations must be filed within six months of discovery of the alleged misconduct.

Governing authority or member of the governing authority means the mayor or any councilmember and any member appointed to any board or commission of the city.

Interest means any direct pecuniary benefit which is not a remote interest held by or accruing to a member of the governing authority as a result of a contract or transaction that is or may be the subject of an official act or action by or with the city. A member of the governing authority shall be deemed to have an interest in transactions involving:

- (1) Any person in the member's immediate family;
- (2) Any person with whom a contractual relationship exists whereby the member may receive any payment or other benefits unless the member is receiving a benefit for goods or services in the normal course of business for which the member has paid a commercially reasonable rate;
- (3) Any business in which the member is a director, officer, employee, agent, or shareholder, except as otherwise provided in this article; or
- (4) Any person of whom the member is a creditor, whether secured or unsecured.

(Ord. No. 318, § 2, 1-27-2005)

Sec. 2-46. Prohibitions.

- (a) No member of the governing authority shall:
- (1) By conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of official acts;
 - (2) Directly or indirectly request, exact, receive, or agree to receive a gift, loan, favor, promise, or thing of value for himself or another person if it could reasonably be considered to influence the member in the discharge of official duties;
 - (3) Disclose or otherwise use confidential information acquired by virtue of his official position for his or another person's private gain;
 - (4) Use his official position to attempt to secure privileges that are not available to the general public;
 - (5) Engage in, accept employment with, or render services for any private business or professional activity when such employment or rendering of services is adverse to and incompatible with the proper discharge of official duties;
 - (6) Engage in any activity or transaction that is prohibited by law now existing or hereafter enacted which is applicable to him by virtue of being a member of the governing authority;
 - (7) Use his position to request or require an employee to:
 - a. Do clerical work on behalf of the member's family, business, social, church or fraternal interest when such work is not furthering a city interest;
 - b. Perform any work outside the employee's normal course of municipal employment;
 - c. Purchase goods or services to be used for personal, business, or political purposes; and
 - d. Work for the member personally without paying the employee just compensation;
 - (8) Use government property of any kind for other than officially approved activities, nor shall he direct employees to use such property for any purposes other than those officially approved;
 - (9) Use his position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to himself or persons having an interest.
- (b) The prohibition in subsection (a)(2) of this section shall not apply in the case of:
- (1) An occasional nonpecuniary gift of insignificant value;
 - (2) An award publicly presented in recognition of public service;
 - (3) A commercially reasonable loan or other financial transaction made in the ordinary course of business by an institution or individual authorized by the laws of the state to engage in the making of such a loan or financial transaction;
 - (4) Campaign contributions made and reported in accordance with state law.
- (c) The prohibition in subsection (a)(5) of this section shall not apply to a member of the governing authority who is a licensed professional and appears on behalf of any applicant in such professional capacity so long as disclosures required by section 2-47 are made to the board or commission chairperson 30 days prior to any action being taken, and the member is associated with the project at the time the initial application is filed.

(Ord. No. 318, § 3, 1-27-2005)

Sec. 2-47. Disclosure of conflicts of interest.

An appointed member of the governing authority who has an interest that he has reason to believe may be affected by his official acts or actions or by the official acts or actions of the governing authority shall disclose the precise nature of such interest by written or verbal statement 30 days prior to the governing authority's taking official action on a matter affecting such interest and abstain from discussion and voting. An elected member of the governing authority shall disclose the nature of any interest he has at the time such matter is presented to the city council for discussion. Such written or verbal statements shall be recorded into the minutes of the meeting and thus become part of the public record. Following any disclosure made pursuant to this section, the member shall refrain from all ex parte communications with other members regarding the application in which he has an interest.

(Ord. No. 318, § 4, 1-27-2005)

Sec. 2-48. Disqualification.

A member of the governing authority shall disqualify himself from participating in any official act or action of the city which results in a pecuniary benefit to the member or a business or activity in which he has an interest when such benefit is not available to the public at large.

(Ord. No. 318, § 5, 1-27-2005)

Sec. 2-49. Prohibited contracts.

The city shall not enter into any contract involving services or property with a member of the governing authority or with a business in which a member of the governing authority has an interest. This section shall not apply in the case of:

- (1) The designation of a bank or trust company as a depository for city funds;
- (2) The borrowing of funds from any bank or lending institution which offers the lowest available rate of interest in the community for such loan;
- (3) Contracts entered into in accordance with O.C.G.A. § 16-10-6;
- (4) Contracts entered into under circumstances that constitute an emergency situation, provided that the mayor prepares a written record explaining the emergency;
- (5) Contracts entered into with a member of the governing authority or with a business in which a member of the governing authority has an interest, provided that such contract is the result of a competitive bid, disclosure of the nature of such member's interest is made prior to the time any bid is submitted, and a waiver of the prohibition contemplated by this section is issued by the city administrator following disclosure.

(Ord. No. 318, § 6, 1-27-2005)

Sec. 2-50. Restrictions on contracts with former members of the governing authority.

The city shall not enter into any contract with any person or business represented by such person who has been, within the preceding 12-month period, a member of the governing authority, unless the contract is awarded by a competitive bid or a committee selection process.

(Ord. No. 318, § 7, 1-27-2005)

Sec. 2-51. Complaints.

Any person having a complaint against any member of the governing authority for an alleged ethics violation shall file in writing a verified complaint setting forth the particular facts and circumstances which constitute the alleged violation against the governing authority. The complaint shall be filed with the mayor or, in the event the complaint regards the mayor, shall be filed with the mayor pro tem. Upon receipt of a complaint, the mayor or, in the event the complaint regards the mayor, the mayor pro tem shall appoint three members of the city council who, along with the city attorney, shall constitute an investigating committee to determine whether the complaint sets forth significant facts and circumstances so as to warrant a hearing before the board of ethics. In the event the complaint does not set forth sufficient facts to constitute an alleged violation and is found unjustified, frivolous or patently unfounded, it shall be dismissed and the complainant notified immediately. In the event the complaint is found to state sufficient facts to warrant a hearing before the board of ethics, the board shall be appointed as provided in section 2-52.

(Ord. No. 318, § 8, 1-27-2005)

Sec. 2-52. Board of ethics.

(a) The composition of the board of ethics shall be as follows:

- (1) The board of ethics of the city shall be composed of five residents of the city to be appointed as provided in subsections (a)(2) and (a)(3) of this section. Each member of the board of ethics shall have been a resident of the city for at least one year immediately preceding the date of taking office and shall remain a resident of the city while serving as a member of the board of ethics. No person shall serve as a member of the board of ethics if the person has, or has had within the preceding one-year period, any interest in any contract, transaction, or official action of the city.
- (2) Each member of the city council shall designate two qualified citizens to provide a pool of 12 individuals who have consented to serve as members of such board of ethics and who will be available for a period of two years, to be called upon to serve in the event a board of ethics is appointed.
- (3) The city manager shall maintain a listing of these 12 qualified citizens. Should the investigating committee determine a complaint warrants a hearing before the board of ethics, the city council, at the first public meeting after such determination, shall draw names randomly from the listing of qualified citizens until the specified five members of the board of ethics have been appointed. Such board will elect one of its members to serve as chairperson.
- (4) The members of the board of ethics shall serve without compensation. The governing authority shall provide meeting space for the board of ethics. Subject to budgetary procedures and requirements of the city, the city shall provide the board of ethics with such supplies and equipment as may be reasonably necessary for it to perform its duties and responsibilities.

(b) The constituted board of ethics shall have the following duties and powers:

- (1) To establish procedures, rules and regulations governing its internal organization and conduct of its affairs;
- (2) To hold a hearing within 60 days after the receipt of complaint; failure to hold a hearing within the specified time shall result in dismissal of the complaint as to the transaction and shall prevent refiling if a complaint arises in the same incident for at least a period of six months;
- (3) To prescribe forms, approved by the city attorney, for the disclosure required in this article and to make available to the public information disclosed as provided in this section;

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- (4) To receive and hear complaints of violations of the standards required by this article;
 - (5) To make such investigation and response to a complaint as it deems necessary to determine whether any person has violated any provisions of this article;
 - (6) To hold such hearings and make such inquiries as deemed necessary to investigate and rule upon complaints;
 - (7) To report its findings to the governing authority for such action as the governing authority deems appropriate.

(Ord. No. 318, § 9, 1-27-2005)

Sec. 2-53. Service of complaint; hearings and disposition of complaints.

The board of ethics as appointed as set forth in section 2-52 shall cause the complaint to be served on the member of the governing authority charged as soon as practicable. Service may be by personal service or by certified mail, return receipt requested. A hearing shall be held within 60 days after the filing of the complaint. The board of ethics shall conduct the hearing in accordance with the procedures and regulations it establishes, but, in all circumstances, the hearing shall include the taking of testimony and the cross examination of witnesses. The decision of the board of ethics shall be rendered to the city council within five days after completion of the hearing.

(Ord. No. 318, § 10, 1-27-2005)

Sec. 2-54. Penalty; member rights.

- (a) Any member of the governing authority who knowingly violates any provision of the code of ethics provided in this article shall be subject to public reprimand or censure by the governing authority.
- (b) At any hearing held by the board of ethics, the member of the governing authority who is the subject of inquiry shall have the right to written notice of the allegations at least ten business days before a hearing, to be represented by counsel, to hear and examine the evidence and witnesses and to present evidence and witnesses in opposition or in extenuation.

(Ord. No. 318, § 11, 1-27-2005)

Sec. 2-55. Appeals.

- (a) Any member of the governing authority or the complainant adversely affected by these findings of the board of ethics may obtain judicial review of such decision as provided in subsection (b) of this section.
- (b) An action for judicial review may be commenced by filing an application for a writ of certiorari in the superior court of the county within 30 days after the decision of the board of ethics. The filing of such application shall act as supersedes.

(Ord. No. 318, § 12, 1-27-2005)



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider a Contract with ESG Engineering, Inc., for Professional Engineering Services for the Design and Construction Administration of a Drinking Water Well Construction Project for the City.

COUNCIL MEETING DATE: May 1, 2025

HISTORY:

The City owns two inactive groundwater wells (Wells #4 & #5) on City property at the corner of Atlanta Hwy and Vireo Dr that were purchased from the State of Georgia for the purpose of re-activating them to supplement the City's drinking water supply. To reactivate the wells and integrate them into the City's water system, the City will engage ESG Engineering, Inc., to design and permit the associated construction work required to activate the wells. This will include specifications for testing and cleaning, examination of test results, submission of testing data to the State for permitting, and drafting of engineering drawings, specifications, and a construction contract.

FACTS AND ISSUES:

ESG Engineering, Inc., in conjunction with sub-consultants, will perform engineering work through the tasks identified in the engineering services agreement/contract:

Task #1 – Geotechnical Data Collection

This task will include soil borings to collect important subsurface data such as soil type/condition, bearing pressure, and suitability of soil for use as fill material on the project site. The boring report will also include a recommended building foundation section/thickness and recommended pavement section/thickness. This task will also include wetland delineation to ensure wetlands are accounted for in site layout.

Task #2 – Hydrogeological Testing & EPD Permitting

This task includes drafting of specifications for well cleaning, pump testing, and water quality testing, as well as pre-and post-cleaning camera inspection, on-site observation of testing and cleaning, examination of test results, and submission of testing data to the State for permitting.

Task #3 – Engineering Design

This task includes professional design services for the following drinking water improvements:

- Two new groundwater wells including chem feed building, well pumps, chemical feeds, associated electrical and controls improvements, and site design/grading/drainage plans.

- A new 12" transmission main to connect the new wells to the system, including approximately 1900 LF of 12" pipe.

- A new 200 LF small diameter (4"–48") water main under Atlanta Hwy to replace an existing, leaking water main.

Task #4 – Construction Administration

This task includes pre-construction meeting coordination and attendance, submittal reviews, site visits, monthly progress meetings, verification of construction progress and adherence with the Plans & Specifications, payment request approval, punch-list meeting, and Engineers certification of work complete.

OPTIONS:

1) Contract with ESG Engineering or 2) Do Not Contract with ESG Engineering

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

Yes

AMOUNT AND SOURCE OF FUNDS:

\$GEFA loan for Drinking Water - \$272,550

RECOMMENDATION:

Contract with ESG Engineering, Inc., for professional engineering services for the design and construction administration of a drinking water well construction project for the City.

SAMPLE MOTION:

I make a motion to contract with ESG Engineering for professional engineering services for the design and construction administration of a drinking water well construction project for the City.

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Executive Summary - Groundwater Wells #4 and #5 \(ESG\).pdf](#)
- [2025.03_-_Task_Order_-_FB_Wells__4__5__ESG_TB.pdf](#)

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: Professional Engineering Services for Groundwater Wells Project

DATE: April 17, 2025

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

BUDGET INFORMATION:

ANNUAL-
CAPITAL- \$272,550.00

COUNCIL ACTION REQUESTED ON: April 17, 2025

PURPOSE: To contract with ESG Engineering, Inc., for professional engineering services for the design and construction administration of a drinking water well construction project for the City.

HISTORY: The City owns two inactive groundwater wells (Wells #4 & #5) on City property at the corner of Atlanta Hwy and Vireo Dr that were purchased from the State of Georgia for the purpose of re-activating them to supplement the City's drinking water supply. To reactivate the wells and integrate them into the City's water system, the City will engage ESG Engineering, Inc., to design and permit the associated construction work required to activate the wells. This will include specifications for testing and cleaning, examination of test results, submission of testing data to the State for permitting, and drafting of engineering drawings, specifications, and a construction contract.

FACTS AND ISSUES: ESG Engineering, Inc., in conjunction with sub-consultants, will perform engineering work through the tasks identified in the engineering services agreement/contract:

Task #1 – Geotechnical Data Collection

This task will include soil borings to collect important subsurface data such as soil type/condition, bearing pressure, and suitability of soil for use as fill material on the project site. The boring report will also include a recommended building foundation section/thickness and recommended pavement section/thickness. This task will also include wetland delineation to ensure wetlands are accounted for in site layout.

Task #2– Hydrogeological Testing & EPD Permitting

This task includes drafting of specifications for well cleaning, pump testing, and water quality testing, as well as pre-and post-cleaning camera inspection, on-site observation of testing and cleaning, examination of test results, and submission of testing data to the State for permitting.

Task #3– Engineering Design

This task includes professional design services for the following drinking water improvements:

- Two new groundwater wells including chem feed building, well pumps, chemical feeds, associated electrical and controls improvements, and site design/grading/drainage plans.
- A new 12” transmission main to connect the new wells to the system, including approximately ±1900 LF of 12” pipe.
- A new ±200 LF small diameter (2”-4”) water main under Atlanta Hwy to replace an existing, leaking water main.

Task #4 – Construction Administration

This task includes pre-construction meeting coordination and attendance, submittal reviews, site visits, monthly progress meetings, verification of construction progress and adherence with the Plans & Specifications, payment request approval, punch-list meeting, and Engineers certification of work complete.

OPTIONS: 1) Contract with ESG Engineering or 2) Do Not Contract with ESG Engineering

RECOMMENDED SAMPLE MOTION: I make a motion to contract with ESG Engineering for professional engineering services for the design and construction administration of a drinking water well construction project for the City.

DEPARTMENT: Administration

Prepared by: Tonya D. Parrish

ENGINEER's ADDRESS:	6400 Peake Road, Macon, GA 31210
PROJECT NO.:	<i>Pending</i>
PROJECT NAME:	Groundwater Wells #4 & #5
CLIENT:	City of Flowery Branch
CLIENT'S ADDRESS:	5410 Pine Street, Flowery Branch, GA 30542

CLIENT requests and authorizes ESG Engineering, Inc (hereinafter "ESG Eng" or "ENGINEER") to perform the following Services

Scope of Services

ESG Engineering, Inc., is pleased to submit this Task Order Agreement for the "Groundwater Wells #4 & #5" project and will perform, in conjunction with sub-consultants, the following Scope of Services:

Task #1 – Geotechnical Data Collection

This task will include the performance of soil borings to collect important subsurface data such as soil type/condition, bearing pressure, and suitability of soil for use as fill material on the project site. The boring report will also include a recommended building foundation section/thickness and recommended pavement section/thickness. This task will also include wetland delineation to ensure wetlands are accounted for in site layout. This work will be performed by a third-party geotechnical materials/testing firm; invoices will be paid by ENGINEER and submitted to the City for reimbursement.

Task #2 – Hydrogeological Testing & EPD Permitting

- Well Cleaning (Specification & Observation)
 - Cleaning itself NOT included – to be performed by contractor.
 - Hydrogeologist will write specifications for pre-construction well cleaning and will provide on-site observation and quality control during the cleaning process.
 - Camera the well before and after cleaning to ensure cleaning was performed correctly.
- Pump Test & Analysis
 - Pump Test itself NOT included – to be performed by contractor.
 - Hydrogeologist write specifications for a contractor to perform ± 72 hour pump test on each well and will oversee pump test in the field
 - Analyze pump test results and provide report for submission to EPD
- Water Quality Test & Analysis
 - Water quality testing itself included – to be performed by hydrogeologist.
 - Perform water quality testing (organic, inorganic, and radiological tests) and provide report for submission to EPD.
 - Submit letter of recommendation for the City to provide to the EPD for review and approval.

Task #3– Engineering Design

ESG Engineering will provide professional engineering design services for the construction of new drinking water improvements in the City of Flowery Branch. This task will include Engineering Plans, Technical Specifications, and Contract Documents. The proposed design will include the following:

- Two new groundwater wells including chem feed building, well pumps, chemical feeds, associated electrical and controls improvements, and site design/grading/drainage plans.

- A new 12" transmission main to connect the new wells to the system, including approximately ±1900 LF of 12" pipe.
- A new ±200 LF small diameter (2"-4") water main installed via directional drill under ATL Hwy to replace an existing, leaking water main.

Design will also include ancillary work required for the project, including service transfers, minor relocation of existing utilities, erosion & sedimentation control measures, and traffic control. Also included in this task will be any standard permitting* required for the project, bid administration services during the publicly-advertised bid period, and contract administration services following award of the project contract. Any work performed outside these descriptions will be billed hourly under an "additional engineering" task and will be approved by the City Manager prior to performance. Resident inspection is not provided under this task order and would be undertaken upon request and by amendment to this task order contract.

Task #3 – Construction Administration

This task includes preconstruction meeting coordination and attendance, submittal reviews, site visits, monthly progress meetings, verification of construction progress and adherence with the Plans & Specifications, payment request approval, punch-list meeting, and Engineers certification of work complete

**Any additional work including, but not limited to, easement exhibits and/or field-staking, special permitting (US Army Corp, power company), geotechnical inspection, etc., will be completed hourly and in addition to quoted lump sum fees. At this time these items are not expected to be required.*

Compensation

The parties acknowledge and agree that the City will compensate ESG Eng as set forth below for the tasks described and for the Scope of Services performed by ESG Eng pursuant to the terms provided below and the terms and conditions of the Agreement.

Approximate Estimate of Construction: \$3,100,000 (not performed by ESG)

Total amount of compensation to ESG- an amount not to exceed \$272,550.00.

Task 1 – Geotechnical Data Collection	\$12,550.00 (Lump Sum)
Task 2 – Hydrogeological Testing & EPD Permitting	\$50,000.00 (HNTE)**
Task 3 – Survey, Design Engineering, and Bid Administration (4.8%)	\$148,000.00 (Lump Sum)
Task 4 – Construction Administration (2.0%)	\$62,000.00 (Lump Sum)

*Fees that remain unused for one task may be allocated to fulfill another task, provided that the cumulative total of all fees remain within the pre-established total.

**Hourly Rates for Hydrogeological Work:

Geologist: \$100/hr

Environmental Tech: \$50/hr

Schedule

Work will begin when the signed Agreement is returned.

Other Terms

Not Applicable

Services covered by this AGREEMENT will be performed in accordance with the Provisions and any attachments or schedules. This AGREEMENT supersedes all prior agreements and understandings and may only be changed by written amendment executed by both parties.

CLIENT:

Signature _____
Name (printed) Ed Asbridge
Title Mayor
Date 4/17/2025

ESG Engineering, Inc:

Signature  _____
Name (printed) Arthur (Trey) Gavin
Title SVP and GM
Date 2/07/2025

PROVISIONS

1. Authorization to Proceed

Execution of this AGREEMENT by CLIENT will be authorization for ENGINEER to proceed with the Services, unless otherwise provided for in this AGREEMENT.

2. Payment of Invoices

ENGINEER will submit monthly invoices for services rendered and CLIENT will make payments to ENGINEER within thirty (30) days of CLIENT's receipt of ENGINEER's invoice.

ENGINEER will retain receipts for reimbursable expenses in general accordance with Internal Revenue Service rules pertaining to the support of expenditures for income tax purposes. Receipts will be available for inspection by CLIENT's auditors upon request.

If CLIENT disputes any items in ENGINEER's invoice for any reason, including the lack of supporting documentation, CLIENT may temporarily delete the disputed item and pay the remaining amount of the invoice. CLIENT will promptly notify ENGINEER of the dispute and request clarification and/or correction. After any dispute has been settled, ENGINEER will include the disputed item on a subsequent, regularly scheduled invoice, or on a special invoice for the disputed item only.

CLIENT recognizes that late payment of invoices results in extra expenses for ENGINEER. ENGINEER retains the right to assess CLIENT interest at the rate of one percent (1%) per month, but not to exceed the maximum rate allowed by law, on invoices which are not paid within thirty (30) days from the date CLIENT receives ENGINEER's invoice. In the event undisputed portions of ENGINEER's invoices are not paid when due, ENGINEER also reserves the right, after seven (7) days prior written notice, to suspend the performance of its services under this Agreement until all past due amounts have been paid in full.

3. Cost Opinions

Any opinions of probable project cost or probable construction cost provided by ENGINEER are made on the basis of information available to ENGINEER and on the basis of ENGINEER's experience and qualifications and represents its judgment as an experienced and qualified professional engineer. However, since ENGINEER has no control over the cost of labor, materials, equipment or services furnished by others, or over the contractor(s)' methods of determining prices, or over competitive bidding or market conditions, ENGINEER does not guarantee that proposals, bids or actual project or construction cost will not vary from opinions of probable cost ENGINEER prepares or that CLIENT's actual project costs, financial aspects, economic feasibility, or schedules will not vary from ENGINEER's opinions, analyses, projections or estimates. If CLIENT wishes greater assurance as to any element of the Project cost, feasibility, or schedule, CLIENT will employ an independent cost estimator, contractor or other appropriate advisor.

4. Standard of Care

The standard of care for all professional engineering, consulting and related services performed or furnished by ENGINEER and its employees under this Agreement will be the care and skill ordinarily used by members of ENGINEER's profession practicing under the same or similar circumstances at the same time and in the same locality. ENGINEER makes no warranties, express or implied, under this Agreement or otherwise, in connection with ENGINEER's services.

5. Construction Procedures

ENGINEER's observation or monitoring portions of the work performed under construction contracts shall not relieve the contractor from its responsibility for performing work in accordance with applicable contract documents. ENGINEER shall not control or have charge of, and shall not be responsible for, construction means, methods, techniques, sequences, procedures of construction, health

or safety programs or precautions connected with the work and shall not manage, supervise, control or have charge of construction.

ENGINEER shall not be responsible for the acts or omissions of the contractor or other parties on the project. ENGINEER shall be entitled to review all construction contract documents and to require that no provisions extend the duties or liabilities of ENGINEER beyond those set forth in this Agreement. CLIENT agrees to include ENGINEER as an indemnified party in CLIENT's construction contracts for the work, which shall protect ENGINEER to the same degree as CLIENT. Further, CLIENT agrees that ENGINEER shall be listed as an additional insured under the construction contractor's liability insurance policies.

6. Services and Information

CLIENT will provide all criteria and information pertaining to CLIENT's requirements for the project, including design objectives and constraints, space, capacity and performance requirements, flexibility and expandability, and any budgetary limitations. CLIENT will also provide copies of any CLIENT-furnished Standard Details, Standard Specifications, or Standard Bidding Documents which are to be incorporated into the project.

CLIENT will furnish the services of soils/geotechnical engineers or other consultants that include reports and appropriate professional recommendations when such services are deemed necessary by ENGINEER. The CLIENT agrees to bear full responsibility for the technical accuracy and content of CLIENT-furnished documents and services.

In performing professional engineering and related services hereunder, it is understood by CLIENT that ENGINEER is not engaged in rendering any type of legal, insurance or accounting services, opinions or advice. Further, it is the CLIENT's sole responsibility to obtain the advice of an attorney, insurance counselor or accountant to protect the CLIENT's legal and financial interests. To that end, the CLIENT agrees that CLIENT or the CLIENT's representative will examine all studies, reports, sketches, drawings, specifications, proposals and other documents, opinions or advice prepared or provided by ENGINEER, and will obtain the advice of an attorney, insurance counselor or other consultant as the CLIENT deems necessary to protect the CLIENT's interests before CLIENT takes action or forebears to take action based upon or relying upon the services provided by ENGINEER.

7. Re-use of Documents

All documents, including all reports, drawings, specifications, computer software or other items prepared or furnished by ENGINEER pursuant to this Agreement, are instruments of service with respect to the project. ENGINEER retains ownership of all such documents. CLIENT may retain copies of the documents for its information and reference in connection with the project; however, none of the documents are intended or represented to be suitable for reuse by CLIENT or others on extensions of the project or on any other project. Any reuse without written verification or adaptation by ENGINEER for the specific purpose intended will be at CLIENT's sole risk and without liability or legal exposure to ENGINEER, and CLIENT will defend, indemnify and hold harmless ENGINEER from all claims, damages, losses and expenses, including attorney's fees, arising or resulting therefrom. Any such verification or adaptation will entitle ENGINEER to further compensation at rates to be agreed upon by CLIENT and ENGINEER.

8. Termination

This AGREEMENT may be terminated for convenience on 30 days written notice or if either party fails substantially to perform through no fault of the other and does not commence correction of such nonperformance within 5 days of written notice and diligently complete the correction thereafter. On termination, ENGINEER will be paid for all authorized work performed up to the termination date plus termination expenses, such as, but not limited to, reassignment of personnel, subcontract termination costs, and related closeout costs.

9. Changes

The parties agree that no change or modification to this Agreement, or any attachments hereto, shall have any force or effect unless the change is reduced to writing, dated, and made part of this Agreement. The execution of the change shall be authorized and signed in the same manner as this Agreement. Adjustments in the period of services and in compensation shall be in accordance with applicable paragraphs and sections of this Agreement. Any proposed fees by ENGINEER are estimates to perform the services required to complete the project as ENGINEER understands it to be defined. For those projects involving conceptual or process development services, activities often are not fully definable in the initial planning. In any event, as the project progresses, the facts developed may dictate a change in the services to be performed, which may alter the scope. ENGINEER will inform CLIENT of such situations so that changes in scope and adjustments to the time of performance and compensation can be made as required. If such change, additional services, or suspension of services results in an increase or decrease in the cost of or time required for performance of the services, an equitable adjustment shall be made, and the Agreement modified accordingly.

10. Insurance

ENGINEER agrees to procure and maintain, at its expense, Workers' Compensation insurance as required by statute; Employer's Liability of \$250,000; Automobile Liability insurance of \$1,000,000 combined single limit for bodily injury and property damage covering all vehicles, including hired vehicles, owned and non-owned vehicles; Commercial General Liability insurance of \$1,000,000 combined single limit for personal injury and property damage; and Professional Liability insurance of \$1,000,000 per claim for protection against claims arising out of the performance of services under this Agreement caused by negligent acts, errors, or omissions for which ENGINEER is legally liable. CLIENT shall be made an additional insured on Commercial General and Automobile Liability insurance policies and certificates of insurance will be furnished to the CLIENT.

11. Limitation of Liability

ENGINEER's liability for CLIENT's damages will, in the aggregate, not exceed the lesser of \$100,000 or its fee, for any and all injuries, damages, claims, losses or expenses (including attorney and expert fees) arising out of the ENGINEER's services or this AGREEMENT regardless of cause(s) or the theory of liability, including negligence, indemnity or other recovery, shall include ENGINEER's officers, affiliated corporations, employees, and subcontractors.. This Provision takes precedence over any conflicting Provision of this AGREEMENT, or any document incorporated into it or referenced by it.

Both parties agree to indemnify the other party for third party personal injury and property damage claims to the extent caused by the indemnifying party's negligent acts, errors or omissions. However, neither Party to this Agreement shall be liable to the other Party for any special, incidental, indirect, or consequential damages (including but not limited to loss of use or opportunity; loss of good will; cost of substitute facilities, goods, or services; cost of capital; and/or fines or penalties), loss of profits or revenue arising out of, resulting from, or in any way related to the Project or the Agreement from any cause or causes, including but not limited to any such damages caused by the negligence, errors or omissions, strict liability or breach of contract.

12. Severability and Survival

If any of the provisions contained in this AGREEMENT are held illegal, invalid or unenforceable, the other provisions shall remain in full effect. Limitations of liability shall survive termination of this AGREEMENT for any cause.

13. No Third-Party Beneficiaries

CLIENT and ENGINEER, respectively, bind themselves, their partners, successors, assigns, and legal representatives to the covenants of this

Agreement. Neither CLIENT nor ENGINEER will assign, sublet, or transfer any interest in this Agreement or claims arising therefrom without the written consent of the other. No third-party beneficiaries are intended under this Agreement.

14. Hazardous Materials

CLIENT represents to ENGINEER that, to the best of its knowledge, no hazardous materials are present at the project site. However, in the event hazardous materials are known to be present, CLIENT represents that to the best of its knowledge it has disclosed to ENGINEER the existence of all such hazardous materials, including but not limited to asbestos, PFAS, PCB's, petroleum, hazardous waste, or radioactive material located at or near the project site, including type, quantity and location of such hazardous materials. It is acknowledged by both parties that ENGINEER's scope of services does not include services related in any way to hazardous materials. In the event ENGINEER or any other party encounters undisclosed hazardous materials, ENGINEER shall have the obligation to notify CLIENT and, to the extent required by law or regulation, the appropriate governmental officials, and ENGINEER may, at its option and without liability for delay, consequential or any other damages to CLIENT, suspend performance of services on that portion of the project affected by hazardous materials until CLIENT: (i) retains appropriate specialist consultant(s) or contractor(s) to identify and, as appropriate, abate, remediate, or remove the hazardous materials; and (ii) warrants that the project site is in full compliance with all applicable laws and regulations.

CLIENT acknowledges that ENGINEER is performing professional services for CLIENT and that ENGINEER is not and shall not be required to become an "arranger," "operator," "generator," or "transporter" of hazardous materials, as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1990 (CERCLA), which are or may be encountered at or near the project site in connection with ENGINEER's services under this Agreement. If ENGINEER's services hereunder cannot be performed because of the existence of hazardous materials, ENGINEER shall be entitled to terminate this Agreement for cause on 30 days written notice. To the fullest extent permitted by law, CLIENT shall indemnify and hold harmless ENGINEER, its officers, directors, partners, employees, and subconsultants from and against all costs, losses, and damages (including but not limited to all fees and charges of engineers, architects, attorneys, and other professionals, and all court or arbitration or other dispute resolution costs) caused by, arising out of or resulting from hazardous materials, provided that (i) any such cost, loss, or damage is attributable to bodily injury, sickness, disease, or death, or injury to or destruction of tangible property (other than completed Work), including the loss of use resulting therefrom, and (ii) nothing in this paragraph shall obligate CLIENT to indemnify any individual or entity from and against the consequences of that individual's or entity's sole negligence or willful misconduct.

15. Utility Locations

If underground sampling/testing is to be performed, a local utility locating service shall be contacted to make arrangements for all utilities to determine the location of underground utilities. In addition, CLIENT shall notify ENGINEER of the presence and location of any underground utilities located on the CLIENT's property which are not the responsibility of private/public utilities. ENGINEER shall take reasonable precautions to avoid damaging underground utilities that are properly marked. The CLIENT agrees to waive any claim against ENGINEER and will indemnify and hold ENGINEER harmless from any claim of liability, injury or loss caused by or allegedly caused by ENGINEER's damaging of underground utilities that are not properly marked or are not called to ENGINEER's attention prior to beginning the underground sampling/testing.

16. Assignments

Neither party shall have the power to or will assign any of the duties

or rights or any claim arising out of or related to this AGREEMENT, whether arising in tort, contract or otherwise, without the written consent of the other party, except that ENGINEER may assign this AGREEMENT to a parent, affiliate or subsidiary company or to a surviving entity in the event of a merger or acquisition. Any unauthorized assignment is void and unenforceable.

17. Integration

This AGREEMENT incorporates all previous communications and negotiations and constitutes the entire agreement of the parties. If CLIENT issues a Purchase Order in conjunction with performance of the Services, general or standard terms and conditions on the Purchase Order do not apply to this AGREEMENT.

18. Force Majeure

ENGINEER shall not be responsible for delays caused by factors beyond ENGINEER's reasonable control, including but not limited to delays because of strikes, lockouts, work slowdowns or stoppages, government ordered industry shutdowns, power or server outages, acts of nature, widespread infectious disease outbreaks (including, but not limited to epidemics and pandemics), failure of any governmental or other regulatory authority to act in a timely manner, failure of the CLIENT to furnish timely information or approve or disapprove of ENGINEER's services or work product, or delays caused by faulty performance by the CLIENT's or by contractors of any level or any other events or circumstances not within the reasonable control of the party affected, whether similar or dissimilar to any of the foregoing. When such delays beyond ENGINEER's reasonable control occur, the CLIENT agrees that ENGINEER shall not be responsible for damages, nor shall ENGINEER be deemed in default of this Agreement, and the parties will negotiate an equitable adjustment to ENGINEER's schedule and/or compensation if impacted by the force majeure event or condition.

19. Litigation Support

In the event ENGINEER is required to respond to a subpoena, government inquiry or other legal process related to the services in connection with a legal or dispute resolution proceeding to which ENGINEER is not a party, CLIENT shall reimburse ENGINEER for reasonable costs in responding and compensate ENGINEER at its then standard rates for reasonable time incurred in gathering information and documents and attending depositions, hearings, and trial.

20. Operational Technology Systems

CLIENT agrees that the effectiveness of operational technology systems ("OT Systems") and features designed, recommended or assessed by ENGINEER are dependent upon CLIENT's continued operation and maintenance of the OT Systems in accordance with all standards, best practices, laws, and regulations that govern the operation and maintenance of the OT Systems. CLIENT shall be solely responsible for operating and maintaining the OT System in accordance with applicable industry standards (i.e. ISA, NIST, etc.) and best practices, which generally include but are not limited to, cyber security policies and procedures, documentation and training requirements, continuous monitoring of assets for tampering and intrusion, periodic evaluation for asset vulnerabilities, implementation and update of appropriate technical, physical, and operational standards, and offline testing of all software/firmware patches/updates prior to placing updates into production. Additionally, CLIENT recognizes and agrees that OT Systems are subject to internal and external breach, compromise, and similar incidents. Security features designed, recommended or assessed by ENGINEER are intended to reduce the likelihood that OT Systems will be compromised by such incidents. However, ENGINEER does not guarantee that CLIENT's OT Systems are impenetrable, and CLIENT agrees to waive any claims against ENGINEER resulting from any such incidents that relate to or affect CLIENT's OT Systems.

21. Access to Facilities and Property

CLIENT will make its facilities accessible to ENGINEER as required for the performance of its services and will provide labor and safety equipment as required by ENGINEER for such access. CLIENT will perform, at no cost to ENGINEER, such tests of equipment, machinery, pipelines, and other components of CLIENT's facilities as may be required in connection with ENGINEER's services.

22. Dispute Resolution

The parties will use their best efforts to resolve amicably any dispute, including use of alternative dispute resolution options. The parties shall initially attempt to resolve the dispute by direct negotiation at the project level, should a resolution not be agreed to then an attempt to resolve the dispute shall be made by Senior Executives within the first thirty (30) days of project dispute. If the parties cannot resolve the dispute by direct negotiation within sixty (60) days from the commencement of direct negotiation, the parties may choose an alternative dispute resolution process or either party may decide to litigate.

23. Changes

CLIENT may make or approve changes within the general Scope of Services in this AGREEMENT. If such changes affect ENGINEER's cost or time required for performance of the services, an equitable adjustment will be made through an amendment to this AGREEMENT.

24. Controlling Law and Agreement

This Agreement is to be governed by the law of the state where ENGINEER's services are performed.

These Terms and Conditions shall take precedence over and any inconsistent or contradictory provisions contained in any proposal, contract, purchase order, requisition, notice to proceed or like document.

25. Execution

This Agreement, including the exhibits and schedules made part hereof, constitute the entire Agreement between ENGINEER and CLIENT, supersedes and controls over all prior written or oral understandings. This Agreement may be amended, supplemented or modified only by a written instrument duly executed by the parties.



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider a Construction Contract for a Storm Drainage Repairs/Rehabilitation Project to a Responsible, Responsive Bidder.

COUNCIL MEETING DATE: May 1, 2025

HISTORY:

A portion of existing storm drainage pipeline along Trumpet Flower Avenue in the Summit Lake neighborhood is exhibiting signs of failure, including joint separation, which can lead to more extreme failures, including sinkholes that could undermine the roadway, sidewalk, and/or driveways. Following an initial CCTV inspection, the City requested ESG Engineering to design/specify improvements to repair the pipe. ESG Engineering determined that Cured In Place Pipe (CIPP) rehabilitation would be an effective solution to prevent further failure and extend the life of the pipe. CIPP is a "trenchless" technology for repairing damaged pipes by inserting a resin-coated liner inside the existing pipe that hardens to create a new durable pipe and has the advantage of not disturbing existing asphalt, sidewalks, driveways, etc. Included in the project are pre-construction cleaning/debris removal, grouting of existing voids to prepare for lining, CIPP liner and installation, traffic control, testing, pre- & post-construction CCTV, bypass pumping, and removal & reinstallation of catch basin tops.

FACTS AND ISSUES:

ESG Engineering recommends awarding the project to the low bidder, Southern Premier Contractors, Inc., at the low bid price of \$40,800.00.

The contract Notice of Award is provided for approval by Council. Should Council approve and award the project to Southern Premier Contractors, Inc., ESG Engineering will engage the contractor to sign contract documents and subsequently proceed with construction.

The developer, Doug Cotter (Cotter Properties), has also contributed \$25,000 towards the repair of this storm drain structure.

OPTIONS:

1) Award the Contract or 2) Do Not Award the Contract

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

Yes

AMOUNT AND SOURCE OF FUNDS:

\$40,800 - Doug Cotter and Stormwater Project

RECOMMENDATION:

Award a construction contract for a storm drainage repairs/rehabilitation project to a responsible, responsive bidder.

SAMPLE MOTION:

I make a motion to award the Summit Lake Stormwater Rehabilitation contract to the low bidder, Southern Premier Contractors, Inc., in the amount of \$40,800.00.

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Executive Summary - Recommendation of Award Summit Lake.pdf](#)
- [Summit Lake - Bid Tabulation 03.27.2025.pdf](#)
- [00621 - NOTICE OF AWARD Summit Lake.pdf](#)

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: Recommendation of Award for Summit Lake Stormwater Rehabilitation

DATE: April 17, 2025

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

BUDGET INFORMATION:

ANNUAL-
CAPITAL- \$40,800.00

COUNCIL ACTION REQUESTED ON: April 17, 2025

PURPOSE: To award a construction contract for a storm drainage repairs/rehabilitation project to a responsible, responsive bidder.

HISTORY: A portion of existing storm drainage pipeline along Trumpet Flower Avenue in the Summit Lake neighborhood is exhibiting signs of failure, including joint separation, which can lead to more extreme failures, including sinkholes that could undermine the roadway, sidewalk, and/or driveways.

Following an initial CCTV inspection, the City requested ESG Engineering to design/specify improvements to repair the pipe. ESG Engineering determined that Cured In Place Pipe (CIPP) rehabilitation would be an effective solution to prevent further failure and extend the life of the pipe. CIPP is a “trenchless” technology for repairing damaged pipes by inserting a resin-coated liner inside the existing pipe that hardens to create a new durable pipe and has the advantage of not disturbing existing asphalt, sidewalks, driveways, etc. Included in the project are pre-construction cleaning/debris removal, grouting of existing voids to prepare for lining, CIPP liner and installation, traffic control, testing, pre- & post-construction CCTV, bypass pumping, and removal & reinstallation of catch basin tops.

FACTS AND ISSUES: ESG Engineering recommends awarding the project to the low bidder, Southern Premier Contractors, Inc., at the low bid price of \$40,800.00.

The contract Notice of Award is provided for approval by Council. Should Council approve and award the project to Southern Premier Contractors, Inc., ESG Engineering will engage the contractor to sign contract documents and subsequently proceed with construction.

The developer, Doug Cotter (Cotter Properties), has also contributed \$25,000 towards the repair of this storm drain structure.

OPTIONS: 1) Award the Contract or 2) Do Not Award the Contract

RECOMMENDED SAMPLE MOTION: I make a motion to award the Summit Lake Stormwater Rehabilitation contract to the low bidder, Southern Premier Contractors, Inc., in the amount of \$40,800.00.

DEPARTMENT: Administration

Prepared by: Tonya D. Parrish

BID TABULATION FOR ALL BIDS
RECEIVED AT THE CITY OF FLOWERY BRANCH
ON TUESDAY, MARCH 27, 2025 AT 2:00 PM

ESG Engineering
6400 Peake Road
Macon, Georgia 31210

PROJECT:
Summit Lake Stormwater Rehabilitation

BIDDERS:													
Southern Premier Contractors, INC.				SAK Construction, LLC				Gulf Coast Underground, LLC				Federal EC, LLC	
3395 Lawrenceville HWY				864 Hoff Road				5655 Middle Road				504 Allatoona Hills Drive	
Lawrenceville, GA 30044				O'Fallen, MO 63366				Theodore, AL 36582				Woodstock, GA 30189	
												Vortex Services, LLC	
												18150 Imperial Valley Drive	
												Houston, TX 77060	

A. BASE BID													
ITEM NO.	QTY.	UNIT	DESCRIPTION	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL
				PRICE	PRICE	PRICE	PRICE	PRICE	PRICE	PRICE	PRICE	PRICE	PRICE
100	1	LS	Stormwater Pipe Rehabilitation (includes pipe cleaning/debris removal, CIPP. Pipe cutting, traffic control, testing, pre- & post-construction CCTV, bypass pumping, removal & reinstallation of catch basin tops and all other work necessary for a complete and functional preoject as shown & described in the Plans & Specifications)	\$ 37,800.00	\$ 37,800.00	\$ 47,500.00	\$ 47,500.00	\$ 122,855.40	\$ 122,855.40	Bid was Incomplete/ Nonresponsive		Bid was Incomplete/ Nonresponsive	
101	2	EA	Replacement of damaged/broken catch basin tops/sidewalk.	\$ 1,500.00	\$ 3,000.00	\$ 8,350.00	\$ 16,700.00	\$ 1,500.00	\$ 3,000.00	N/A		N/A	
TOTAL BID PRICE:					\$ 40,800.00		\$ 64,200.00		\$ 125,855.40	N/A		N/A	

I hereby certify that this is a true and accurate Bid Tabulation of all bids received on March 27, 2025.



Andrew Swicegood, PE

**SECTION 00621
NOTICE OF AWARD**

PROJECT IDENTIFICATION:

Summit Lake Stormwater Rehabilitation

The OWNER has considered the BID submitted by you for the above-described WORK in response to its Advertisement for Bids dated March 27, 2025, and Instruction to Bidders.

You are hereby notified that your BID has been accepted for items in the amount of Forty Thousand Eight Hundred & 00/100 Dollars (\$40,800.00).

You are required to execute the Agreement and furnish the required Certificates of Insurance with fifteen (15) calendar days from the date of the Notice to you.

If you fail to execute said Agreement and to furnish required documentation within fifteen (15) days from the date of this notice, said OWNER will be entitled to consider all your rights arising out of the OWNER'S acceptance of your BID as abandoned. The OWNER will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this NOTICE of AWARD to the OWNER.

Dated this ____ day of _____, 20____.

City of Flowery Branch
OWNER

By: _____

Title: _____

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF AWARD is hereby acknowledged by Southern Premier Contractors, Inc. this ____ day of _____, 20____.
(Contractor)

By: _____

Title: _____



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consideration of an Appeal to an Administrative Decision for a Property Located at 6482 McEver Road.

COUNCIL MEETING DATE: May 1, 2025

HISTORY:

FACTS AND ISSUES:

The applicant is appealing a decision by the Planning Director not allowing attached townhomes in Highway Business Zoning

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

- [Application Packet.pdf](#)
- [Comments Planning & Engineering.pdf](#)
- [Executive Summary Appeal to a decision.pdf](#)
- [Signed ECP FB Meeting Notice 3.26.2025.pdf](#)
- [2025-01-30 - Preliminary Plat-1 Submittal - 24287.00.pdf](#)
- [24287.00-BNDY.pdf](#)
- [FB Director Response to Edge Plat Appeal 4 3 25.pdf](#)



APPEAL OF ADMINISTRATIVE DECISION

City Provided Permit #

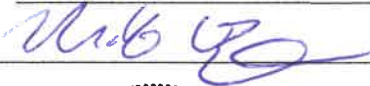
Date: March 3, 2025

Applicant: Edge City Properties, Inc.

Address: 4280 Dove Pt, Duluth GA 30096

E-mail address: mdye@EdgeCP.com

Phone number: 770-814-4500

Signature: 

Notary Seal:



Address of Request:

6483 McEver Road, Flowery Branch GA 30542

Per Article 39; Section 39.1: Persons may appeal to City Council for relief when aggrieved by an action or an interpretation of the Zoning Administrator made under this zoning ordinance. All such requests for relief shall be taken as an appeal to City Council.



Date of Official Action taken by the Zoning Administrator February 24, 2025

Per Article 39; Section 39.2: Application of appeal must be submitted within 30 days of the initial action of the Zoning Administrator.

What action was taken?

See attached supporting letter and the exhibits to the letter

Why was this action or decision incorrect in your opinion (please attach additional pages as needed)?

See attached supporting letter and the exhibits to the letter

Per Article 39; Section 39.3 (d): The Zoning Administrator may ask for additional information as needed.

Per Article 39; Section 39.6: The City Clerk shall notify the applicant of City Council's decisions within 5 days after such decision is rendered.

CITY STAFF ONLY

Permit Accepted By: _____

Date: _____ Total Fee: _____

WILSON BROCK & IRBY, L.L.C.

ATTORNEYS AT LAW

OVERLOOK I, SUITE 700
2849 PACES FERRY ROAD
ATLANTA, GEORGIA 30339
WWW.WBILEGAL.COM

KYLER L. WISE
KWISE@WBILEGAL.COM
DIRECT DIAL: (770) 803-3708

TELEPHONE
(404) 853-5050
FACSIMILE
(404) 853-1812

March 6, 2025

VIA HAND DELIVERY

City of Flowery Branch, Georgia
Attn: Chris McCrary, Planning & Community Development Director
5512 Main Street
Flowery Branch, Georgia 30542

Re: Appeal from February 24, 2025 Reviewer Comments, as clarified on February 25, 2025 (“**Decision**”) for February 3, 2025 Preliminary Plat Application (“**Plat Application**”) Property: Approximately 16.09 acres, 6482 McEver Road, Flowery Branch, Georgia Parcel Number 08140 000218 (“**Property**”) Owner: Sarkar Development Group, Inc. (“**Sarkar**”) Applicant: Edge City Properties, Inc. (“**Edge**”)

Dear Mr. McCrary:

This correspondence is written on behalf of Sarkar, the owner of the Property, and Edge, applicant for the Plat Application. On or about February 3, 2025, Sarkar and Edge submitted the Plat Application to the City of Flowery Branch, Georgia (“**City**”) to develop the Property with a mixed-use development consisting of eighty-eight (88) single family attached units and three (3) commercial/retail buildings of approximately 9,000 square feet each (“**Project**”). The Project is allowed by right under the City’s Zoning Ordinance.

On or about February 24, 2025, the Decision was issued with regard to the Plat Application. Specifically, Preliminary Plat Review Checklist Item Number 3 states in pertinent part: “HB is defined in the code as allowing for **commercial** uses. Thus, the ‘mixed use’ within HB allows for different types of land uses that are **permissible commercial uses within HB**, planned as a unified complimentary whole” (emphasis in original). After seeking clarification on this issue, Edge received further communication stating the City’s position that the HB zoning district only authorizes commercial uses and that “dwelling townhome attached is not an allowed use in HB under the Purpose and Description and it is labeled a prohibited use under table 9.1” (referenced above and hereinafter as the “**Decision**”).¹

¹ This Appeal pertains to the Decision insofar as its finding that the townhome residential portion of the mixed-use Project sought with the Plat Application is not allowed on the Property. Within the Decision, other comments were made to Preliminary Plat Review Checklist item numbers 4, 5, 7, 9, 13, 15, and 21 which appear to pertain to matters outside of the permitted use of the Property. Pursuant to Section 507(c) of the City’s Subdivision and Land Development Ordinance, Edge and Sarkar reserve the right to address those other comments upon resolution of this Appeal pertaining to authorized use of the Property.

March 4, 2025

Page 2

Sarkar and Edge disagree with and dispute the Decision to prohibit townhomes on the Property as part of a mixed-use development sought with the Plat Application. Instead, the HB zoning on the Property allows mixed-use developments by right, which authorizes development of the Property with the mixed-use residential and commercial Project sought with the Plat Application.

Pursuant to Section 1507 of the City's Subdivision and Land Development Ordinance, Article 39 of the City's Zoning Ordinance, and any other pertinent Ordinance or Code provision, Edge and Sarkar hereby appeal and state their disagreement with the Decision. Please process this appeal and forward it to the Mayor and City Council for further action.

MATERIAL FACTS

Edge is the contract purchaser of the Property, which is zoned HB under the City's Zoning Ordinance. [See Affidavit of Michael Dye ("**Dye Affidavit**"), attached hereto as Exhibit "1", para. 3]. As part of conducting due diligence on the Property, Mr. Dye obtained a February 25, 2019 letter from then Planning and Community Development Director Richard Atkinson to Mr. Robi Sarkar, representative of the owner, concerning the Property which states in pertinent part: "[t]he above referenced property [the same Property at issue in this Appeal] is currently zoned Highway Business (HB). **The uses you have inquired about (mixed use of retail, storage, housing, etc.) are inherently allowed.**" [Dye Affidavit, para. 4, Ex. "A" attached thereto] (emphasis supplied).

Additionally, as part of conducting due diligence on the Property, Mr. Dye obtained a copy of a land disturbance permit issued to Sarkar by the City on April 28, 2020 approving a mixed-use development on the Property consisting of commercial/retail buildings and single family attached units (townhomes). [Dye Affidavit, para. 5, Ex. "B" attached thereto].

On January 2, 2025, certain proposed text amendments to Article Nine (9) of the City's Zoning Ordinance were discussed at a City Council Work Session. [Dye Affidavit, para. 6, Ex. "C" attached thereto]. Chris McCrary, current Community Development and Planning Director, prepared a Memorandum to City Council in regards to proposed amendments to the City's Zoning Ordinance. Therein, Mr. McCrary states in pertinent part with regard to the proposed changes:

"Mixed-Use Building or Development is proposed to be removed from table 9.2. The City has adopted a Mixed-Use zoning category **therefore the use in this table is redundant**" (emphasis supplied). [Dye Affidavit, para. 7, Ex. "C" attached thereto].²

² "Mixed-Use Building or Development" referenced by Mr. McCrary in the January 2, 2025 Memorandum is a permitted use by right in the HB zoning district. In the Memorandum, Mr. McCrary proposes to delete that permitted use in HB because, in his words, it is redundant with the Mixed-Use Development District. The Mixed-Use Development District allows, by right,

March 4, 2025

Page 3

The Mixed-Use Development District referenced by Mr. McCrary is found at Article 8 of the City's Zoning Ordinance. The Mixed-Use Development District permits by right mixed-use development consisting of single family attached units (townhomes) and commercial uses. [See a certified copy of the City's Zoning Ordinance attached hereto as Exhibit "2" ("Zoning Ordinance"), Sec. 8.1 through 8.3; see also Chart 8.1, Permitted Uses].

On February 3, 2025, Sarkar, as owner of the Property, and Edge, as applicant, submitted the Plat Application to the City seeking to alter use of the Property with the mixed-use Project. [Dye Affidavit, para. 9, Ex. "D" attached hereto]. The Plat Application was complete, the requisite fee was paid, and the City accepted it for processing. [Dye Affidavit, para. 10].

On or about February 24, 2025, in complete contradiction to previous actions approving mixed-use development on the Property consisting of single family attached units and commercial uses, the City issued the Decision finding: (1) that only commercial uses are permitted on the Property under the HB zoning; (2) that single family attached units (townhomes) are not allowed on the Property, even when presented as part of the mixed-use Project; and (3) that the "mixed-use" within HB only allows for different types of commercial uses in the HB zoning district. [Dye Affidavit, paras. 11-13, Exs. "E" and "F" attached thereto].³

Edge and Sarkar disagree with and dispute the Decision to prohibit single family attached units (townhomes) on the Property as part of a mixed-use development, as sought with the Project under the Plat Application. [Dye Affidavit, para. 14]. Edge and Sarkar request a determination that the proposed Project sought with the Plat Application is allowed by right on the Property under the City's Zoning Ordinance in effect on February 3, 2025 when the Plat Application was submitted, and that the Plat Application be processed and approved by the City under the regulations in force as of February 3, 2025. [Id.].

**THE HB ZONING ON THE PROPERTY ALLOWS THE MIXED-USE PROJECT
SOUGHT WITH THE PLAT APPLICATION AS A MATTER OF RIGHT**

The Property is zoned to the HB district under the City's Zoning Ordinance and Map. [A certified copy of the City's Zoning Map is attached hereto as Exhibit "3"].

mixed-use developments containing commercial and single family attached units (townhomes), just like Edge is seeking to develop on the Property with the Project. The City's Zoning Ordinance will be discussed more below.

³ This interpretation is a confusing *non sequitur* because under its plain meaning, a mixed-use development requires a mix of **different land use types** such as residential and commercial. It is non-sensical to interpret a mixed-use project to require different types of the **same use**. That is not a mixed-use project, as Mr. McCrary posits, but would simply be a **commercial project**.

A. The City's Zoning Ordinance

The text of the HB zoning district states in pertinent part:

“Sec. 9.4. – HB, Highway Business District.

- (a) *Purpose and Description.* This zoning district is intended to implement the **activity center** and activity center-retail character areas established in the **comprehensive plan**....
- (b) *Permitted and Conditional Uses.* **Permitted** and conditional **uses shall be** as provided in Table 9.1, “Permitted and Conditional Uses in Nonresidential Zoning Districts.”
- (c) *Dimensional Requirements.* Dimensional requirements **shall be** as provided in Table 9.2, “Dimensional Requirements in Nonresidential Zoning Districts.” [Zoning Ordinance, Section 9.4]. ⁴

Table 9.1 contains the list of mandatory permitted uses in the HB zoning district and it expressly allows “Mixed use building or development” by right on the Property. [See Zoning Ordinance, Table 9.1; see also definition of “Use, Permitted” at Section 2.1 of the Zoning Ordinance: “**A use by right which is specifically authorized in a particular zoning district...**”] (emphasis supplied).

The Zoning Ordinance defines “Mixed use development”, specifically authorized by right in the HB district, as:

“A single building containing more than one type of land use; **or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified, complementary whole**” (emphasis supplied). [See Zoning Ordinance, Sec. 2.1 Use Definitions]. ⁵

Moreover, Table 9.2 contains the dimensional requirements for the HB district and provides for a density of up to 12 units per acre, a 700 square foot minimum heated floor area per dwelling unit, and a 10 foot minimum landscape strip along rights-of-way for any multi-family use. [See Zoning Ordinance, Table 9.2].

B. The City's Comprehensive Development Plan

⁴ In its ordinary signification, “shall” is a word of command. *Hardison v. Fayssoux*, 168 Ga. App. 398 (1983) (citing *Garrison v. Perkins*, 137 Ga. 744 (1912)). See also Section 2.7(e) of the City's Zoning Ordinance: “[t]he words **“shall” and “must” are always mandatory and not discretionary....**” (emphasis supplied) [See Exhibit “2” attached hereto].

⁵ The Proposed Project sought with the Plat Application is a “Mixed Use Development” allowed by right in HB. It presents a single development of more than one building and more than one type of land use, i.e. commercial and residential uses.

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Section 3.5 of the Zoning Ordinance states in pertinent part:

“The character areas presented in map and text form in the adopted comprehensive plan of the City of Flowery Branch, Georgia **are hereby adopted as if fully set forth in this ordinance**.... Furthermore, to the extent this zoning ordinance provides regulations for character area districts, **they are mandatory and shall be followed**” (emphasis supplied) [See Exhibit “2”].

As noted, Section 9.4(a) of the Zoning Ordinance states that the HB zoning district is intended to implement the Activity Center Character Area in the Comprehensive Development Plan. The Activity Center Character Area found at page 36 of the Comprehensive Development Plan authorizes “**residential uses when part of a mixed use development**” and contains illustrations of mixed-use developments consisting of commercial/retail and townhome projects (emphasis supplied) [A certified copy of the City’s Comprehensive Development Plan is attached hereto as Exhibit “4”].

Moreover, the Property made the subject of this Appeal is located in the “**Mixed-Use Neighborhood**” Character Area. Page 34 of the City’s Comprehensive Plan states appropriate land uses in this Character Area include “**residential in the context of a mixed use development**” and within two illustrations, the Plan states: “**residential uses are allowed when part of a mixed use development**”. (emphasis supplied) [See Comprehensive Development Plan, Ex. “4”].

Based on the plain text of the Zoning Ordinance, and the City’s Comprehensive Development which is incorporated within and as part of the Zoning Ordinance, it is self-evident that the single family attached units sought with the Plat Application are allowed by right on the Property as presented as part of the mixed-use Project. The City’s Zoning Ordinance specifically authorizes mixed-use developments by right on the Property and it is undisputed that the Project sought with the Plat Application constitutes an allowed mixed-use development.

C. The City’s Position.

Nevertheless, the City’s Decision improperly restricting the Property to commercial uses appears to be premised entirely on the following language from the Zoning Ordinance:

“This [HB] zoning district will be an accessible center of businesses, services, and complementary uses with attractive building and site features and contributing extensively to the economic base of the city. The widest possible range of commercial uses is contemplated in this zoning district, except for industry, mixed use developments, and single-family residences including manufactured homes”. [Section 9.4(a), Zoning Ordinance].

However, upon application of the applicable Canons of Construction to the Zoning Ordinance, the City’s reliance upon this language from Section 9.4(a) of the Zoning Ordinance is

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fatally flawed and the mixed-use Project sought by the Plat Application is allowed on the Property as a matter of law.

The construction of a zoning ordinance is a question of law for the courts. In construing a zoning ordinance, the general rule is that the owner of land has the right to use the property for any lawful purpose. Since zoning ordinances restrict an owner's right to freely use his property, they are in derogation of common law. Thus, zoning ordinances are to be strictly construed in favor of the property owner and never extended beyond their plan and explicit terms. Any restrictions must be clearly established and ambiguities in the language of zoning ordinances should be resolved in favor of the free use of property. SDS Real Prop. Holdings, Ltd. v. City of Brookhaven, 341 Ga. App. 862 (2017); Cherokee Cnty. v. Martin, 254 Ga. App. 395, 396 (2002).

Since the exercise of the police power in regulating the use of land infringes upon the landowner's right to its unfettered use of the land, such regulation of land use is in derogation of common law, requiring strict construction against the local government and liberal construction in favor of the landowner. Any ambiguity or uncertainty in a land use regulation ordinance must be construed in favor of the free use of the land. Moreover, a zoning ordinance is subject to the canons of statutory construction like any other statute as a question of law. Where there is in the same statute a specific provision and a more general one, the more specific provision must control. DeKalb Cnty v. Post Apartment Homes, LP, 234 Ga. App. 409, 410-411 (1998); Schwartz v. Black, 200 Ga. App. 735, 736 (1991). Stated more formally, where there is in the same statute a specific provision, and also a general one which in its most comprehensive sense would include matters embraced in the former, the particular provision must control, and the general provision must be taken to affect only such cases within its general language as are not within the provisions of the particular provision. Mayor v. Savannah Elec. & Power Co., 205 Ga. 429 (1949). The rule of construction applicable to all writings and statutes is that general and unlimited terms are restrained and limited by particular recitals, when used in connection with them. Id.

Application of these well-settled precepts results in a conclusion, as a matter of law, that the Project sought with the Plat Application is allowed by right on the Property. The general, descriptive language relied on by the City within Section 9.4(a) of the Zoning Ordinance is supplanted by the more specific, mandatory language of Section 9.4(b) stating that permitted uses in the HB district ***shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts"***. "Permitted Use" is a term defined at Section 2.1 of the Zoning Ordinance to mean: ***A use by right which is specifically authorized in a particular zoning district...*** It is undisputed that "mixed-use development" is a permitted use "specifically authorized" by right on the Property under the HB zoning and that the Project sought with the Plat Application meets the definition of a mixed-use development.

The fact that single family attached units are allowed on the Property when presented as part of a mixed-use development is confirmed by Table 9.2 of the Zoning Ordinance allowing density of up to 12 units per acre and imposing a 700 square foot minimum heated floor area per dwelling unit. The City's Decision violates the Canons of Construction that more specific provisions of an ordinance prevail over more general statements. The City's Decision

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impermissibly renders the specific, mandatory text of Section 9.4(b) and (c) mere surplusage, and further renders the Tables found at 9.1 and 9.2 of the Zoning Ordinance meaningless in violation of the Canons of Construction. Moritz v. Orkin Exterminating Co., 215 Ga. App. 255, 256-257 (1994) (the Canons of Construction seek to “avoid constructions which render a portion of the statute mere surplusage.”)

In addition, the Decision violates another Canon of Construction that zoning ordinances must be construed in favor of the landowner and the free use of property. Any restrictions on the use of land must be clearly established and any ambiguities or uncertainties in the language of zoning ordinances should be resolved in favor of the free use of property. SDS Real Prop. Holdings, Ltd. v. City of Brookhaven, 341 Ga. App. 862 (2017); Cherokee Cnty. v. Martin, 254 Ga. App. 395, 396 (2002); DeKalb Cnty v. Post Apartment Homes, LP, 234 Ga. App. 409, 410-411 (1998).

Here, Edge and Sarkar posit that the mixed-use Project sought with the Plat Application is allowed by right under the plain text of the Zoning Ordinance and Comprehensive Development Plan. However, even if an ambiguity is found to exist between Section 9.4(a) of the Zoning Ordinance, and other Sections of the Zoning Ordinance referenced above, Georgia law is clear that the conflict within the text must be resolved in favor of allowance of the mixed use Project sought with the Plat Application. The Decision should be reversed.

SARKAR AND EDGE HAVE A VESTED RIGHT TO USE THE PROPERTY IN ACCORDANCE WITH THE PLAT APPLICATION UNDER THE REGULATIONS IN FORCE AS OF FEBRUARY 3, 2025, THE DATE OF SUBMITTAL

Section 202 of the City’s Subdivision and Land Development Ordinance states:

“All subdivisions and land developments shall comply as required with the zoning ordinance of the City of Flowery Branch, as may be amended from time to time. No person shall subdivide or develop land, and the Zoning Administrator shall not approve any subdivision or development of land, unless the lots created pursuant to said subdivision or the land use or development activity meet or exceed all applicable requirements of the zoning district in which it is located, and the zoning ordinance generally”. [A certified copy of the Subdivision and Land Development Ordinance is attached hereto as Exhibit “5”].

Section 409 states:

“No person shall begin development, land-disturbing activity, or construction of any improvement on any lot or land except in compliance with this Ordinance. No development permit shall be issued for land disturbing activity or the installation of improvements prior to the approval of a preliminary plat of such land, if required”

Section 502 states:

WILSON BROCK & IRBY, L.L.C.

March 4, 2025

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Any subdivision involving the dedication of a public street or public land, and any subdivision involving a new private street, shall require the submission of a preliminary plat. The Governing Body of the City of Flowery Branch must first approve a preliminary plat for a subdivision prior to the issuance of a development permit or initiation of any land disturbing or construction activities within the proposed subdivision”.

Based on the plain text of the City’s Subdivision and Land Development Ordinance, approval of a preliminary plat is required as a condition precedent for issuance of a development permit and land disturbing activities to develop the Property with the mixed-use Project. Accordingly, Edge and Sarkar respectfully request that the Decision be reversed and that the Plat Application be processed and approved under the zoning regulations in effect as of February 3, 2025, the date of submittal. Recycle & Recover v. Georgia Bd. of Natural Resources, 266 Ga. 253, 255 (1996) (when a property owner becomes an actual applicant seeking to alter use of land, he has vested right to consideration of application under law then in existence); Banks County v. Chambers of Georgia, Inc., 264 Ga. 421 (1994); WMM Properties v. Cobb County, 255 Ga. 436 (1986) (landowner has vested right to use property in accordance with zoning regulations in force when he applied for permit).

CONCLUSION

Any action by the City other than to reverse the Decision and to thereafter process and approve the Plat Application under the zoning regulations in effect on February 3, 2025 when the application was submitted would result in the violation of the property owner’s and permit applicant’s rights protected by: Article I, Section 1, Paragraph 10, Article I, Section I, Paragraph I, Article I, Section I, Paragraph II, and Article I, Section III, Paragraph I of the Georgia Constitution as well as the 5th and 14th amendments to the U.S. Constitution.

Edge and Sarkar respectfully request that the City reverse the Decision and that the Plat Application be processed and approved under the HB zoning classification in effect as of February 3, 2025, the date of submittal.

Very truly yours,

WILSON BROCK & IRBY, L.L.C.



Kyler L. Wise

Attachments

Ex. “1”

AFFIDAVIT OF MICHAEL DYE

Personally appeared before the undersigned officer, duly authorized by law to administer oaths, Michael Dye, who, being first duly sworn, states under oath as follows:

1.

My name is Michael Dye, also known as Mike Dye. I am over 21 years of age and of sound mind. I provide this Affidavit based upon my personal knowledge. I provide this Affidavit voluntarily and of my own free will. I provide this Affidavit for use in the administrative appeal challenging the February 24, 2025 Reviewer Comments and Decision, as clarified on February 25, 2025, deciding that my mixed-use development consisting of eighty-eight (88) single family attached units and commercial/retail buildings, as sought with a Preliminary Plat Application, is not authorized by the City of Flowery Branch Zoning Ordinance. This Affidavit is also given for all other purposes allowed by law.

2.

I am the principal, representative and otherwise controlling party of Edge City Properties, Inc. ("Edge").

3.

Edge is the contract purchaser of certain property owned by Sarkar Development Group, Inc. ("Sarkar") consisting of approximately 16.09 acres at 6482 McEver Road, Flowery Branch, Georgia, Tax Parcel Number 08140 000218 (the "Property"). The Property is zoned to the HB classification under the City of Flowery Branch ("City") Zoning Ordinance.

4.

As part of conducting due diligence on the Property, I obtained a February 25, 2019 letter written by former City of Flowery Branch Planning and Community Development Director

Richard Atkinson to Mr. Robi Sarkar, representative of the owner, concerning the Property which states: “[t]he above referenced property is currently zoned Highway Business (HB). The uses you have inquired about (**mixed use of retail, storage, housing, etc.**) **are inherently allowed**” (emphasis supplied). A true and correct copy of such February 25, 2019 correspondence is attached hereto as Exhibit “A” and is incorporated herein by reference.

5.

Additionally, as part of conducting my due diligence on the Property, I obtained a copy of a land disturbance permit issued to Sarkar by the City on April 28, 2020 approving a mixed-use development on the Property consisting of commercial/retail buildings and single family attached units (townhomes). My understanding is that the owner elected not to build this development on the Property and this land disturbance permit expired. A true and correct copy of such April 28, 2020 land disturbance permit and approved site plan are attached hereto as Exhibit “B” and incorporated herein by reference.

6.

On January 2, 2025, certain text amendments to Article Nine (9) of the City’s Zoning Ordinance were discussed at City Council Work Session. A true and correct copy of the January 2, 2025 meeting minutes and portions of the agenda packet which are public records I obtained from the City’s website are attached hereto as Exhibit “C” and incorporated herein by reference.

7.

Part of the agenda packet from the January 2, 2025 public meeting is a January 2, 2025 Memorandum from Chris McCrary, the City’s Planning Director, to City Council which states in pertinent part:

“Table 9.2 – Permitted and Conditional Uses in Nonresidential Zoning Districts currently includes residential uses as a permitted use in several nonresidential neighborhood zoning districts. However, the City’s zoning code already provides a specific category for mixed-use developments, making the inclusion of residential uses in the nonresidential table redundant. With the exception of the Central Business District (CBD), residential uses should not be permitted by right in nonresidential zoning categories. Instead, such developments should require a rezoning to the Mixed-Use Category for consistency and proper alignment with the zoning framework. Mixed-Use Building or Development is proposed to be removed from table 9.2. The City has adopted a Mixed-Use zoning category there the use in the table is redundant”. See Exhibit “C” attached hereto.

8.

Based on a plain reading of the City’s current Zoning Ordinance, Mr. McCrary’s January 2, 2025 Memorandum, Mr. Atkinson’s previous February 25, 2019 letter to the Property owner, and the City’s April 28, 2020 land disturbance permit approving a mixed-use development on the Property consisting of commercial/retail and townhomes, a mixed-use development consisting of townhomes and commercial uses is allowed by right on the Property under the HB zoning district.

9.

On February 3, 2025, Sarkar, as owner of the Property, and Edge, as applicant, submitted a Preliminary Plat Application to the City seeking to alter use of the Property with a mixed-use development consisting of eighty-eight (88) single family attached units (townhomes) and three (3) commercial/retail buildings of 9,000 square foot each (“Project”).

10.

The February 3, 2025 Preliminary Plat Application was complete, the requisite fee was paid, and the City accepted it for processing (“Plat Application”). A true and correct copy of the Plat Application submitted to the City on February 3, 2025 is attached hereto as Exhibit “D” and is incorporated herein by reference.

11.

On or about February 24, 2025, I received comments from the City on the Plat Application. Specifically, Preliminary Plat Review Checklist Item Number 3 states in pertinent part: “HB is defined in the code as allowing for **commercial** uses. Thus, the mixed use within HB allows for different types of land uses that are **permissible commercial uses within HB**” (emphasis in original). A true and correct copy of the City’s February 24, 2025 Comments to the Plat Application is attached hereto as Exhibit “E” and incorporated herein by reference.

12.

After seeking clarification of these comments concerning Checklist Item Number 3, on February 25, 2025, I received email correspondence from Chris McCrary stating the City’s position that HB does not authorize single family attached units (townhomes) on the Property even when presented as part of a mixed-use development, that HB only authorizes commercial uses on the Property, and that “the ‘mixed-use’ within HB allows for different types of land uses that are **permissible commercial uses within HB**” (emphasis in original). A true and correct copy of Mr. McCrary’s February 25, 2025 email is attached hereto as Exhibit “F” and incorporated herein by reference.

13.

The Comments attached hereto as Exhibit “E”, and the clarification of those Comments

attached hereto as Exhibit “F”, are collectively referenced as the “Decision”.

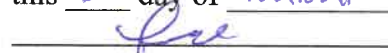
14.

As representative of the applicant of the Plat Application, I disagree with and dispute the Decision to prohibit single family attached units (townhomes) on the Property as part of a mixed-use development, as sought with the Project under the Plat Application. I request a determination that the proposed Project sought with the Plat Application is allowed by right on the Property under the City’s Zoning Ordinance in effect on February 3, 2025 when the Plat Application was submitted, and that the Plat Application be processed and approved by the City under the regulations in force as of February 3, 2025.

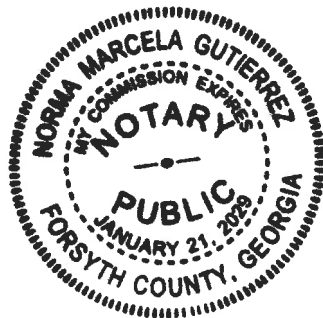
FURTHER AFFIANT SAYETH NOT


Michael Dye

Sworn to and subscribed before me
this 3 day of March, 2025.


NOTARY PUBLIC

My Commission Expires:



Ex. “A”



February 25, 2019

Mr. Robi Sarkar

RE: 6401 AKA 6482 McEver Road, Flowery Branch, GA 30542

Parcel # 08140 000092

Mr. Sarkar

The above referenced property is currently zoned Highway Business (HB). The uses you have inquired about (mixed use of retail, storage, housing, etc.) are inherently allowed.

The proposed development lies within the "Neighborhood Commercial" character area and is considered compliant with the Flowery Branch comprehensive plan.

The subject property does not currently lie within any overlay districts.

The proposed development must meet all the standards set forth in the Flowery Branch Code of [Ordinances](#).

Should you have any further questions regarding zoning please contact me by email at rich@flowerybranchga.org.

Regards,

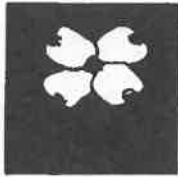
Richard Atkinson

Richard Atkinson

Planning and Community Development

City of Flowery Branch

Ex. “B”



City of Flowery Branch
5410 Pine Street
Flowery Branch, GA 30542
(770) 967 6371

Permit	Permit NO: DEV-000730-2020
	Permit Type: Development Permit
	Work Classification: Full
	Permit Status: Issued
Issue Date: 04/28/2020	
Expiration: 10/26/2020	

Location Address

Parcel Number

6401 MCEVER RD, FLOWERY BRANCH, GA 30542

08140 000092

Contacts

SARKAR INVESTMENT GROUP LLC
6680 WOODLAKE DR, FLOWERY BRANCH, GA 30542

Owner

Description: CLEARING GRADING AND GRUBBING,
CONSTRUCTION OF UTILITIES, INFRASTRUCTURE ROADS
LANDSCAPING FOR MIXED USE DEVELOPMENT, CONSISTING
OF 27 RESIDENTIAL TOWN HOMES

Valuation: \$0.00

Total Sq Feet: 0.00

Inspection Requests:

(470) 798-0523

Fees	Amount
Full Dev. Permit Fee (Not in City Water/Sewer)	\$3,500.00
NPDES General Permit Fee	\$700.00
Total:	\$4,200.00

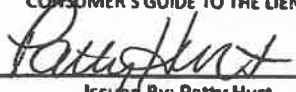
Payments	Amt Paid
Total Fees	
Amount Due:	

Available Inspections:	
Inspection Type	
E & S	
Final Engineering	725

THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 120 DAYS OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 6 MONTHS AT ANY TIME AFTER WORK IS COMMENCED.

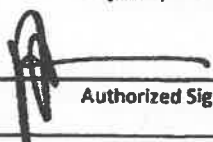
I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

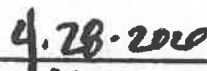
THE ISSUANCE OF THIS PERMIT AUTHORIZES IMPROVEMENTS OF THE REAL PROPERTY DESIGNATED HEREIN WHICH IMPROVEMENTS MAY SUBJECT SUCH PROPERTY TO MECHANICS' AND MATERIALMEN'S LIENS PURSUANT TO PART 3 OF ARTICLE 8 CHAPTER 14 OF TITLE 44 OF THE OFFICIAL CODE OF GEORGIA, ANNOTATED. IN ORDER TO PROTECT ANY INTEREST IN SUCH PROPERTY AND TO AVOID ENCUMBRANCES THEREON, THE OWNER OR ANY PERSON WITH AN INTEREST IN SUCH PROPERTY SHOULD CONSIDER CONTACTING AN ATTORNEY OR PURCHASING A CONSUMER'S GUIDE TO THE LIEN LAWS WHICH MAY BE AVAILABLE AT THE BUILDING SUPPLY HOME CENTERS.


Issued By: Patty Hurt

April 28, 2020

Date


Authorized Signature


Date

April 28, 2020

City of Flowery Branch, Georgia

Page 1 of 1

Ex. “C”



**City of Flowery Branch
City Council Meeting
Thursday, January 2, 2025, 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:

AWARDS & RECOGNITIONS:

NEW BUSINESS -WORK SESSION:

- Discussion of Text Amendments to Article 6, Article 9, Legacy Zoning Categories and Public Hearing Advertisement Time Frame.
[Executive Summary Article 6 and Article 9 updated.pdf](#)
[Article 6 UPDATED 12-5-2024.pdf](#)
[Article 9 Table 9.1 UPDATED 12-5-2024.pdf](#)
[Draft Legacy Zoning Addition.pdf](#)
[Public Hearing Advertisement and Signs.pdf](#)
- Consider a Consulting Agreement with Jimmy Dean for Wastewater Consulting Services
[ES - Jimmy Dean 2025 contract.pdf](#)
[Consulting Agreement - J Dean 01 02 25.pdf](#)
- Consider the First Reading of Ordinance 728 for Publishing of 2025 General Election Qualifying Fees
[Executive Summary Ordinance 728 - 2025 Call for Election.pdf](#)
[Ordinance 728 - 2025 Call for Election.pdf](#)

DEPARTMENT REPORTS:

- a. City Manager Report
- b. City Clerk Report
- c. Department of Fun Report
- d. Finance Department Report
- e. Human Resources Report
- f. Planning Department Report
- g. Police Department Report
- h. Public Works & Utilities Report
- i. Attorney Report
- j. Council Report

ADJOURNMENT WORK SESSION:

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

PUBLIC COMMENTS:

Please limit to two minutes

CONSENT AGENDA:

- Consider December 19, 2024 City Council Meeting Minutes
[Unofficial December 19, 2024 City Council Meeting Minutes.pdf](#)
- Consider December 2024 Per Diem for Mayor Asbridge
[December 2024 Mayor Asbridge Per Diem.pdf](#)

NEW BUSINESS - VOTING SESSION:

- Consider a Consulting Agreement with Jimmy Dean for Wastewater Consulting Services
[ES - Jimmy Dean 2025 contract.pdf](#)
[Consulting Agreement - J Dean 01 02 25.pdf](#)
- Consider the First Reading of Ordinance 728 for Publishing of 2025 General Election Qualifying Fees
[Executive Summary Ordinance 728 - 2025 Call for Election.pdf](#)
[Ordinance 728 - 2025 Call for Election.pdf](#)

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



Memorandum

To: City of Flowery Branch, City Manager, and City Council

From: Chris McCrary, Community Development and Planning Director

Date: January 2nd, 2025

Subject: Executive Summary Text Amendment to Article 6 and Article 9

Summary:

Article 6

- Staff is proposing a text amendment to Article 6 to establish a new zoning district for single-family townhomes. This amendment outlines specific district dimensions for townhomes, with a maximum density of six units per acre. Existing Code Section 12.6 – Townhouses, mandates high architectural standards and varied building fenestrations to create visually distinct townhome developments. The code encourages the use of rear-load alleys and garages by permitting a zero-front setback for such designs. Incorporating a mix of front- and rear-loaded townhomes fosters architectural diversity and enhances the overall aesthetic of the development. Additionally, Code Section 10.22 – Open Space, requires single-family townhome developments to include various amenities through designated open and civic spaces.
- Staff is proposing a text amendment to Article 6 to establish a new zoning district for residential multi-unit housing. This amendment outlines specific district dimensions for multi-family units, with a maximum density of twelve units per acre. Existing Code Articles 10, 12 and 40 –mandate high architectural standards and varied building fenestrations to create visually distinct residential multi-unit developments. Additionally, Code Section 10.22 – Open Space, requires residential multi-unit developments to include various amenities through designated open and civic spaces.

Article 9

- Staff is proposing a text amendment to Article 9, Table 9.1 to make minor use changes. Large civic areas such as private clubs, churches, temples, synagogues, or places of worship are similar in holding a large congregation in a single room or building. Staff recommends these uses obtain a Conditional Use Permit. Often these uses occupy an existing building not intended to have the large gathering areas, such as a conversion from a warehouse to a large gathering area. A Conditional Use Permit would allow staff to confirm that minimum



HVAC codes for air circulation are provided, proper exits are installed, sufficient parking is provided, and the site has safe ingress / egress.

- Table 9.2 – Permitted and Conditional Uses in Nonresidential Zoning Districts currently includes residential uses as a permitted use in several nonresidential zoning districts. However, the City’s zoning code already provides a specific category for mixed-use developments, making the inclusion of residential uses in the nonresidential table redundant. With the exception of the Central Business District (CBD), residential uses should not be permitted by right in nonresidential zoning categories. Instead, such developments should require a rezoning to the Mixed-Use category for consistency and proper alignment with the zoning framework.
- Mixed-Use Building or Development is proposed to be removed from table 9.2. The City has adopted a Mixed-Use zoning category therefore the use in the table is redundant.
- Table 9.2 currently includes Public Schools as a permitted use; however, it is proposed to remove this category from the table, as public schools are already exempt from zoning requirements. Private schools, listed as a use by right in the HB zoning district, require careful evaluation on a case-by-case basis. Specifically, consideration must be given to stacking and vehicular drop-off and pick-up areas to ensure traffic congestion and safety issues are not created by vehicles spilling into public streets. To address these concerns, each private school should be required to submit a traffic impact analysis that evaluates traffic patterns and the impact on road systems during peak demand times. To ensure these items are considered on a site-by-site basis, staff recommends private schools in HB zoning require a Conditional Use Permit.

**ARTICLE 6
AGRICULTURAL AND CONVENTIONAL
RESIDENTIAL ZONING DISTRICTS**

ARTICLE 6. - AGRICULTURAL AND CONVENTIONAL RESIDENTIAL ZONING DISTRICTS

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

- (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. - 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.

Sec. 6.5. – SF-TH, Single Family Attached Townhome District.

- (a) *Purpose and Description.* This zoning district is intended exclusively for the development and construction of single family attached townhomes in accordance with the comprehensive plan. This district is also intended to implement the "urban density community" character area established in the comprehensive plan. The regulations that apply to the SF-TH 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) (f) *Design Requirements.* See Articles 10, 12, and 40 of this Zoning Ordinance.

Sec. 6.6. RMU Residential Multi-Unit

- (a) *Purpose and Description.* This zoning district is intended to implement the "multi-unit-family residential" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intending to implement the "urban density communities" character area established in the comprehensive plan.
- (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.
- (e) *Parking Requirements.* See Articles 21.

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	MHP	SF-TH	RMU
Accessory apartment, attached	X	X	C	X	X	C
Accessory apartment, detached	X	C	C	X	X	C
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	X	X	X
Club or lodge, nonprofit, sponsored by a civic or similar organization	C	C	C	X	X	C
Community recreation	P	P	P	P	P	P
Conservation areas and passive recreational facilities	P	P	P	P	P	P
Conservation subdivision	C	C	P	P	X	X
Construction field office (temporary use)	X	X	P	P	P	P
Dwelling, single-family detached, fee-simple	P	P	P	X	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); three-family (tri-plex)	X	X	X	X	X	X
Dwelling, multi-family (apartment, attached residential condominium)	X	X	X	X	X	C
Garden, non-commercial, accessory to single-family detached dwelling	P	P	P	X	X	X
Golf course	P	P	P	X	P	C

Use	A	R-1	R-2	MHP	SF-TH	RMU
Guest house (accessory building/use)	P	P	P	X	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
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	P	X	X
Model home for single-family subdivision or townhomes (temporary)	P	P	P	X	P	X
Public or semi-public use	P	P	P	X	P	P
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
Temporary use	P	P	P	X	P	P

Table 6.2
Dimensional Requirements for Agricultural and
Conventional Residential Zoning Districts

Requirement (measurement unit)	A	R-1	R-2	MHP	SF-TH	RMU
Maximum height (feet)	75	35	35	35	35	75
Maximum height (number of stories)	3	3	3	1	3	5
Maximum density (units per acre)	0.333	2.18	4	4	6	12
Minimum lot size for detached single-family dwelling (square feet) (1)	130,680	20,000	15,000	10,000	N/A	N/A
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	10,000	10,000	10, 000
Minimum lot width (feet)	200	90	75	50	26	N/A
Minimum heated floor area per dwelling unit (square feet)	2,500	2,200	2,000	1,000	1,500	1,000
Minimum front yard setback from lot line, all principal buildings (feet)	80	35	25	25	25 (0 if townhomes are alley accessed with rear entry garages)	25
Minimum side setback, interior lot line, all principal buildings (feet)	25	25	15	20	5 (min. 10 between buildings)	20 (min. 10 between buildings)
Minimum side setback, corner lot, all principal buildings (feet)	60	35	25	20	5	20
Minimum rear setback, all principal buildings (feet)	35	25	20	20	20	20
Minimum setback, all principal or accessory buildings and structures abutting residential	Side and rear setbacks shall apply	50	50	100	50	50
Minimum width of natural buffer abutting residential	None			40	35	50
Minimum landscape strip required along right-of-ways for any nonresidential use if permitted (width in feet)	15	15	10	10	20	20
Minimum landscape strip required along	N/A	N/A	N/A	N/A	N/A	20

right-of-ways for any apartment or condominium (multi-family residential) use (width in feet)						
Minimum landscape strip required along side property lines for any nonresidential use if permitted (width in feet)	5	5	5	5	10	15
Maximum coverage of principal and accessory buildings (percent of lot)	25	25	35	50	N/A	40
Minimum landscaped open space, all principal uses except detached, single-family residential lots (percent)	20	20	15	15	25	30

(1) Where on on-site sewage system is not available, minimum lot size requirements of the Hall County Environmental Health Department shall be required and may exceed these minimums.

Table 9.1
Permitted and Conditional Uses in Nonresidential Zoning Districts

(P = Permitted Use C = Conditional Use X = Prohibited)

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Accessory building, structure, or use	P	P	P	P	P	P	P
Adaptive reuse of a detached single-family dwelling for a personal service establishment or enclosed retail establishment	C	C	P	P	P	X	X
Adult business (see Adult Entertainment of Code of Ordinances No. 360)	X	X	X	X	X	P	P
Agricultural processing	X	X	X	X	X	X	C
Aircraft landing area	X	X	X	X	X	X	C
Animal hospital or veterinary clinic	P	P	P	P	X	X	X
Animal rendering, slaughtering, and recycling plant	X	X	X	X	X	X	X
Animal shelter	X	P	X	C	X	P	P
Apparel manufacturing	X	X	X	X	X	P	P
Art gallery	P	P	P	P	P	X	X
Asphalt plant	X	X	X	X	X	X	C
Auction house or auction yard (excluding livestock)	X	X	X	X	X	P	P
Auction house or auction yard (including livestock)	X	X	X	X	X	X	P
Automated teller machines (accessory use)	P	P	P	P	X	P	P
Automobile sales and service establishment	X	X	X	P	X	X	X
Automobile sales without service	X	X	X	P	X	X	X
Automobile service establishment without sales	X	X	X	P	X	P	P
Bank or financial institution	P	P	P	P	P	X	X
Batching plant	X	X	X	X	X	X	C
Bed and breakfast inn	P	P	P	P	P	X	X
Big box commercial building	X	X	X	C	X	C	C
Borrow site	X	C	X	C	X	X	P
Botanical garden	P	P	P	C	X	X	X
Bottling or canning plant	X	X	X	X	X	C	P
Brew pub	X	C	P	P	P	P	P
Brewery or distillery	X	X	X	X	X	P	P
Broadcasting studio	P	P	P	P	X	P	P
Building material sales	X	X	X	C	X	P	P
Building sales establishment	X	X	X	C	X	P	P
Bulk storage	X	X	X	X	X	X	P
Business service establishment, not exceeding 2,500 square feet of gross floor area	C	C	P	P	P	P	P
Business service establishment, more than 2,500 square feet of gross floor area	X	X	X	P	P	P	P
Camp or campground	X	C	X	C	X	X	X
Car wash	X	X	X	C	X	P	P
Caretaker's residence	X	X	X	C	C	P	P

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Carnival	X	X	X	C	X	X	P
Cemetery or mausoleum	X	P	X	C	X	P	P
Church, temple, synagogue, or place of worship, including specified accessory uses (see Section 14.3) (Ord. 348-11)	P-C	P	C	P-C	X	C	C
Clinic	P	P	P	P	X	X	X
Club or lodge, nonprofit, sponsored by a civic or similar organization	P-C	P	C	P-C	X	C	C
Club, private (Ord. 348-11)	X	C	X	C	X	X	X
Cold storage plant or frozen food locker	X	X	X	X	X	P	P
Co-generation facility	X	X	X	X	X	C	C
College or university (Ord. 348-11)	C	P	X	C	X	C	C
Commercial recreational facility, indoor (Ord. 348-11)	X	X	C	P	X	C	C
Commercial recreational facility, outdoor	X	X	X	C	C	C	C
Communication tower and antenna	P	P	X	P	X	P	P
Community recreation area	P	P	P	P	P	P	P
Composting facility	X	X	X	X	X	X	P
Conservation areas and passive recreational facilities	P	P	P	P	P	P	P
Construction field office and/or yard (temporary use)	X	P	X	P	X	P	P
Continuing care retirement community	C	P	X	P	C	X	X
Contractor's establishment	X	X	X	P	X	P	P
Convenience store, with or without gasoline pumps	X	X	X	C	X	X	X
Cottage industry	P	P	P	P	P	P	P
Crematorium in conjunction with a funeral home or mortuary (Ord. 348-13)	X	C	X	C	X	P	P
Crematorium not in conjunction with a funeral home or mortuary (Ord. 348-13)	X	X	X	X	X	X	P
Crisis center	C	P	X	P	X	P	P
Custom order shop	X	X	P	P	P	P	P
Day care center serving no more than 17 persons	P	P	P	P	X	C	C
Day care center serving 18 persons or more	X	P	C	P	X	C	C
Distribution center, including truck terminals	X	X	X	C	X	P	P
Dry cleaning plant	X	X	X	C	X	P	P
Dwelling, single-family detached, fee-simple	P-X	P-X	X	X	P-C	X	X
Dwelling, single-family detached, condominium	P-X	P-X	X	X	P-C	X	X
Dwelling, townhome (single-family attached fee-simple)	X	X	X	X	P-C	X	X
Dwelling, multi-family	X	X	X	X	P-C	X	X
Dwelling, two-family (duplex)	C-X	C-X	X	X	X	X	X
Dwelling, located within a building containing a nonresidential principal use	X	X	X	X	X	X	X
Explosives storage	X	X	X	X	X	X	C
Exterminating and pest control business or disinfecting service	X	X	C	P	X	P	P

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Extraction and removal of sand, gravel, top soil, clay, dirt, precious metals, gems, and minerals	X	X	X	X	X	X	C
Fairgrounds	X	P	X	X	C	P	P
Finance, insurance, and real estate establishment, 2,500 square feet or less of gross floor area per establishment	P	P	P	P	P	P	P
Finance, insurance, and real estate establishment, more than 2,500 square feet of gross floor area per establishment	P	P	P	P	P	X	X
Food processing plant	X	X	X	X	X	X	P
Fuel oil distributor	X	X	X	X	X	P	P
Funeral home or mortuary	X	X	X	C	X	P	P
Gas tank sales	X	X	X	C	X	X	P
Greenhouse (commercial)	X	X	X	P	X	P	P
Group home	C	P	X	P	X	X	X
Growler	X	X	X	P	P	X	X
Gym or exercise facility, not open 24 hours a day	P	P	P	P	P	P	P
Gym or exercise facility open 24 hours a day	P	P	X	P	P	P	P
Hazardous waste receiving, handling, and/or disposal facility, or volatile organic liquid handling and storage	X	X	X	X	X	X	C
Health spa	X	X	X	P	P	P	P
Hospital	C	P	X	P	C	C	C
Incinerator	X	X	X	X	X	X	C
Institutional residential living and care facility, serving no more than 17 persons	P	P	P	P	X	X	X
Institutional residential living and care facility, serving 18 persons or more	C	P	X	P	X	X	X
Junk/salvage yard	X	X	X	X	X	X	C
Kennel	X	X	X	P	X	P	P
Laboratory	P	P	C	P	X	P	P
Landfill (sanitary, construction/demolition, inert waste)	X	X	X	X	X	X	C
Landscaping company	X	X	X	P	X	P	P
Live/work unit	C	X	C	C	P	P	P
Lodging service (hotel, motel, motor hotel, inn)	X	C	X	P	P	X	X
Logging yard	X	X	X	X	X	X	P
Lumber yard	X	X	X	C	X	P	P
Machine shop	X	X	X	P	X	P	P
Manufactured home, "Class A"	X	X	X	X	X	X	X
Manufactured home other than "Class A"	X	X	X	X	X	X	X
Manufactured home park	X	X	X	X	X	X	X
Manufacturing, ceramics	X	X	X	X	X	C	P
Manufacturing, cosmetics or toiletries	X	X	X	X	X	P	P
Manufacturing, coating of cans, coils, fabrics, vinyl, metal furniture, appliance surfaces, wire, paper, and flat wood paneling	X	X	X	X	X	C	C

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Manufacturing, electronics, camera, or photographic or communication equipment	X	X	X	X	X	P	P
Manufacturing, instrument assembly	X	X	X	X	X	P	P
Manufacturing, metal products	X	X	X	X	X	C	P
Manufacturing, pharmaceuticals and medical supplies	X	X	X	X	X	P	P
Manufacturing, textiles	X	X	X	X	X	P	P
Manufacturing, wood products	X	X	X	X	X	P	P
Manufacturing, processing, and assembling, within buildings, not otherwise specified	X	X	X	X	X	C	C
Marina	X	C	X	P	X	X	X
Materials recovery facility	X	X	X	X	X	X	C
Micro-brewery	X	X	X	X(1)	C	X	X
Micro-distillery	X	X	X	X(1)	C	X	X
Mixed-use building or development	C	X	P	P	P	C	X
Museum	P	P	P	P	P	P	P
Office	P	P	P	P	P	P	P
Office-warehouse	X	X	X	C	X	P	P
Open air business	X	X	X	P	C	C	C
Open storage yard (principal use)	X	X	X	C	X	P	P
Package store	X	X	X	P	X	X	X
Parking deck or structures, on-site or off-site	C	C	X	P	C	C	C
Parking lot, off-site	P	P	P	P	C	P	P
Personal service establishment	C	C	P	P	P	P	P
Petroleum bulk storage site	X	X	X	X	X	X	P
Power plant, private	X	X	X	X	X	X	C
Public or semi-public use	P	P	P	P	P	P	P
Rail yard	X	C	X	X	X	X	P
Railroad freight terminal	X	C	X	X	X	X	P
Recreational vehicle park	X	X	X	C	X	X	X
Recovered materials processing facility	X	X	X	X	X	X	C
Recycling center	X	X	X	X	X	C	C
Restaurant, excluding drive-ins or drive through facilities and fast-food restaurants as defined	X	C	P	P	P	P	P
Restaurant, including drive-ins or drive through facilities and fast-food restaurants as defined	X	X	X	P	X	C	C
Retail trade establishment, enclosed	X	X	P	P	P	P	P
Retreat center	P	P	X	P	X	X	X
Riding academy or equestrian center	X	X	X	P	X	C	C
Rooming or boarding house	C	X	X	C	X	X	X
Sawmill	X	X	X	C	X	X	P
School for the arts (Ord. 348-10; Ord. 348-11)	P	P	C	P	C	C	C
School, private, elementary, middle, or high (Ord. 348-11)	P	P	C	P-C	X	C	C
School, public	P	P	X	X	X	X	X
School, professional (Ord. 348-11)	P	P	C	P	X	C	C
School, special (Ord. 348-11)	P	P	X	X	X	C	C
School, trade (Ord. 348-11)	C	C	X	X	X	C	C

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Self-service storage facility (mini-warehouse)	X	X	X	C	X	P	P
Service and fuel-filling station	X	X	X	P	X	P	P
Showroom	X	X	X	X	X	P	P
Slaughterhouse	X	X	X	X	X	X	C
Solid waste handling and/or transfer facility	X	X	X	X	X	X	C
Special event facility (Ord. 348-11)	C	P	C	P	X	X	X
Taxi cab and limousine service	X	X	X	X	X	X	X
Temporary use approved by the Zoning Administrator	P	P	P	P	P	P	P
Therapeutic camp	X	C	X	X	X	X	X
Tow service	X	X	X	P	X	C	P
Truck stop or truck terminal	X	X	X	C	X	X	P
Utility company	P	P	X	P	X	P	P
Utility company substation	P	P	P	P	P	P	P
Vehicle emission testing facility	X	X	X	P	X	P	P
Warehouse or storage building	X	X	X	C	X	P	P
Water plant or wastewater treatment facility	X	X	X	X	X	X	X
Wholesale trade establishment	X	X	X	C	C	P	P
Wireless telecommunications equipment	X	C	X	C	X	C	C
Wireless telecommunications facility	X	C	X	C	X	C	C
Wrecked motor vehicle compound	X	X	X	C	X	X	P
Yoga Studio	P	P	P	P	P	P	P

Note 1. Building Height and Number of Stories. The maximum height of any building, including those on lots subsequently zoned CBD after the effective date of this zoning ordinance amendment, shall be three stories and 45 feet, except as follows:

The maximum building height shall be four stories and 60 feet for the following city blocks: The city block bounded by Railroad Avenue, Pine Street Extension, Church Street, and Chestnut Street; the city block bounded by Railroad Avenue, Main Street, Church Street, and Pine Street Extension; and the city block bounded by Railroad Avenue, Bailey Drive, Church Street, and Main Street. The building height may project 6 feet above the maximum for purposes of screening roof mounted equipment, safety railings and/or other service equipment.

X(1): HB zoned properties located within the downtown overlay district may operate micro-breweries or micro-distilleries subject to the granting of a Conditional Use Permit.

Draft: Legacy Zoning Section Summary

Legacy Zoning Categories are classifications used in land use planning to address areas that were zoned under previous zoning ordinances but no longer align with current zoning practices or standards. These categories serve several purposes and reflect specific intents:

Purpose of Legacy Zoning Categories

1. **Preservation of Existing Uses:**
 - They allow pre-existing developments or land uses that do not conform to current zoning regulations to continue operating without requiring immediate changes.
 2. **Transition Management:**
 - Legacy zoning serves as a bridge, helping jurisdictions transition from older zoning codes to updated frameworks without disrupting established neighborhoods or businesses.
 3. **Legal and Practical Recognition:**
 - These categories prevent the creation of unnecessary legal nonconformities by formally recognizing older zoning designations until a formal rezoning process can be completed.
 4. **Gradual Redevelopment:**
 - They enable gradual redevelopment over time, allowing property owners to adapt to new zoning standards without immediate financial or operational burdens.
-

Intent of Legacy Zoning Categories

1. **Flexibility for Property Owners:**
 - Provide property owners with flexibility to maintain or improve their properties within the context of the older zoning regulations.
2. **Historical Integrity:**
 - Protect the character of older neighborhoods or districts that might have unique historical or cultural significance not reflected in modern zoning.
3. **Minimization of Conflict:**
 - Reduce conflicts between property owners and the local government by providing a clear pathway to eventual compliance with updated zoning codes.
4. **Support for Comprehensive Planning:**
 - Align legacy zones with long-term comprehensive plans, ensuring future development or redevelopment aligns with community goals and vision.

- **Article 6, Sec. 6.5 – Legacy Zoning Categories**

Legacy Zoning Categories are classifications used in land use planning to address areas that were zoned under previous zoning ordinances but no longer align with current zoning practices or standards. These categories serve several purposes and reflect specific intents.

- a) **R-3, Residential Multi-Family District**

- 1. The purpose of the Legacy Residential Multi-Family District is to recognize multi-family Zones established for which a category is shown on the official Zoning Map but is no longer an active district after June 1st, 2023. The purpose of the Residential Multi-Family District was intended to provide for higher density residential development and related uses and to protect the future development of land in accordance with the comprehensive plan. This district consists predominantly of multi-family residences (apartment complexes and townhouses), two-family residences, and detached single-family dwellings (site built or modular) and is intended to implement the "urban density community" 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) **PUD, Planned Unit Development District.**

- 1. The purpose of the Legacy Planned Unit Development District is to recognize Planned Unit Development Zones established for which a category is shown on the official Zoning Map but is no longer an active district after June 1st, 2023. The purpose of the Planned Unit Development District was 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.

Article 33 – Text Amendments

Sec. 33.5. - Notice of Public Hearing.

At least ~~thirty (30)~~ **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 Mayor and City Council. The notice shall state the time, place, and purpose of the public hearing.

Article 34 – Rezoning and Conditional Use Applications

- **Sec. 34.12. - Notice of Public Hearing.**

- a) At least ~~thirty (30)~~ **fifteen (15)** 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 Mayor and 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.
- b) If the zoning decision of a local government 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.
- c) Each public notice sign pertaining to a conditional use shall state the existing or proposed zoning classification and the proposed use of the property. Each public notice sign pertaining to a concurrent variance shall state the proposed zoning classification and the type of variance applied for.

- **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 Zoning Administrator 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)~~ **fifteen (15)** 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.

Article 37 - Variances

• Sec. 37.10. - Notice of Public Hearing.

- a) At least ~~thirty (30)~~ **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 Mayor and City Council, on the variance application. The notice shall state the time, place, and purpose of the public hearing.
- b) Each public notice sign pertaining to a concurrent variance shall state the proposed zoning classification and the section or sections of the Zoning Ordinance proposed to be varied.

• Sec. 37.11. - Public Notice Sign.

- a) For all variance applications the Zoning Administrator 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)~~ **fifteen (15)** 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 before the City Council, and the location of the property.
- c) Each public notice sign pertaining to an amendment to the official zoning map shall state the section or sections of the zoning ordinance proposed to be varied.

Article 38 – Administrative Variances

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 [Section 38.6](#).
- b) At least ~~thirty (30)~~ **fifteen (15)** 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 Director 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.

Ex. “D”



LAND DISTURBANCE PERMIT APPLICATION

City Provided Permit #

Date: 2/3/2025

Address of Request:

6482 McEver Road

Tax Map # 08140 000218 Current Zoning: HB

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

Any conditions of zoning, CUP's, etc.? none known

**REVIEW THE FLOWERY BRANCH CODE OF ORDINANCES; APPENDIX B,
"SUBDIVISIONS ORDINANCE", ARTICLE 6, "DEVELOPMENT PERMIT AND PLAN
APPROVAL" FOR ALL REQUIREMENTS**

Check One: Minor LDP



Major LDP – Full Development Permit



Description of Work

Preliminary Plat approval prior to submission of LDP

Contractor Information

Name: None at this time

Address: _____

License #: _____

E-mail address: _____ Phone number: _____



Applicant Information

Edge City Properties, Inc. C/O Mike Dye
Applicant Name: _____
Applicant Address: 4280 Dove Pt, Duluth GA 30096
Applicant Email: mdye@edgecp.com
Applicant Phone Number: 770-814-4500
Applicant Signature: Mike Dye

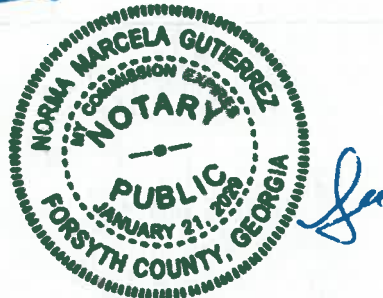
Property owner information

Sarkar Development Group, Inc.
Property Owner Name (please print): _____
Property Owner Address: 6680 Woodlake Drive, Flowery Branch GA 30542
Property Owner Email: robiksarkar@gmail.com
Property Owner Phone Number: 404-307-8938

I HEREBY AUTHORIZE THE ABOVE APPLICANT TO APPLY FOR A LAND DISTURBANCE PERMIT FOR THE PROPERTY LISTED ON THIS APPLICATION

Signature of Property Owner:

Notary Seal:



Design Professional

Kenneth Wood
Name: _____
Company: Planners & Engineers Collaborative
E-mail address: kwood@pec.plus
Phone #: 678-684-6206

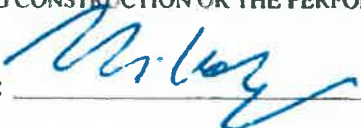


Applicant Information Required at Time of Submittal

- Septic tank or sewer? sewer
- If sewer who is the provider? City of Flowery Branch
- Approvals (Yes, No, or N/A)
 - City Engineer N/A
 - Health Department N/A
 - Fire Department N/A
 - Gainesville Utility N/A
 - City of FB Utility N/A

THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 365 DAYS OF PERMIT ISSUANCE.

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

Signature: 

CITY STAFF ONLY

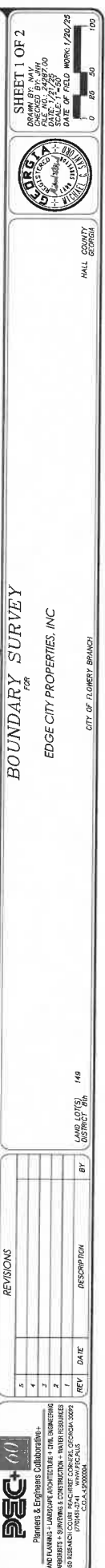
Permit Issued By: _____

Date: _____ Total Fee: _____

PARCEL: 0 00-141 000008

100% Satisfaction Guarantee
 www.Chevrolet.com
 Chevrolet dealerships
 are your best source for more information.

0016-7455/97/0000-0000\$05.00/0





This plot is a retrocession of an existing parcel or parcels of land and does not create a new parcel or make any change to any real property boundaries. The retrocession is made by recording a deed and a set of instruments which created the parcel or parcels are attached to the deed. RECORDING OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION OR AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUTABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the rules and regulations of the Georgia Professional Surveyors Act, as set forth in the rules and regulations of the Georgia Professional Engineers and Land Surveyors and as set forth in G.O.S.A. Section 46-1-1.



SHEET 2 OF 2

DRAWN BY: NAV
CHECKED BY: JNH
FILE NO: 24287.00
DATE: 1/21/25
SCALE: 1"=50'
DATE OF FIELD WORK: 1/20/25

0 25 50 100

GEORGIA
REGISTERED
LAND SURVEYOR
MICHAEL J. HARRIS
No. 12345

HALL COUNTY
GEORGIA

LEGAL DESCRIPTION

[illegible]

THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS COLLECTED USING A TOPCON TOTAL STATION "ES103", "ES105", GEOMAX ZOOMBO ROBOTIC STATION, A GEOMAX ZENUS800 SERIES DATA COLLECTOR, GPS'S ZIOL GNSS RECEIVER WITH A SITE-LOCALIZED RTK NETWORK, AND HAS A RELATIVE POSITIONAL ACCURACY OF 0.1 FEET.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 1684,156 FEET.

STRUCTURE LEGEND

[illegible]

LINETYPES

[illegible]

NOTES

1. THE UNDERGROUND UTILITIES SHOWN ARE LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THIS SURVEY MAKES NO GUARANTEE THAT THE UTILITIES SHOWN ARE IN ACCORDANCE WITH THE ACTUAL LOCATION, EITHER IN SURFACE OR UNDERGROUND. THE SURVEYOR TAKES NO RESPONSIBILITY FOR ANY DAMAGE TO OR INTERFERENCE WITH ANY UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED HEREON. THE SURVEYOR HAS NO KNOWLEDGE OF ANY OTHER UTILITIES, EITHER POSSIBLE FROM INFORMATION SUPPLIED AND TO THE SURVEYOR'S BEST KNOWLEDGE, OR OTHERWISE KNOWN TO THE SURVEYOR, THAT MAY BE LOCATED UNDERGROUND UTILITIES. ALL UTILITIES SERVING THIS PROPERTY ARE LOCATED ACCORDING PUBLIC STREETS AND/OR EXAMINATIONS OF RECORD.
2. I HAVE EXAMINED THE FEDERAL AGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP (FIRM) NUMBER 130102002G, PAGE 260 OF 377, SHEET 44/74 AND FOUND NO PORTION OF THE PROPERTY SHOWN HEREON TO FALL WITHIN A SPECIAL FLOOD HAZARD AREA. THE PROPERTY SHOWN HEREON TO FALL WITHIN A SPECIAL FLOOD HAZARD AREA IS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCED FLOOD ZONE "X" AREAS.
3. THE TERM "CERTIFICATION" RELATING TO PROFESSIONAL ENGINEERING AND LAND SURVEYING MEANS THAT THE SURVEYOR HAS THE NECESSARY KNOWLEDGE, SKILL AND ABILITY TO PREPARE THE SURVEY AND THAT THE SURVEYOR IS NOT AWARE OF ANY FACTS OR CIRCUMSTANCES THAT WOULD CAUSE THE SURVEY TO BE MISLEADING OR UNRELIABLE. ANY STATEMENT OR OPINION EXPRESSED IS BASED ON THE INFORMATION PROVIDED.
4. THIS SURVEY IS MADE IN ACCORDANCE WITH LAND AND/OR MINERAL RIGHTS OWNED BY THE STATE OF GEORGIA.
5. THE SURVEYOR HAS NO ACCESS TO MEYER ROAD & GAMMETER ROAD, UNDEVELOPED PUBLIC STREETS, AND THEREFORE HAS NO KNOWLEDGE OF ANY UTILITIES LOCATED UNDERGROUND.

ABBREVIATIONS

[illegible]

REVISIONS

REV	DATE	DESCRIPTION	BY
5			
4			
3			
2			
1			



Planners & Engineers Collaborative+
LAND PLANNING + LANDSCAPE ARCHITECTURE + CIVIL ENGINEERING
ARBORETRISTS + SURVEYING + CONSTRUCTION + WATER RESOURCES
3501 RESEARCH COURT PEACHTREE CORNERS, GEORGIA 30092
(770) 461-3741 WWW.PEC.PLUS
C.O.A.#4500004

LAND LOT(S) 149
DISTRICT 8th

BOUNDARY SURVEY
FOR
EDGE CITY PROPERTIES, INC

CITY OF FLOWERY BRANCH

RECEIPT		DATE <u>2/3/25</u>	No. <u>483946</u>
RECEIVED FROM _____		\$ <u>1000.00</u>	
<u>One Thousand 00/100</u>		DOLLARS	
☐ FOR RENT ☐ FOR _____		# <u>1333</u>	
ACCOUNT		☐ CASH ☒ CHECK ☐ MONEY ORDER ☐ CREDIT CARD	FROM _____ TO _____
PAYMENT	<u>1000.00</u>		
BAL. DUE			BY _____

3-11

Ex. “E”

City of Flowery Branch Community Development Office
5512 Main St
Flowery Branch, GA, 30542
770-967-6378

PRELIMINARY PLAT REVIEW CHECKLIST

		1	Any outstanding zoning violations (or failure to fully comply with zoning requirements) on this property have been resolved. No known violations are existing at the subject site
		2	A recent survey exists for the subject parcel and is included as part of the plans. Applicant provided a recent survey.
X		3	Zoning district noted on plan & in this zoning district, the proposed use or structure: a) Is not inherently permitted, b) Has been specifically approved as a "CUP", OR c) Is approved as part of a "Planned Development" or part of zoning conditions, OR d) Is nonconforming but is permitted under _____ - e) The HB purpose and description states the following: Sec. 9.4. - HB, Highway Business District. (a) <i>Purpose and Description.</i> This zoning district is intended to implement the "activity center" and "activity center-retail" character areas established in the comprehensive plan. This zoning district will be an accessible center of businesses, services, and complementary uses with attractive building and site features and contributing extensively to the economic base of the city. The widest possible range of commercial uses is contemplated in this zoning district, except for industry, mixed use developments, and single-family residences including manufactured homes." 1) The property is currently zoned HB. 2) HB is defined in the code as allowing for commercial uses. 3) Thus, the "mixed use" within HB allows for different types of land uses that are permissible commercial uses within HB, planned as a unified complimentary whole. Per Article 9, Table 9.1 (Permitted and Conditional Uses in Nonresidential Zoning Districts) Dwelling, townhome are a prohibited use in the HB (Highway Business) zoning category.
X		4	The proposed use is a principal use and complies with associated restrictions Per Article 12; Section 12.6: Townhomes to have a minimum of 20 feet of lot width. Show and dimension lots, Show each townhome lot at a minimum of 2,000 sq.ft. show lots and provide lot chart, Show a 20' front setback and 30' to any exterior street, Show a 20' rear setback. Label and show lots.

City of Flowery Branch Community Development Office

5512 Main St

Flowery Branch, GA, 30542

770-967-6378

PRELIMINARY PLAT REVIEW CHECKLIST

			Any building containing more than three (3) units with common walls must have the front façade, rear façade, and the roof of each attached unit distinct from the other through separation, staggering, or offsets in design. OR The proposed use is an accessory use and complies with restrictions
X		5	The Preliminary Plat includes: a) The tax parcel number b) The zoning and any conditions of zoning c) Building setbacks (see #4) d) Lot density • Show 30' Natural Undisturbed Buffer adjacent to the residential adjacent to the site. Remove all structures from the buffer.
		6	All existing buildings, uses, driveways, walls, and fences are shown on site plan
X		7	The lot: a) Complies with current frontage, minimum area, and width requirements, OR b) Was platted and approved in accordance with provisions at time of creation OR c) Is a lot of record. See comment 4 for lot dimensions missing on townhomes.
		8	The lot: a) Abuts a public road, OR b) Abuts a private road in a "planned development", OR c) Is a lot of record OR is recorded as a result of judicial decree.
X		9	All required setbacks are noted on plan & the proposed use or structure: a) Complies with setback requirements, OR b) A variance from the setback requirements has been granted See note #4 for setbacks.
		10	The proposed structure complies with any <i>density, lot coverage, or other height provisions</i>
		11	Does the plan comply with parking lot requirements (Article 21; Article 10.13-10.14) a) Number of spaces correct?

City of Flowery Branch Community Development Office
5512 Main St
Flowery Branch, GA, 30542
770-967-6378
PRELIMINARY PLAT REVIEW CHECKLIST

			b) ADA compliant? c) Space dimensions correct? d) Off-street parking requirements met?
		12	The proposed use complies with outdoor storage requirements and is permitted within the existing zoning/overlay district (Article 13.9)
X		13	The proposed use complies with screening/buffer requirements (Article 19, Article 26) a) All buffers are delineated on plans? b) Is a buffer required? Structural, vegetative, or both? c) Side buffer/width? d) Rear buffer/width? e) Any variances for buffer encroachments? 30' Undisturbed Buffer adjacent to residential
		14	No proposed sign(s) appear on plans. Signs must be permitted separately.
X		15	Roadway Design per Table 10.1 – Street Improvement Requirements: - Local Streets to be 28' wide, label and dimension, - Pavement width to be 24' wide, label and dimension, - Show site distance triangles at entrances. - Dimension distance between entrances. - Show centerline curve data including curve radii. No curve to be less than 200' in radius. - Dimension centerline tangents. No less than 100' between curves. - Street terminus to be per the cul-de-sac dimensions in Table 10.1 – show all road way cul-de-sacs with a 42' radius at the back of burb. - Dimension decel lane depth, width and taper. Dimension entrance radii returns. - Show sidewalks adjacent to all roadways. Shade back and label sidewalks being constructed with the roundabout. - Show curb and gutter the entire road frontages with sidewalks. Shade back and label curb and gutter being constructed with the roundabout. - Show centerlines at each existing road. Dimension right of way full width and from centerline.
		16	The plan includes a lighting plan. (Article 23) No lighting plan with a preliminary plat only submittal.

City of Flowery Branch Community Development Office
5512 Main St
Flowery Branch, GA, 30542
770-967-6378
PRELIMINARY PLAT REVIEW CHECKLIST

X		17	Parking requirements have been met and parking spaces meet all minimums/maximums. (Article 21) Label the number of parking spaces in each bay for quick calculation of total parking in the retail area.
		19	Does the subject parcel fall within an overlay district? No overlay
		20	Does the sight contain wetlands or any state waters that will require an undisturbed buffer? Statements on plans for each? a) Required undisturbed buffer provided along state waters? (Article 26, Article 19) b) Impervious setbacks noted c) Are buffers free from all encroachments? d) State EPD permit/variance to disturb within required buffer? e) Administrative variance permission to disturb within required buffer? f) Development within 50' of wetlands protection district? g) Army Corps wetlands determination/permit provided? State waters are shown and labeled. No disturbance is proposed.
FYI		21	Has a design review been submitted and approved? a) Any variances for design requirements? Architectural Review will be required prior to building permits. Architectural Review can happen earlier if needed.
		22	The plans include approved elevations: a) For all structures b) Includes spot elevations for top & bottom of walls Preliminary Plats submitted independent of a full Civil Engineering Plans do not require grading plans or retaining walls
		23	Plans note all dimensions throughout site and include: a) True limits of disturbance b) Limits of retaining walls on grading plan Preliminary Plats submitted independent of a full Civil Engineering Plans do not require grading plans

- Further comments for grading/drainage/erosion control/utilities to be provided when those plans are provided.
- Provide traffic study comparing generated traffic amounts with GDOT turn lane warrants. Study should also evaluate the Level of Service of the proposed entrances/intersections on Gaines Ferry and McEver.
- First internal movement (commercial driveway/intersection) to be no less than 200'.
- McEver is classified by GDOT as minor arterial. Section 1008: "Subdivision streets that intersect an arterial street shall do so at intervals of not less than 800 feet" . This would place the southern drive/entrance approximately across from the Waypoint subdivision entrance.
- Section 1009 also states that roads shall be aligned to join with planned or existing roads. Align drives/entrances on Gaines Ferry Rd with Chestnut Hill Rd.
- Roads design/geometry to following standards for City roads, including but not limited to:
 - Centerline curve radius and tangents
 - Driveway/curb radius
 - 25' for residential streets
 - 40' for commercial
 - Road width
 - Road section
 - Cul-de-sacs required at dead ends
 - Vertical geometry
 - Max/min grades
 - Road spacing

Ex. “F”

Kyler Wise

From:
Sent:
To:
Subject:

Begin forwarded message:

From: Chris McCrary <CMccrary@flowerybranchga.org>
Date: February 25, 2025 at 3:52:33 PM EST
To: Mike Dye <mdye@edgecp.com>
Cc: Danielle Nash <dnash@flowerybranchga.org>
Subject: RE: Review Comments for Prelim. Plat 6482 McEver Rd.

Mike,

The HB purpose and description is at the top of the priority and clearly states **except for** industry, mixed use and single-family residences.

The HB **purpose and description** states the following:

Sec. 9.4. - HB, Highway Business District.

1. *Purpose and Description.* This zoning district is intended to implement the "activity center" and "activity center-retail" character areas established in the comprehensive plan. This zoning district will be an accessible center of businesses, services, and complementary uses with attractive building and site features and contributing extensively to the economic base of the city. The widest possible range of commercial uses is contemplated in this zoning district, except for industry, mixed use developments, and single-family residences including manufactured homes."

1. The property is currently zoned HB.
2. HB is defined in the code as allowing for **commercial** uses.

Thus, the "mixed use" within HB allows for different types of land uses that are **permissible commercial uses within HB**, planned as a unified complimentary whole.

The remainder of the Checklist makes comments on the site plan and specifically implies changes to the road design and townhomes which would make it compliant.

Just because I provide as complete of a review as possible per my checklist doesn't ignore the fact that dwellings townhome attached is not an allowed use in HB under the Purpose and Description and it is labeled a prohibited use under table 9.1.

Are you aware I presented an ordinance to Council last week to create a townhome only zoning district that does not have all the requirements of TND (all rear loading) or MU with the percentages of SFR detached and % of Rear Loads? I'll be glad to setup a time to meet to discuss. All the architectural requirements are the same in Article 12. Many of my comments concerning street design or townhomes would be relevant if the site were zoned to SF-TH. Below is an excerpt of the Section:

Sec. 6.5. – SF-TH, Single Family Attached Townhome District.

1. *Purpose and Description.* This zoning district is intended exclusively for the development and construction of single family attached townhomes in accordance with the comprehensive plan. This district is also intended to implement the "urban density community" character area established in the comprehensive plan. The regulations that apply to the SF-TH district are designed to encourage the formation and continuance of a stable, healthy, and attractive living environment for its residents.
2. *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."
3. *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts."
4. (f) *Design Requirements.* See Articles 10, 12, and 40 of this Zoning Ordinance.

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	MHP	SF-TH	RMU
Accessory apartment, attached	X	X	C	X	X	C
Accessory apartment, detached	X	C	C	X	X	C
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	X	X	X
Club or lodge, nonprofit, sponsored by a civic or similar organization	C	C	C	X	X	C
Community recreation	P	P	P	P	P	P
Conservation areas and passive recreational facilities	P	P	P	P	P	P
Conservation subdivision	C	C	P	P	X	X

Construction field office (temporary use)	X	X	P	P	P	P
Dwelling, single-family detached, fee-simple	P	P	P	X	P	X
Dwellings, single-family detached, condominium	X	X	X	X	P	X
Dwelling, townhouse (single-family attached, fee-simple)	X	X	X	X	P	X
Dwelling, two-family (duplex); three-family (tri-plex)	X	X	X	X	P	X
Dwelling, multi-family (apartment, attached residential condominium)	X	X	X	X	X	C
Garden, non-commercial, accessory to single-family detached dwelling	P	P	P	X	X	X
Golf course	P	P	P	X	P	C
Use	A	R-1	R-2	MHP	SF-TH	RMU
Guest house (accessory building/use)	P	P	P	X	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
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	P	X	X
Model home for single-family subdivision or townhomes (temporary)	P	P	P	X	P	X
Public or semi-public use	P	P	P	X	P	P
School, private, elementary, middle, or high (Ord. 348-11)	C	C	x	X	X	X
School, special	C	x	x	X	X	X
Temporary use	P	P	P	X	P	P

Table 6.2
Dimensional Requirements for Agricultural and
Conventional Residential Zoning Districts

Requirement (measurement unit)	A	R-1	R-2	MHP	SF-TH	RMU
---------------------------------------	----------	------------	------------	------------	--------------	------------

Maximum height (feet)	75	35	35	35	35	75
Maximum height (number of stories)	3	3	3	1	3	4
Maximum density (units per acre)	0.333	2.18	4	4	6	10
Minimum lot size for detached single-family dwelling (square feet) (1)	130,680	20,000	15,000	10,000	10,000	N/A
Minimum lot size for two-family dwelling (square feet) (1)	N/A	N/A	N/A	N/A	10,000	N/A
Minimum lot size for other uses (square feet) (1)	130,680	43,560	15,000	10,000	10,000	10,000
Minimum lot width (feet)	200	90	75	50	Unit width plus side setback on end units.	N/A
Minimum unit width (feet)	N/A	N/A	N/A	N/A	24 wide with rear entry garage; 26 wide with front entry garage.	N/A
Minimum heated floor area per dwelling unit (square feet)	2,500	2,200	2,000	1,000	1,500	1,000
Minimum front yard setback from lot line, all principal buildings (feet)	80	35	25	25	25 (0 if townhomes are alley accessed with rear entry garages)	25
Minimum side setback, interior lot line, all principal buildings (feet)	25	25	15	20	5 (min. 10 between buildings)	20 (min. 10 between buildings)
Minimum side setback, corner lot, all principal buildings (feet)	60	35	25	20	10	20

Minimum rear setback, all principal buildings (feet)	35	25	20	20	20	20
Minimum setback, all principal or accessory buildings and structures abutting residential	Side and rear setbacks shall apply	50	50	100	50	50
Minimum width of natural buffer abutting residential	None			40	35	50
Minimum landscape strip required along rights-of-way for any nonresidential use if permitted (width in feet)	15	15	10	10	20	20
Minimum landscape strip required along rights-of-way for any apartment or condominium (multi-family residential) use (width in feet)	N/A	N/A	N/A	N/A	N/A	20
Minimum landscape strip required along side property lines for any nonresidential use if permitted (width in feet)	5	5	5	5	5	5
Maximum coverage of principal and accessory buildings (percent of lot)	25	25	35	50	75	50
Minimum landscaped open space, all principal uses except detached, single-family residential lots (percent)	20	20	15	15	15	20

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

This is all draft so the Council could tweak it or send it to Work Session. Second reading is March 6th.

Thank you,

Chris McCrary, PLA
City of Flowery Branch
Planning & Community Development Director
O 770-967-6378
F 770-967-6481
5512 Main Street
Flowery Branch, GA 30542

From: Mike Dye <mdye@edgecp.com>
Sent: Tuesday, February 25, 2025 10:13 AM
To: Chris McCrary <cmccrary@flowerybranchga.org>
Cc: Danielle Nash <dnash@flowerybranchga.org>
Subject: Review Comments for Prelim. Plat 6482 McEver Rd.

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

Chris:

Good morning. Thank you for providing comments to my Preliminary Plat submission. Before my engineers and I provide responses to some of the comments, I am requesting clarity as to item number 3 concerning the proposed use. Specifically, Item 3 (e) was added to recite the text of some of the HB zoning district and to state that mixed use within HB allows for different types of land uses that are permissible commercial uses. You then point out that townhomes, as a stand-alone use, are prohibited in the HB district.

My submitted plan does not present a townhome only project, but is a mixed use development comprised of townhomes and commercial uses. Under Table 9.1, mixed use building or development is allowed by right in HB. Mixed use development is defined to mean a single development of more than one building and use, where different types of land uses are in close proximity. The fact that residential townhomes are allowed in HB as part of a mixed use development is confirmed by Table 9.2, which authorizes 12 units per acre and 700 square foot minimum heated floor area per dwelling unit.

The remainder of the Checklist makes comments on the site plan and specifically implies changes to the road design and townhomes which would make it compliant. Also, the Dimensional Requirements for Nonresidential Zoning Districts in Table 9.1 in the HB zoning district conflict with

City of Flowery Branch Community Development Office

5512 Main St

Flowery Branch, GA, 30542

770-967-6378

PRELIMINARY PLAT REVIEW CHECKLIST

		1	Any outstanding zoning violations (or failure to fully comply with zoning requirements) on this property have been resolved. No known violations are existing at the subject site
		2	A recent survey exists for the subject parcel and is included as part of the plans. Applicant provided a recent survey.
X		3	Zoning district noted on plan & in this zoning district, the proposed use or structure: a) Is not inherently permitted, b) Has been specifically approved as a "CUP", OR c) Is approved as part of a "Planned Development" or part of zoning conditions, OR d) Is nonconforming but is permitted under _____ - e) The HB purpose and description states the following: Sec. 9.4. - HB, Highway Business District. (a) <i>Purpose and Description.</i> This zoning district is intended to implement the "activity center" and "activity center-retail" character areas established in the comprehensive plan. This zoning district will be an accessible center of businesses, services, and complementary uses with attractive building and site features and contributing extensively to the economic base of the city. The widest possible range of commercial uses is contemplated in this zoning district, except for industry, mixed use developments, and single-family residences including manufactured homes." 1) The property is currently zoned HB. 2) HB is defined in the code as allowing for commercial uses. 3) Thus, the "mixed use" within HB allows for different types of land uses that are permissible commercial uses within HB, planned as a unified complimentary whole. Per Article 9, Table 9.1 (Permitted and Conditional Uses in Nonresidential Zoning Districts) Dwelling, townhome are a prohibited use in the HB (Highway Business) zoning category.
X		4	The proposed use is a principal use and complies with associated restrictions Per Article 12; Section 12.6: Townhomes to have a minimum of 20 feet of lot width. Show and dimension lots, Show each townhome lot at a minimum of 2,000 sq.ft. show lots and provide lot chart, Show a 20' front setback and 30' to any exterior street, Show a 20' rear setback. Label and show lots.

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PRELIMINARY PLAT REVIEW CHECKLIST

			Any building containing more than three (3) units with common walls must have the front façade, rear façade, and the roof of each attached unit distinct from the other through separation, staggering, or offsets in design. OR The proposed use is an accessory use and complies with restrictions
X		5	The Preliminary Plat includes: a) The tax parcel number b) The zoning and any conditions of zoning c) Building setbacks (see #4) d) Lot density • Show 30' Natural Undisturbed Buffer adjacent to the residential adjacent to the site. Remove all structures from the buffer.
		6	All existing buildings, uses, driveways, walls, and fences are shown on site plan
X		7	The lot: a) Complies with current frontage, minimum area, and width requirements, OR b) Was platted and approved in accordance with provisions at time of creation OR c) Is a lot of record. See comment 4 for lot dimensions missing on townhomes.
		8	The lot: a) Abuts a public road, OR b) Abuts a private road in a “planned development”, OR c) Is a lot of record OR is recorded as a result of judicial decree.
X		9	All required setbacks are noted on plan & the proposed use or structure: a) Complies with setback requirements, OR b) A variance from the setback requirements has been granted See note #4 for setbacks.
		10	The proposed structure complies with any <i>density, lot coverage, or other height provisions</i>
		11	Does the plan comply with parking lot requirements (Article 21; Article 10.13-10.14) a) Number of spaces correct?

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PRELIMINARY PLAT REVIEW CHECKLIST

			b) ADA compliant? c) Space dimensions correct? d) Off-street parking requirements met?
		12	The proposed use complies with outdoor storage requirements and is permitted within the existing zoning/overlay district (Article 13.9)
X		13	The proposed use complies with screening/buffer requirements (Article 19, Article 26) a) All buffers are delineated on plans? b) Is a buffer required? Structural, vegetative, or both? c) Side buffer/width? d) Rear buffer/width? e) Any variances for buffer encroachments? 30' Undisturbed Buffer adjacent to residential
		14	No proposed sign(s) appear on plans. Signs must be permitted separately.
X		15	Roadway Design per Table 10.1 – Street Improvement Requirements: • Local Streets to be 28' wide, label and dimension, • Pavement width to be 24' wide, label and dimension, • Show site distance triangles at entrances. • Dimension distance between entrances. • Show centerline curve data including curve radii. No curve to be less than 200' in radius. • Dimension centerline tangents. No less than 100' between curves. • Street terminus to be per the cul-de-sac dimensions in Table 10.1 – show all road way cul-de-sacs with a 42' radius at the back of burb. • Dimension decel lane depth, width and taper. Dimension entrance radii returns. • Show sidewalks adjacent to all roadways. Shade back and label sidewalks being constructed with the roundabout. • Show curb and gutter the entire road frontages with sidewalks. Shade back and label curb and gutter being constructed with the roundabout. • Show centerlines at each existing road. Dimension right of way full width and from centerline.
		16	The plan includes a lighting plan. (Article 23) No lighting plan with a preliminary plat only submittal.

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Flowery Branch, GA, 30542

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PRELIMINARY PLAT REVIEW CHECKLIST

X		17	Parking requirements have been met and parking spaces meet all minimums/maximums. (Article 21) Label the number of parking spaces in each bay for quick calculation of total parking in the retail area.
		19	Does the subject parcel fall within an overlay district? No overlay
		20	Does the sight contain wetlands or any state waters that will require an undisturbed buffer? Statements on plans for each? a) Required undisturbed buffer provided along state waters? (Article 26, Article 19) b) Impervious setbacks noted c) Are buffers free from all encroachments? d) State EPD permit/variance to disturb within required buffer? e) Administrative variance permission to disturb within required buffer? f) Development within 50' of wetlands protection district? g) Army Corps wetlands determination/permit provided? State waters are shown and labeled. No disturbance is proposed.
FYI		21	Has a design review been submitted and approved? a) Any variances for design requirements? Architectural Review will be required prior to building permits. Architectural Review can happen earlier if needed.
		22	The plans include approved elevations: a) For all structures b) Includes spot elevations for top & bottom of walls Preliminary Plats submitted independent of a full Civil Engineering Plans do not require grading plans or retaining walls
		23	Plans note all dimensions throughout site and include: a) True limits of disturbance b) Limits of retaining walls on grading plan Preliminary Plats submitted independent of a full Civil Engineering Plans do not require grading plans

- Further comments for grading/drainage/erosion control/utilities to be provided when those plans are provided.
- Provide traffic study comparing generated traffic amounts with GDOT turn lane warrants. Study should also evaluate the Level of Service of the proposed entrances/intersections on Gaines Ferry and McEver.
- First internal movement (commercial driveway/intersection) to be no less than 200'.
- McEver is classified by GDOT as minor arterial. Section 1008: "Subdivision streets that intersect an arterial street shall do so at intervals of not less than 800 feet" . This would place the southern drive/entrance approximately across from the Waypoint subdivision entrance.
- Section 1009 also states that roads shall be aligned to join with planned or existing roads. Align drives/entrances on Gaines Ferry Rd with Chestnut Hill Rd.
- Roads design/geometry to following standards for City roads, including but not limited to:
 - Centerline curve radius and tangents
 - Driveway/curb radius
 - 25' for residential streets
 - 40' for commercial
 - Road width
 - Road section
 - Cul-de-sacs required at dead ends
 - Vertical geometry
 - Max/min grades
 - Road spacing



Memorandum

To: City of Flowery Branch, Mayor, and City Council

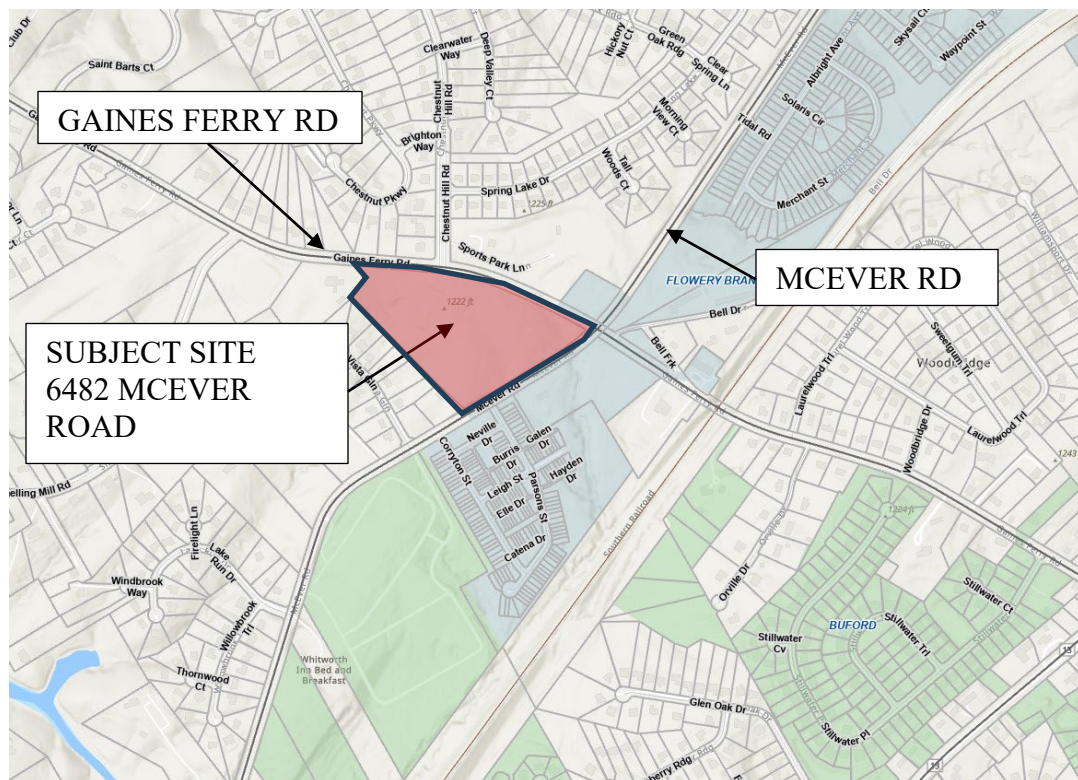
From: Chris McCrary, Planning and Community Development Director

Date: May 1, 2025

Subject: Appeal of Zoning Administrator's Action/Interpretation under the Zoning Ordinance

Relevant Site Information

The subject property is situated at 6482 McEver Road, identified as Hall County parcel number 08140 000218. The property comprises approximately 16.09 acres and is designated as Highway Business (HB) within the City of Flowery Branch.





On February 3, 2025, the Applicant submitted a Preliminary Plat review pursuant to the Subdivision Ordinance, Article 5. The Preliminary Plat in question delineates 88 residential attached townhome units along with three retail buildings, each comprising 9,000 square feet. During the ensuing review and approval process conducted in accordance with Section 507, it was determined that the proposed attached residential townhomes are inconsistent with the permitted uses within the Highway Business (HB) zoning district.

A formal written review detailing the basis for this determination was provided to the Applicant on February 24, 2025. Subsequently, on March 6, 2025, the Applicant, represented by Wilson, Brock & Irby, LLC, submitted a hand-delivered correspondence filing an administrative appeal. The appeal specifically disputes the review finding pertaining to the incorporation of attached residential townhomes within the HB zoning district.

The comment concerning land uses for HB zoned parcels are as follows:

The HB **purpose and description** states the following:

Sec. 9.4. - HB, Highway Business District.

- (a) *Purpose and Description.* This zoning district is intended to implement the "activity center" and "activity center-retail" character areas established in the comprehensive plan. This zoning district will be an accessible center of businesses, services, and complementary uses with attractive building and site features and contributing extensively to the economic base of the city. The widest possible range of commercial uses is contemplated in this zoning district, **except** for industry, mixed use developments, and **single-family residences** including manufactured homes.”

- 1) The property is currently zoned HB.
- 2) HB is defined in the code as allowing for **commercial** uses.
- 3) Thus, the “mixed use” within HB allows for different types of land uses that are **permissible commercial uses within HB**, planned as a unified complimentary whole.

Per Article 9, Table 9.1 (Permitted and Conditional Uses in Nonresidential Zoning Districts) Dwelling, townhome are a prohibited use in the HB (Highway Business) zoning category.



March 20th, 2025

Edge City Properties c/o Mike Dye

4280 Doce Pt.,

Duluth, GA, 30096

470-814-4500

770

Dear Mr. Dye,

A complete submittal for an Appeal of Administrative Decision has been accepted by the Planning & Community Development Office. The Public Hearing has been duly advertised and will be on Thursday, May 1st, 2025 at 6:00pm at The City of Flowery Branch City Hall, located at 5410 Pine St., Flowery Branch, GA 30542.

Please return a signed copy of this acknowledgement letter to the Community Development Office located at 5512 Main St., Flowery Branch, GA 30542. A digital pdf copy is acceptable and can be submitted via email to dnash@flowerybranchga.org.

Kind regards,

Chris McCrary

Planning & Community Development Director

City of Flowery Branch

5512 Main St.

Flowery Branch, GA, 30542

770-967-6378

I, Mike Dye, (print name) acknowledge that I have been duly notified of the Public Hearing scheduled at the day and time listed above.

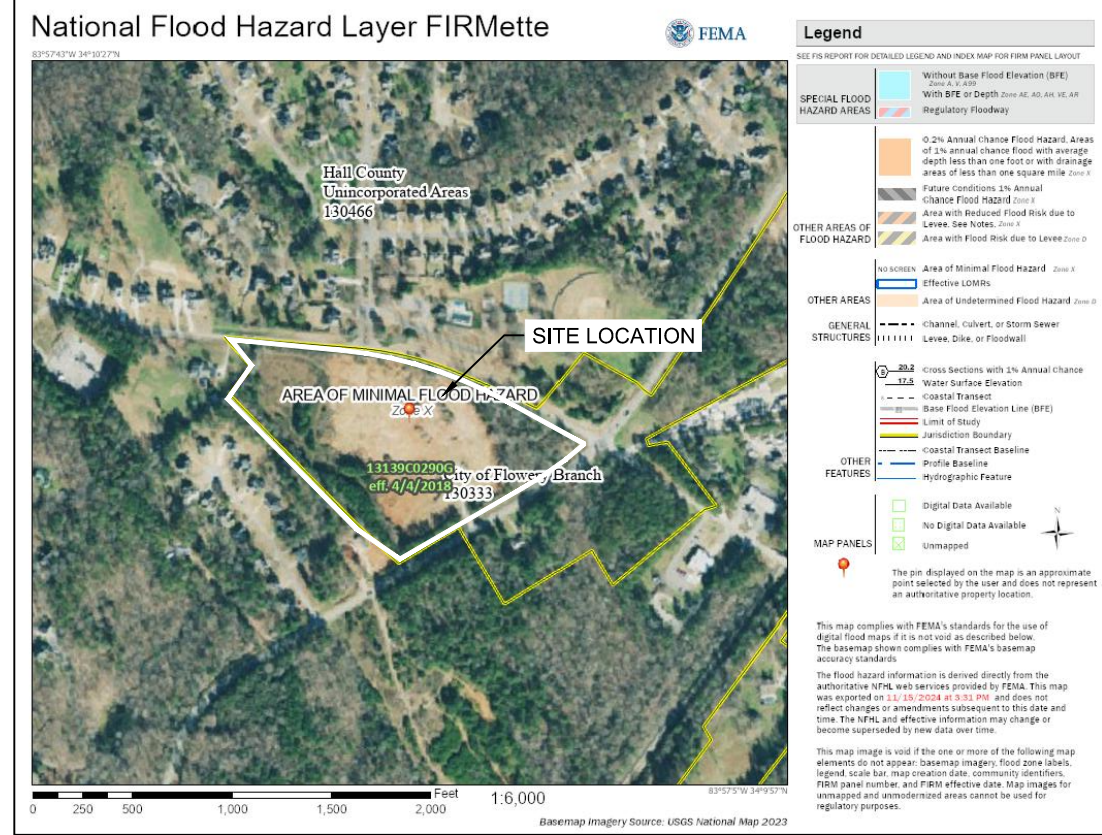
Signature

Date 3-26-25

Appeal of Administrative Decision

A public hearing will be held on May 1st, 2025, at 6:00 PM, at the City of Flowery Branch City Hall to consider an appeal to the Zoning Administrator's decision regarding permitted uses in HB (Highway Business) zoning districts for a proposed project located at 6482 McEver Road, tax parcel 08140 000218. Be advised that the City Council has the legislative discretion to grant, deny, or modify zoning requests. Interested parties may contact Planning and Community Development at 770.967.6378.





TRACT

16.193 ACRES
(705,353 SQ. FT.)

FEMA FIRM MAP
NOT TO SCALE

- WATER AND SEWER SERVICE TO BE PROVIDED BY CITY OF FLOWERY BRANCH.
- STORMWATER BY CITY OF FLOWERY BRANCH.
- SURVEY PROVIDED BY PEC+ DATED 1/21/25.
- PROJECT WAS FORMERLY KNOWN AS "THE FARM" FROM PREVIOUS LDP SUBMITTAL BY DPE ENGINEERS APPROVED BY CITY OF FLOWERY BRANCH ON 3/11/20.
- THERE IS A INTERMITTENT STREAM LOCATED ON THE CORNER OF THE PROPERTY AND SHOWN WITH APPLICABLE STATE AND CITY BUFFERS.
- ALL STORMWATER FACILITIES TO COMPLY WITH CITY OF FLOWERY BRANCH STANDARDS FOR STORMWATER MANAGEMENT.
- THERE ARE NO EXISTING STRUCTURES ON THE SITE.
- THE SITE HAS BEEN PARTIALLY CLEARED AS SEEN FROM THE AERIAL PHOTO.
- FRONT LOADED GARAGES TO BE CARRIAGE STYLE
- TOWNHOME TO HAVE 10% PRIVATE OPEN SPACE

THE PROPOSED USE FOR THE PROPERTY IS TO CONSTRUCT A MIXED USE DEVELOPMENT. THE DEVELOPMENT WILL CONSIST OF SEVERAL DIFFERENT TYPES OF DEVELOPMENT STRUCTURES. IT WILL HAVE RESIDENTIAL CONSTRUCTION UNITS BOTH FRONT AND REAR LOADED ATTACHED HOMES. THE DEVELOPMENT WILL HAVE RETAIL, RESTAURANTS, OR OFFICE AS PART OF THE COMMERCIAL SECTION OF THE DEVELOPMENT. THERE WILL BE A GREEN GATHERING AREA IN FRONT OF THE COMMERCIAL FOR GREEN SPACE AND PROJECT COMMUNITY USE.

SARKAR DEVELOPMENT GROUP, INC.
6680 WOODLAKE DRIVE
FLOWERY BRANCH, GA 30542
PHONE: 404-307-8938

MIKE DYE
EDGE CITY PROPERTIES
MDYE@EDGECP.COM
4280 DOVE POINT
DULUTH, GA 30096
Phone: (770)-814-4500
Fax: (770)-814-4501

THE PROJECT IS TO BE CONSTRUCTED IN TWO PHASES. PHASE I WILL CONSIST OF THE ENTIRE SITE HORIZONTAL DEVELOPMENT AND UTILITIES WITH THE RESIDENTIAL VERTICAL STRUCTURES. PHASE II WILL CONSIST OF THE VERTICAL COMMERCIAL STRUCTURES.

ATTACHED HOMES:

- MIN. LOT SIZE: 2,000 SF
- MIN. LOT WIDTH: 20 FEET
- MIN. DISTANCE FROM BACK OF SIDEWALK = 23 FEET
- MIN. DISTANCE FROM CURB = 23 FEET

<u>SITE DATA:</u>	
SITE AREA	16.193 ACRES
<u>ZONING</u>	
EXISTING ZONING	HB
ZONING JURISDICTION	CITY OF FLOWERY BRANCH, GEORGIA
<u>SETBACK REQUIREMENTS</u>	
FRONT SETBACK	N/A, 10' LANDSCAPE STRIP ALONG R/W
SIDE SETBACK	10 FEET
REAR SETBACK	N/A NO REAR SETBACK
REQUIRED LANDSCAPE STRIP	10 FEET FROM R/W, DOUBLE FRONTAGE
<u>DEVELOPMENT STANDARDS</u>	
MAX. LOT COVERAGE (WHOLE SITE)	50%
MAX HEIGHT	60 FEET
COMMERCIAL AREA PROVIDED	27,000 SF
RETAIL OFFICE/RESTAURANT	
MIN. LOT WIDTH FOR ATTACHED HOMES	20 FEET (PROPOSED AT 24 FEET)
MIN. LOT SIZE FOR ATTACHED HOME	2,000 SF
24' x 50' FRONT LOADED ATTACHED HOMES PROVIDED	67 UNITS
24' x 50' REAR LOADED ATTACHED HOMES PROVIDED	21 UNITS
TOTAL ATTACHED HOMES PROVIDED	88 UNITS
TOTAL SITE DENSITY PROVIDED	5.43 UPA
MAX DENSITY ALLOWED	12 UPA
<u>OPEN SPACE CALCULATIONS</u>	
OPEN SPACE REQUIRED	2.42 ACRES (15% OF TOTAL SITE AREA)
OPEN SPACE PROPOSED	3.12 ACRES (19.3% OF TOTAL SITE AREA)
<u>PARKING REQUIREMENTS</u>	
TOWNHOME PARKING REQUIRED	176 SPACES (2 SPACES/ DWELLING UNIT)
TOWNHOME GUEST PARKING	10 SPACES
TOWNHOME PARKING PROVIDED	352 SPACES (2 GARAGE + 2 DRIVEWAY SP.)
TOWNHOME PARKING PROVIDED TOTAL	362 SPACES
RETAIL PARKING PROVIDED	98 SPACES (1 SPACE/ 275 SF)
TOTAL PARKING PROVIDED	135 SPACES (1 SPACE/ 200 SF)

The logo for P&C+ 60 YEARS. It features the letters 'P&C+' in a large, bold, stylized font. Below this, the text '60 YEARS' is enclosed in a rectangular border.

LAND PLANNING + LANDSCAPE ARCHITECTURE + CIVIL ENGINEERING
ARBORISTS + SURVEYING & CONSTRUCTION + WATER RESOURCES

350 RESEARCH COURT STE 200
PEACHTREE CORNERS, GA 30092

EdgeBrook

A MASTER PLANNED MIXED USE DEVELOPMENT

AT
6482 McEVER ROAD
FLOWERY BRANCH, GEORGIA 30542
PARCEL # 08140 000218
DISTRICT 8, LAND LOT 149
CITY OF FLOWERY BRANCH
JURISDICTION

FOR **EDGE CITY PROPERTIES, INC.**
4280 DOVE POINT,
DULUTH, GA 30096

MUNICIPALITY PROJECT #

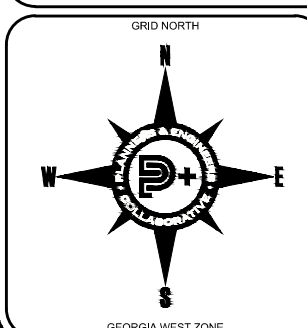
[illegible]

THIS SEAL IS ONLY VALID IF COUNTER SIGNED
AND DATED WITH AN ORIGINAL SIGNATURE.



GSWCC LEVEL II DESIGN PROFESSIONAL
CERTIFICATION # 0000059389 EXP. 10/31/2027

SCALE: 1" = 60'
DATE: 01/25/2025
PROJECT: 24287.00



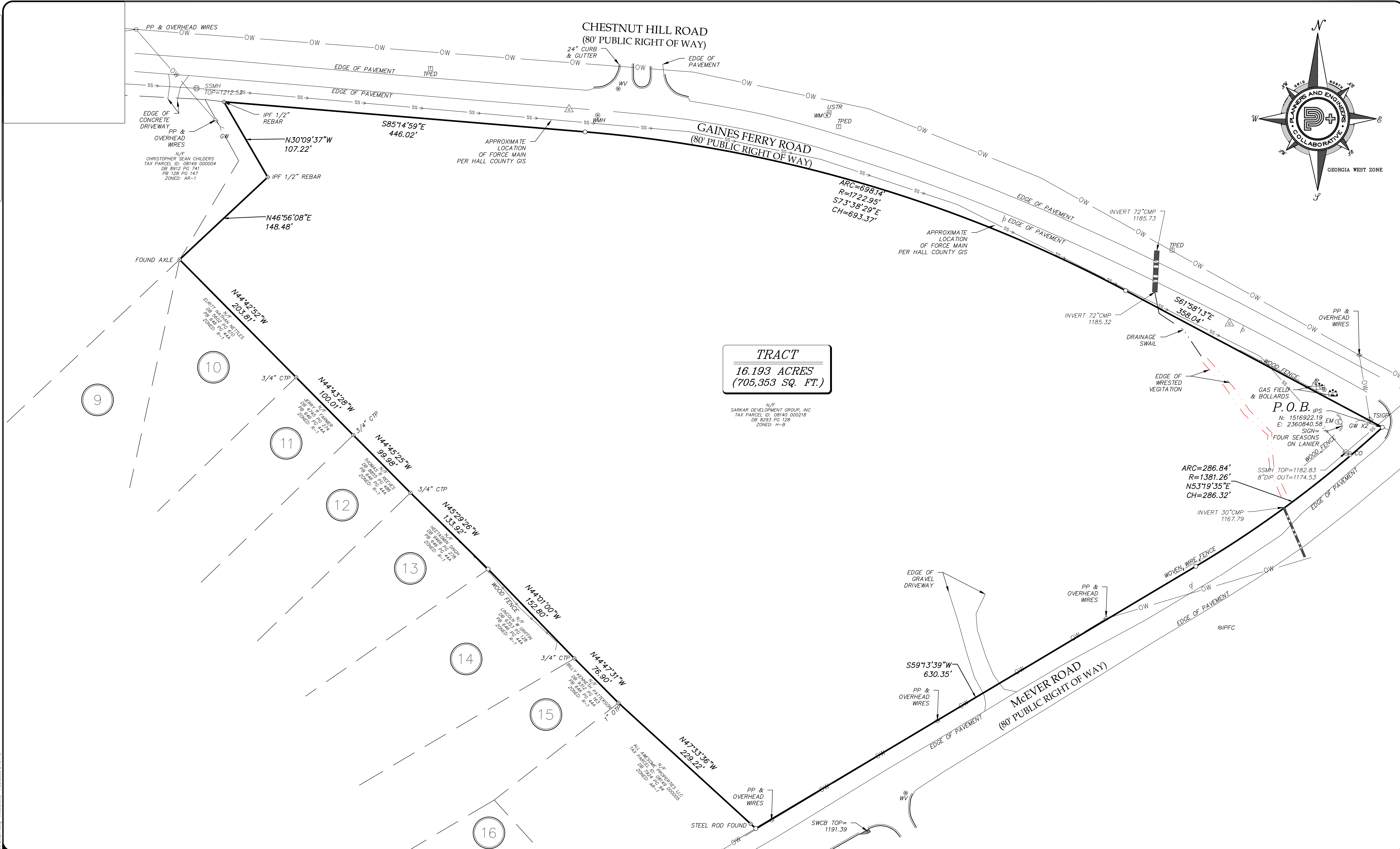
PP1

HEET



Know what's below.
Call before you dig.

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PEC+ 60 YEARS
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LAND PLANNING + LANDSCAPE ARCHITECTURE + CIVIL ENGINEERING
ARBORISTS + SURVEYING & CONSTRUCTION + WATER RESOURCES

350 RESEARCH COURT PEACHTREE CORNERS, GEORGIA 30092
(770)451-2741 WWW.PEC.PLUS
C.O.A.-LSF000004

REVISIONS			
5			
4			
3			
2			
1			
REV	DATE	DESCRIPTION	BY

BOUNDARY SURVEY
FOR
EDGE CITY PROPERTIES, INC

CITY OF FLOWERY BRANCH

HALL COUNTY GEORGIA

LAND LOT(S) 149
DISTRICT 8th

SHEET 1 OF 2
DRAWN BY: NAV
CHECKED BY: JNH
FILE NO.: 24287.00
DATE: 1/21/25
SCALE: 1"=50'
DATE OF FIELD WORK: 1/20/25

0 25 50 100

J:\2024\24287\00\Drawings\24287-00-BNDY.dwg - N:\Valentino - 1/29/2025 5:12 PM

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NOTES

1. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THIS SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION SUPPLIED AND TO THE SURVEYOR'S BEST KNOWLEDGE ARE APPROXIMATELY AS SHOWN. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. ALL UTILITIES SERVING THE PROPERTY ENTER THROUGH ADJOINING PUBLIC STREETS AND/OR EASEMENTS OF RECORD.
2. I HAVE EXAMINED THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR HALL COUNTY, GEORGIA AND INCORPORATED AREAS, COMMUNITY PANEL NUMBER 13139002906, PANEL 290 OF 377, EFFECTIVE DATE 4/4/18 AND FOUND NO PORTION OF THE PROPERTY SHOWN HEREON TO FALL WITHIN A DESIGNATED FLOOD ZONE "A" (AREAS OF 100 YEAR FLOOD), THE PROPERTY SHOWN HEREON TO FALL WITHIN A DESIGNATED FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD).
3. THE TERM "CERTIFICATION" RELATING TO PROFESSIONAL ENGINEERING AND LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.
4. THIS SURVEY WAS MADE IN ACCORDANCE WITH LAWS AND/OR MINIMUM STANDARDS OF THE STATE OF GEORGIA.
5. THE PROPERTY HAS DIRECT ACCESS TO MCEVER ROAD & GAINES FERRY ROAD, DEDICATED PUBLIC STREETS OR HIGHWAYS.

STRUCTURE LEGEND

CABLE / TV		SEWER	
Cable / TV Marker		Grease Trap	
Cable / TV Pedestal		Sanitary Sewer Manhole	
Cable / TV Manhole		Cleanout	
Cable / TV Handhole		Sanitary Sewer Vent Pipe	
Cable / TV Cable Box		Sanitary Sewer Marker	
		Sanitary Sewer Force Main Valve	
		Sanitary Sewer Lift Station	
ELECTRIC/POWER		SITE / TOPOGRAPHIC FEATURES	
Transformer		Street Sign	
Guy Wire		Air Condition Unit	
Electric Meter		Bollard	
Power Pole/Utility Pole		Mailbox	
Street Light/Light Pole		Satellite Dish	
Electric Panel		Flag Pole	
Electric Box		Monitoring Well	
Electric Manhole		Antenna	
Electric Handhole		Column	
Electric / Power Marker		Camera Pole / Camera	
Spot Light		Bore Hole Location	
FIBER OPTIC		Mile Post	
Fiber Optic Marker		Rail Road Mile Post	
Fiber Optic Manhole		Land Lot Symbol	
Fiber Optic Pedestal			
GAS		STORM / DRAINAGE	
Gas Meter		Storm Structure Lid	
Gas Valve		Drop Inlet	
Gas Fill Cap		Catch Basin	
Gas Manhole		Single Wing Catch Basin	
Gas Marker		Double Wing Catch Basin	
Gas Pressure Relief Valve		Weir Inlet	
Gas Vault		Head Wall	
Gas Vent Pipe		Junction Box	
		Curb Inlet	
		Flared-in Section	
		Down Spout	
		Square or Round Outlet Structure	
PAVEMENT MARKING		TELEPHONE	
Pavement Marking		Telephone Terminal Box	
Pavement Marking		Telephone Marker	
Pavement Marking		Telephone Handhole Box	
Turn Arrow Left/Right		Telephone Manhole	
		Telephone Cabinet	
Turn Arrow Left		TRAFFIC	
Turn Arrow Right		Overhead Traffic Signal	
Traffic Arrow Straight		Traffic Handhole Box	
		Traffic Signal Loop Control Box	
Traffic Arrow Straight/Left		Traffic & Crosswalk Signal Pole	
Traffic Arrow Straight/Right			
Traffic Arrow U-Turn		WATER	
Handicap Pavement Marking		Fire Hydrant	
Bike Lane Pavement Marking		Irrigation Control Valve	
		Water Meter	
		Water Valve	
PROPERTY MONUMENTS		Fire Department Connection	
Right-of-Way Monument Found		Water Vault	
Concrete Monument Found		Pressure Irrigation Valve	
Iron Pin Set		Water Vent Pipe	
Iron Pin Found (Rebar found)		Water Valve Marker	
PK Nail Set		Water Marker	
PK Nail Found		Water Manhole	
Point		Water Air Release Valve	
Benchmark		Water Back Flow Preventer	
MISCELLANEOUS UTILITIES		Sprinkler Head	
Utility Structure		Sprinkler Valve	

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 149 of the 8th, District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows:

Beginning at a point at the intersection of the north right of way of McEver Road (80' right of way) with the southwesterly right of way of Gaines Ferry Road (80' right of way);

thence continuing along said north right of way of McEver road along a curve turning to the right with an arc length of 286.84 feet, having a radius of 1381.26 feet, being subtended by a chord bearing of S53°19'35"W, and a chord length of 286.32 feet to a point;

thence S59°13'39"W a distance of 630.35 feet to a point;

thence leaving said north right of way of McEver road N47°33'36"W a distance of 229.22 feet to a found 1" open top pipe;

thence N44°47'31"W a distance of 76.90 feet to a found 3/4" crimp top pipe;

thence N44°01'00"W a distance of 152.80 feet to a point;

thence N45°29'26"W a distance of 133.92 feet to a found 3/4" crimp top pipe;

thence N44°45'25"W a distance of 99.98 feet to a found 3/4" crimp top pipe;

thence N44°43'28"W a distance of 100.01 feet to a found 3/4" crimp top pipe;

thence N44°42'52"W a distance of 203.81 feet to a found axel;

thence N46°56'08"E a distance of 148.48 feet to a found 1/2" rebar;

thence N30°09'37"W a distance of 107.22 feet to a found 1/2" rebar located on the said southwesterly right of way of Gaines Ferry Road;

thence continuing along said right of way of Gaines Ferry Road S85°14'59"E a distance of 446.02 feet to a point;

thence along a curve turning to the right with an arc length of 698.14 feet, having a radius of 1722.95 feet, being subtended by a chord bearing of S73°38'29"E, and a chord length of 693.37 feet to a point;

thence S61°58'13"E a distance of 358.04 feet to a point, said point being the TRUE POINT OF BEGINNING.

Tract or parcel contains 705,353 square feet or 16.193 acres



SITE MAP (NTS)

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

Date of Map or Plat: 1/21/25

ABBREVIATIONS

APPROX.	Approximate	IPS	Iron Pin Set
#4	1/2" Rebar	LP	Light Pole
C&G	Curb and Gutter	MW	Monitoring Well
CLF	Chain Link Fence	N/F	Now or Formerly
CMP	Corrugated Metal Pipe	OCS	Outlet Control Structure
CO	Clean Out	OTP	Open Top Pipe
CPP	Corrugated Plastic Pipe	PB	Plat Book
CTP	Crimp Top Pipe	PG	Page
DB	Deed Book	PKF	PK Nail Found
DI	Drop Inlet	PKS	PK Nail Set
DE	Drainage Easement	POB	Point of Beginning
EOP	Edge of Pavement	POC	Point of Commencement
EPP	Electric Power Pole	PVC	Polyvinyl Chloride Pipe
EPAN	Electric Panel	RBC	Rebar Capped
ESMT	Easement	RCP	Reinforced Concrete Pipe
FES	Flared End Section	RWM	Right of Way Monument
FFE	Finish Floor Elevation	SSE	Sanitary Sewer Easement
FI	Fire Hydrant	SSMH	Sanitary Sewer Manhole
FLGP	Flag Pole	TRAN	Transformer
FOMRK	Fiber Optic Marker	TSB	Telephone Terminal Box
GA	Georgia	TSIGP	Traffic Signal Pole
GM	Gas Meter	TSIGB	Traffic Signal Loop Control Box
GW	Guy Wire	USTR	Utility Structure
HDR	Hard Rail	VCP	Verified Clay Pipe
H.W.	Hard Wood	W.D.F.	Wood Fence
HW	Headwall	WM	Water Meter
ICV	Irrigation Control Valve	WV	Water Valve
I.E.	Invert Elevation	XP	Crosswalk Signal Pole
IPF	Iron Pin Found		

LINETYPES

PROPERTY		EXISTING OVERHEAD	
Adjacent Property		Overhead Wires	
Property Line		EXISTING UNDERGROUND	
Center of Creek		Cable	
FENCE LINES		Electric	
Barb Wire Fence		Fiber Optic	
Chain link fence		Gas	
Wood Fence		Telecommunications	
Woven Wire Fence		Water	
SITE / TOPOGRAPHIC FEATURES		Television	
Guardrail		Storm Drainage Line	
		Sanitary Sewer	

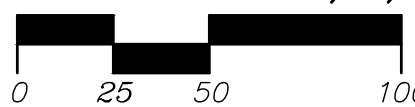
THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS COLLECTED USING A TOPCON TOTAL STATION "ES103", "ES105", GEOMAX ZOOM90 ROBOTIC STATION, A GEOMAX ZENIUS800 SERIES DATA COLLECTOR, eGPS 207L GNSS RECEIVER WITH A SITE-LOCALIZED RTK NETWORK, AND HAS A RELATIVE POSITIONAL ACCURACY OF 0.1 FEET.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 1,664,156 FEET.



SHEET 2 OF 2

DRAWN BY: NAV
CHECKED BY: JNH
FILE NO.: 24287.00
DATE: 1/21/25
SCALE: 1"=50'
DATE OF FIELD WORK: 1/20/25



Planners & Engineers Collaborative+

LAND PLANNING + LANDSCAPE ARCHITECTURE + CIVIL ENGINEERING
ARBORISTS + SURVEYING & CONSTRUCTION + WATER RESOURCES
350 RESEARCH COURT PEACHTREE CORNERS, GEORGIA 30092
(770)451-2741 WWW.PEC.PLUS
C.O.A.-LSF000004

REVISIONS

REV	DATE	DESCRIPTION	BY
5			
4			
3			
2			
1			

LAND LOT(S) 149
DISTRICT 8th

BOUNDARY SURVEY
FOR

EDGE CITY PROPERTIES, INC

CITY OF FLOWERY BRANCH

HALL COUNTY
GEORGIA



**PEREIRA,
KIRBY,
KINSINGER &
NGUYEN, LLP**

STEPHEN D. PEREIRA
CORY O. KIRBY
ELIZABETH F. KINSINGER
FRANK HARTLEY
W. CREIGHTON LANCASTER
CATHERINE T. FOLLOWILL
JAAONNE J. JACKSON
APARESH PAUL
BRIAN C. SMITH
SYDNEY M. SOLOMON
RANDALL C. FARMER
CINDY PHAN

April 3, 2025

Via E-mail and USPS

City of Flowery Branch, Georgia
Attention: Mayor and City Council
5512 Main Street
Flowery Branch, Georgia 30542

OF COUNSEL:
PHILLIP L. HARTLEY
V. LEE THOMPSON, JR.
VICTORIA SWEENEY
J. STANLEY HAWKINS
MELISSA K. STEWART
TED C. BAGGETT

Re: Appeal from February 24, 2025 Reviewer Comments, as clarified on February 25, 2025 ("Decision") for February 3, 2025 Preliminary Plat Application ("Plat Application")
Property: Approximately 16.09 acres, 6482 McEver Road, Flowery Branch, Georgia
Parcel Number 08140 000218 ("Property")
Owner: Sarkar Development Group, Inc. ("Sarkar")
Applicant: Edge City Properties, Inc. ("Edge")

Honorable Mayor and City Council Members,

This communication is in defense of Planning & Community Development Director Chris McCrary's determination that residential townhomes are not a permitted use on the above referenced property as it is currently zoned; a finding relayed to the applicant Edge City Properties (hereinafter "Appellant") in review comments to a preliminary plat application. A rational reading of the zoning ordinance demonstrates Director McCrary's decision is correct. The property in question is zoned Highway Business (HB), which reads, in its entirety, as follows in the City of Flowery Branch Zoning Ordinance:

Sec. 9.4. - HB, Highway Business District.

- (a) Purpose and Description. This zoning district is intended to implement the "activity center" and "activity center-retail" character areas established in the comprehensive plan. **This zoning district will be an accessible center of businesses, services, and complementary uses** with attractive building and site features and contributing extensively to the economic base of the city. The widest possible range of **commercial uses** is contemplated in this zoning district, **except for** industry, **mixed use developments, and single-family residences** including manufactured homes.
- (b) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts."
- (c) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2,

Gainesville * Lawrenceville
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Writer's Email: tcb@pkknlaw.com

"Dimensional Requirements in Nonresidential Zoning Districts."

(d) Design Requirements. See Articles 10 and 40 of this Zoning Ordinance. **(emphasis added)**

As the plain wording of subsection (a) of the ordinance language describing HB indicates, the purpose of the district is intended to accommodate *business services and complimentary uses*. To remove any doubt as to what might be considered a complimentary use, the language then indicates that the widest possible range of *commercial* uses is contemplated. Finally, to remove any and all doubt as to the intention of the zoning classification, in case any reader might be mistaken as to the meaning of commercial uses, it specifically *excludes mixed use developments and single-family residences*. Subsection (b) of the applicable zoning ordinance section indicates that the permissible and conditional uses for HB are identified in Table 9.1 of the zoning ordinance. Table 9.1 clearly indicates that townhomes are not permissible uses in HB. Consistent with the wording and interpretation of the intent of the language describing the HB zoning category, multi-family, single family detached, condominiums, duplexes, and even “dwellings located within a building containing a nonresidential principal use” are likewise identified as prohibited uses in HB by Table 9.1.

BACKGROUND FACTS

Appellants have pointed to a letter from then Flowery Branch Planning and Community Development Director Rich Atkinson dated February 25, 2019 and a land disturbance permit issued by the City on April 28, 2020.¹ The letter indicates that the property subject to this appeal is zoned HB and that therefore certain uses alluded to: “mixed use of retail, storage, housing, etc.” are “inherently allowed.” The land disturbance permit, which expired on October 26, 2020, approved site development plans for a mixed-use development. Appellants argue that the decision of now Planning and Community Development Director Mike McCrary represents a “complete contradiction” to previous actions of the City in approving mixed-use development on the property. For whatever reasons, the property was never developed as approved in 2020 and appellants have now come forward with an entirely different mixed-use site plan proposal.

What appellants have failed to acknowledge is that the plans approved five years ago were reviewed under a different zoning ordinance. The wording of the HB zoning classification in 2019 and 2020 read differently when the letter from Rich Atkinson was written and the land disturbance permit was approved.² Notably, it then read as follows:

¹ See Appeal of Administrative Decision filed by Appellant, Exhibits A and Exhibit B, respectively.

² See Exhibit A, Article 9 of the City of Flowery Branch Zoning Ordinance as it existed at the time.

Sec. 9.4. - HB, Highway Business District.

(a) Purpose and Description. This zoning district is intended to implement the "commercial" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "activity center" and "mixed use" character areas established in the comprehensive plan. Centered at the interchange of Spout Springs Road and I-985, and also extending north and south along Hog Mountain Road, this zoning district will be an accessible center of businesses, services, and complementary uses, **which may include traditional neighborhood development and mixed-use developments**, contributing extensively to the economic base of the city.

(b) Character. This district is dominated by commercial uses but also intended to accommodate mixed-use developments. A grid block pattern of streets (connected local network) is provided, along with sidewalks and street trees. Pedestrian accessibility is promoted, although most activity is via the automobile for access. Entrances, frontages, and building facades are softened with landscaping and low-lying identification signs.

(c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts." The widest possible range of uses is contemplated in this zoning district, except for industry and single-family, detached or manufactured homes. This character area is the proper place for big box retail, shopping centers, lodging and auto-related uses.

(d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts." **(emphasis added)**

The City amended the Zoning Ordinance on December 16, 2021 to make numerous textual changes, one of which was to change the wording in the section describing the Highway Business District.³ The wording of the emphasized portion above, which had been written permissively so that uses in HB “may include traditional neighborhood development and mixed-use development” was altered to its current wording: “The widest possible range of commercial uses is contemplated in this zoning district, except for industry, mixed use developments, and single-family residences including manufactured homes.” Clearly, the governing authority chose to restrict the type of mixed-use development from what had previously been allowed. The appellant’s claim that the City has been inconsistent rings hollow, the City has been consistent in applying the zoning ordinance in place at the time an application is filed. The appellant cannot claim it is entitled to the same interpretation that was rendered on a previous proposal and considered under a different ordinance.

³ See Exhibit B, Certified Copy of City of Flowery Branch Ordinance 657.

**THE HB ZONING DISTRICT DOES NOT ALLOW THE TYPE OF MIXED-USE
PROJECT SOUGHT BY APPELLANTS IN THEIR PLAT APPLICATION**

Appellants argue that they are allowed to develop their HB zoned property as mixed use inclusive of both commercial and residential (specifically townhomes) uses by pointing to a listed use in Table 9.1 for “mixed-use building or development” which is permitted by right in HB as well as to language in the City’s comprehensive plan. “Mixed-use development” is defined in the Zoning Ordinance as follows: “A single building containing more than one type of land use; or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified, complementary whole.”⁴ The City’s comprehensive plan refers to mixed-use developments that include a mix of commercial and residential uses in both the Activity Center Character area and Mixed-Use Neighborhood Character areas. Viewing the definition of “mixed-use building or development” along with all of the relevant language in the comprehensive plan in context with the currently applicable zoning ordinance reveals these arguments to be unavailing.

Nowhere in the definition of “mixed-use building or development” is there a requirement that the mix of uses must include both commercial and residential uses. Appellants nevertheless suggest that without a residential component, the uses aren’t “mixed”. This self-serving interpretation overlooks the fact that there are over 60 different by right commercial uses and over 30 different conditional commercial uses listed in Table 9.1 for HB zoned property. They claim that mixed uses must authorize a mix of uses that includes both commercial and residential even though the residential uses they seek to include are specifically prohibited in the same use table that authorizes mixed-use development. It is a given in the interpretation of zoning ordinances that “[a]ll parts of an ordinance relating to the same subject matter must be harmonized to reconcile conflicts, and any section of an ordinance must be construed in relation to the whole ordinance of which it is a part.” DeKalb County v. Post Apartment Homes, L.P., 234 Ga.App. 409 (1998). The most logical reconciliation of these provisions is the one offered by Director McCrary, namely that the mixed uses must be a mix of *permitted* uses, in this instance meaning they must be permitted *commercial* uses. To interpret the ordinance as the appellant suggests would render any combination of otherwise prohibited uses permissible so long as “mixed-use building or development” was a permitted use, effectively nullifying the underlying zoning classification.

The appellant further engages in sophistry by selectively pointing to language in the Comprehensive Plan that references “residential uses when part of a mixed-use development” on page 36 under the Activity Center Character Area description. Because the HB zoning classification indicates it is intended to implement the Activity Center Character Area from the

⁴ See Section 2.1 of Article 2 of the Flowery Branch Zoning Ordinance.

Comprehensive Plan, it must therefore mean, they insist, that mixed use in HB must allow a residential component. What they fail to point out is the language under the heading “Implementation Strategies” at the bottom of the very same page. The text there reads thusly: **“Amend the HB zoning district to limit uses to those that are solely commercial in nature; mixed use proposals should be zoned to PUD to better regulate building and site design.”** The Comprehensive Plan was adopted on June 17, 2021. As noted earlier, the City changed the language of the HB zoning classification on December 16, 2021. Not surprisingly, when the City modified the Zoning Ordinance, it did exactly what was called for in the Comprehensive Plan, it removed residential components from mixed-use projects in HB zoning. Thus, it is clear that rather than lend support to the appellant’s interpretation, the wording of the Comprehensive Plan validates the decision made by Director McCrary.

Appellants next point to the language in the Comprehensive Plan related to the Mixed-Use Neighborhood Character area, pointing out that it specifically allows for mixed-use development that includes both commercial and residential uses and that the subject property is located in a Mixed-Use Neighborhood Character Area on the Comprehensive Plan’s future land development map. While these statements are true, their argument on this point overlooks the facts that: 1) the subject property is still zoned HB and 2) that the City has since created a new zoning classification specifically designed to allow mixed use development inclusive of both commercial and residential. In Ordinance 694 adopted June 1, 2023, the City created the aptly named Mixed-Use Development District (MU). Found in Article 8 of the Zoning Ordinance, the relevant sections read as follows:

Section 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 "mixed use - neighborhood" character area.**

Sec. 8.2. - Objectives.

The Mixed-Use Development District is intended to meet the following objectives:

- (a) **Allow mixes of land uses that are not elsewhere permitted in conventional zoning districts.**
- (b) **Permit a broader mix of residential housing types, including detached and attached dwellings, and specific commercial uses to be developed in one cohesive development.**
- (c) **Allow the development of tracts of land as single developments that are planned neighborhoods or communities, including residential and commercial uses 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 a more desirable living environment than would be possible through the strict application of conventional residential zoning requirements.
- (f) Ensure that the design of building forms is interrelated and architecturally harmonious.
(emphasis added)

The plain wording of the Mixed-Use Development District makes clear that it exists to allow for mixed uses including commercial and residential components precisely because they are not allowed by other zoning classifications.

CONCLUSION

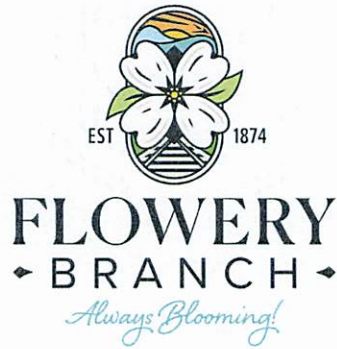
The time and effort put into this appeal would have been better spent applying for a rezoning of the subject property from HB to MU. Instead, however, the applicants have brought this appeal and argue that the HB zoning category allows them the right to build a mixed-use development that includes residential components prohibited in HB. To make their argument, appellants must ignore both the language in the comprehensive plan that indicates the HB zoning district should be amended to prohibit residential components as well as the actual changes to the HB zoning district that did exactly that. The Director's interpretation is sound and should be affirmed.

Sincerely,

**PEREIRA, KIRBY,
KINSINGER & NGUYEN, LLP**

/s/ Ted C. Baggett

Ted C. Baggett



April 3, 2025

I, Shelia Cooper, do hereby certify that I am the City Clerk for the City of Flowery Branch. As such, I keep its official records and, in that capacity, do hereby certify that the attached copy of Article 9 of the zoning ordinance from Municode as it existed on January 21, 2019 the City of Flowery Branch, Georgia, is a true and accurate copy.

Given under my hand and seal of Flowery Branch, Georgia, this 3rd day of April 2025.

Shelia R. Cooper
City Clerk, City of Flowery Branch



Flowery Branch, GA



Municode Codification

[Flowery Branch, Georgia - Code of Ord...](#) / [Appendix C - ZONING ORDINANCE](#) / [ARTICLE 9. - NONRESIDENTIAL ZONI...](#)Flowery Branch, GA
Code of Ordinances

THE CODE OF ORDINANCES CITY OF FLOWERY BRANCH, GEORGIA

SUPPLEMENT HISTORY TABLE modified

- PART I - CHARTER
- PART II - CODE OF ORDINANCES
- Appendix A - HISTORIC DISTRICT ORDINANCE
- Appendix B - SUBDIVISIONS ORDINANCE
- ▼ Appendix C - ZONING ORDINANCE
 - ARTICLE 1. - PREAMBLE AND ENACTMENT
 - ARTICLE 2. - DEFINITIONS AND INTERPRETATIONS
 - ARTICLE 3. - ESTABLISHMENT OF DISTRICTS AND OFFICIAL ZONING MAP
 - ARTICLE 4. - GENERAL PROVISIONS
 - ARTICLE 5. - GENERAL DIMENSIONAL REQUIREMENTS
 - ARTICLE 6. - AGRICULTURAL AND CONVENTIONAL RESIDENTIAL ZONING DISTRICTS
 - ARTICLE 7. - TND, TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT
 - ARTICLE 8. - PUD, PLANNED UNIT DEVELOPMENT DISTRICT
 - ▼ ARTICLE 9. - NONRESIDENTIAL ZONING DISTRICTS

Sec. 9.1. - O-P, Office-Professional District. modifiedSec. 9.2. - INST, Institutional District. modified

Supplement 13 | Jan 21, 2019

Sec. 9.3. - NS, Neighborhood Shopping District. modified Not an ordinance using an older version of the code

Flowery Branch, GA

Municode Codification

Sec. 9.4. - H-1, Highway Business District. **modified**

Sec. 9.5. - CBD, Central Business District. **modified**

Sec. 9.6. - M-1, Light Manufacturing and Industrial District. **modified**

Sec. 9.7. - M-2, Heavy Manufacturing and Industrial District. **modified**

- ARTICLE 10. - DEVELOPMENT REQUIREMENTS AND GUIDELINES
- ARTICLE 11. - BUILDINGS, STRUCTURES, AND USES ACCESSORY TO SINGLE-FAMILY RESIDENTIAL DWELLINGS
- ARTICLE 12. - REQUIREMENTS FOR SPECIFIC RESIDENTIAL PRINCIPAL BUILDINGS AND USES
- ARTICLE 13. - BUILDINGS AND USES ACCESSORY TO NONRESIDENTIAL PRINCIPAL BUILDINGS AND USES
- ARTICLE 14. - SPECIFIC PROVISIONS FOR PRINCIPAL NONRESIDENTIAL **modified**
- ARTICLE 15. - TOWERS AND WIRELESS TELECOMMUNICATION FACILITIES
- ARTICLE 16. - ADULT BUSINESSES
- ARTICLE 18. - NONCONFORMITIES
- ARTICLE 19. - BUFFERS, TREE PROTECTION AND LANDSCAPING
- ARTICLE 20. - ACCESS AND DRIVEWAYS
- ARTICLE 21. - PARKING
- ARTICLE 22. - LOADING
- ARTICLE 23. - OUTDOOR LIGHTING
- ARTICLE 24. - SIGNS
- ARTICLE 1. - GENERAL PROVISIONS **modified**
- ARTICLE 2. - DESIGN REQUIREMENTS **modified**
- ARTICLE 3. - TYPES OF SIGNS PERMITTED; REQUIREMENTS **modified**
- ARTICLE 4. - REVIEW AND APPROVAL PROCEDURES **modified**
- ARTICLE 5. - ADMINISTRATION AND ENFORCEMENT **modified**

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Flowery Branch, GA



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- ARTICLE 25. - DEVELOPMENT ON STEEP SLOPES
- ARTICLE 26. - STREAM BUFFER PROTECTION
- ARTICLE 27. - CONSERVATION SUBDIVISIONS
- ARTICLE 32. - FLOODPLAIN MANAGEMENT
- ARTICLE 33. - TEXT AMENDMENTS
- ARTICLE 34. - REZONING AND CONDITIONAL USE APPLICATIONS
- ARTICLE 35. - PUBLIC HEARING PROCEDURES
- ARTICLE 36. - DEVELOPMENT OF REGIONAL IMPACT
- ARTICLE 37. - VARIANCES
- ARTICLE 38. - ADMINISTRATIVE VARIANCES
- ARTICLE 39. - APPEAL OF ADMINISTRATIVE DECISION
- ARTICLE 40. - DESIGN REVIEW
- ARTICLE 41. - PERMITS AND CERTIFICATES
- ARTICLE 42. - ADMINISTRATION
- ARTICLE 43. - ENFORCEMENT AND PENALTIES
- ARTICLE 44. - ANNEXATION AND ZONING
- ARTICLE 45. - LEGAL STATUS PROVISIONS
- ARTICLE 51. - FILM AND MUSIC PROJECTS

CODE COMPARATIVE TABLE ORDINANCES modified

STATE LAW REFERENCE TABLE

< [Sec. 8.11. - Permits and Certificates.](#) [ARTICLE 10. - DEVELOPMENT REQUIREMENTS AND GUIDELINES](#) >

ARTICLE 9. - NONRESIDENTIAL ZONING DISTRICTS^[5]

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Supplement 13 | Jan 21, 2019

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Sec. 9.1. - O-P, Office-Professional District.

Flowery Branch, GA

modified
Municode Codification

- (a) *Purpose and Description*. This zoning district is intended to implement the "Office-Professional" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "Institutional Campus" character area established in the comprehensive plan and may be appropriate within neighborhood commercial and activity center classifications shown on the character area map. The Office-Professional district is intended to encourage and provide suitable areas for professional, medical, research and scientific functions, general offices, and certain related activities. This district is intended to apply to single-function office buildings and to planned office parks and planned office complexes. In some cases, the OP district may be appropriate as a transition between a commercial zoning district and a single-family or multi-family residential zoning district.
- (b) *Character*. Access to this district is predominantly by automobile but pedestrian mobility is accommodated.
- (c) *Permitted and Conditional Uses*. Permitted and conditional uses shall be as provided in Table [9.1](#), "Permitted and Conditional Uses in Nonresidential Zoning Districts."
- (d) *Dimensional Requirements*. Dimensional requirements shall be as provided in Table [9.2](#), "Dimensional Requirements in Nonresidential Zoning Districts."

(Ord. No. 348-16, § 1 (Exh. A), 7-19-2018)

Sec. 9.2. - INST, Institutional District.

modified

- (a) *Purpose and Description*. This zoning district is intended to implement the "Public Institutional" and "transportation, communications and utilities" designations of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "Institutional Campus" character area established in the comprehensive plan. The Institutional zoning district is intended to encourage and provide suitable areas for institutional campuses including the Atlanta Falcons Training Facility, Hall County public schools, and large churches.
- (b) *Character*. These are mostly single-function land use districts where public access is controlled or limited. Areas are sometimes designed for trucks and individual establishments are not connected with one another. In the case of schools, pedestrian accessibility is provided, but other institutions are largely reliant on the automobile for access. Campus-style site planning and generous landscaping are required.
- (c) *Permitted and Conditional Uses*. Permitted and conditional uses shall be as provided in Table [9.1](#), "Permitted and Conditional Uses in Nonresidential Zoning Districts."

Supplement 13 Jan 24, 2019

You are browsing an older version of the code

(d) *Dimensional Requirements*. Dimensional requirements shall be as provided in Table [9.2](#), "Dimensional Requirements in Nonresidential Zoning Districts."
Municode Codification
(Ord. No. 348-16, § 1 (Exh. A), 7-19-2018)

Sec. 9.3. - NS, Neighborhood Shopping District.

modified

- (a) *Purpose and Description*. This zoning district is intended to implement the "commercial" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "neighborhood commercial" character area established in the comprehensive plan.
- (b) *Character*. Neighborhood commercial districts are intended to provide areas for limited, small-scale commercial uses of a convenience nature serving nearby residential neighborhoods as opposed to a regional market. This district provides for attractive, non-auto related neighborhood businesses and services, with distinctive architectural features and a scale compatible with pedestrians and connected to adjacent residential neighborhoods. Uses within neighborhood commercial character areas generally occur within enclosed buildings with no outside storage and limited outdoor display of goods and merchandise. Pedestrian accessibility is promoted via sidewalks connected to nearby neighborhoods but uses are mostly reliant on the automobile for access. Nonetheless, buildings and developments are scaled to be compatible with and promote pedestrian activity. Entrances, frontages, and building facades are softened with landscaping and low-lying identification signs.
- (c) *Permitted and Conditional Uses*. Permitted and conditional uses shall be as provided in Table [9.1](#), "Permitted and Conditional Uses in Nonresidential Zoning Districts." Auto-related, highway-oriented commercial uses are not permitted. With the exception of convenience stores with gasoline pumps, neighborhood commercial districts are not intended to permit or accommodate automotive uses or other types of more intensive highway business activities, or those uses that generate excessive traffic, noise, odors, pollution, safety hazards, or other adverse impacts which would detract from the desirability of adjacent properties for residential use.
- (d) *Dimensional Requirements*. Dimensional requirements shall be as provided in Table [9.2](#), "Dimensional Requirements in Nonresidential Zoning Districts." Business establishments do not exceed 2,500 square feet in any one tenant space, to keep the bulk and intensity in scale with the needs of adjacent neighborhoods. Open space is limited to suburban plazas or small open spaces. A three-story height limit is imposed.

(Ord. No. 348-16, § 1 (Exh. A), 7-19-2018)

Sec. 9.4. - HB, Highway Business District.

modified

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- (a) *Purpose and Description* . This zoning district is intended to implement the "commercial" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "activity center" and "mixed use" character areas established in the comprehensive plan. Centered at the interchange of Spout Springs Road and I-985, and also extending north and south along Hog Mountain Road, this zoning district will be an accessible center of businesses, services, and complementary uses, which may include traditional neighborhood development and mixed-use developments, contributing extensively to the economic base of the city.
- (b) *Character* . This district is dominated by commercial uses but also intended to accommodate mixed-use developments. A grid block pattern of streets (connected local network) is provided, along with sidewalks and street trees. Pedestrian accessibility is promoted, although most activity is via the automobile for access. Entrances, frontages, and building facades are softened with landscaping and low-lying identification signs.
- (c) *Permitted and Conditional Uses* . Permitted and conditional uses shall be as provided in Table [9.1](#), "Permitted and Conditional Uses in Nonresidential Zoning Districts." The widest possible range of uses is contemplated in this zoning district, except for industry and single-family, detached or manufactured homes. This character area is the proper place for big box retail, shopping centers, lodging and auto-related uses.
- (d) *Dimensional Requirements* . Dimensional requirements shall be as provided in Table [9.2](#), "Dimensional Requirements in Nonresidential Zoning Districts."

(Ord. No. 348-16, § 1 (Exh. A), 7-19-2018)

Sec. 9.5. - CBD, Central Business District.

modified

- (a) *Purpose and Description* . This zoning district is intended to implement the redevelopment element of the Flowery Branch Comprehensive Plan, as amended. This zoning district is also intended to implement the "Central Business" designation of the Future Land Use Map contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "Old Town" character area established in the comprehensive plan, as amended. All construction projects require approval by the City Council of Flowery Branch. For lots zoned CBD which are within the city's local historic district, compliance with the city's historic preservation ordinance is also required.
- (b) *Character* . This district is a compact area corresponding with the city's downtown core. It is characterized by a grid block pattern with skinny streets, sidewalks composed of distinctive materials (e.g., stamped concrete) and lined with street trees. Developments are built to a

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pedestrian-friendly scale (i.e., "Main Street Commercial") and include plazas and small urban pocket parks. Buildings and structures which are considered "historic" are retained to maintain the overall historic character of the area.

- (c) *Permitted and Conditional Uses* . Permitted and conditional uses shall be as provided in Table [9.1](#), "Permitted and Conditional Uses in Nonresidential Zoning Districts."
- (d) *Dimensional Requirements* . Dimensional requirements shall be as provided in Table [9.2](#), "Dimensional Requirements in Nonresidential Zoning Districts."
- (e) *Construction Approval* . Any proposed construction project must be approved by the City Council prior to issuance of any permit.
- (f) *Construction Approval Requirements* . All construction proposals shall submit at a minimum the following:
1. Legal description of the property;
 2. Survey of the property;
 3. Existing conditions analysis of the site to be redeveloped, including any existing buildings, structures, and/or uses on the subject site, and the existing land uses and description of buildings, structures, and uses on all adjacent lots;
 4. Letter of intent describing the proposed use(s) of the property or other action requested (redevelopment project approval). The applicant must be comprehensive in terms of describing all principal uses that will be included - these will become limiting and binding on the developer - refer to the permitted uses listing in Table [9.1](#) of Article 9 of the Flowery Branch Zoning Ordinance. For complex projects, the applicant should describe the intended phasing of the project, if applicable. The letter of intent shall address the following:
 - a. How the proposed action compares (and is consistent with) the goals, policies, and development requirements of the Old Town Redevelopment Plan;
 - b. How the project will be consistent with any adopted design guidelines for the type of development and/or the proposed use; and
 - c. How the general design, the character and appropriateness of design, scale of buildings, arrangement, texture, materials, and colors of buildings in the proposed redevelopment project will be appropriate in its surroundings;
 5. Two copies and one electronic copy of a site plan of the property, at an appropriate engineering scale, showing the proposed use and relevant information (buildings, parking, open spaces, etc.) regarding proposed improvements;
 - 6.

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Statistics regarding the proposed development (this may be incorporated into the letter of intent, or shown on the site plan, or both). At minimum, such statistics shall include the total square footage of the redevelopment project, including any existing buildings to be retained, the total gross square footages of building(s) devoted to each use, and proposed building heights for all buildings and structures proposed in the redevelopment project;

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7. Two copies and one electronic copy of all exterior elevation drawings of all building faces that will front on a public or private street, and rear and side elevations of same if requested by Zoning Administrator, drawn to an architectural scale and signed by an architect. If structured parking is proposed, elevations of the parking structure must also be submitted. Said exterior elevation drawings shall clearly show in sufficient detail the exterior appearance and architectural design of proposed principal buildings. Each application shall also indicate proposed materials, textures and colors and provide samples of materials and colors. In cases where an applicant has already made application for approval of a certificate of appropriateness (COA), the applicant can submit the complete application for certificate of appropriateness as submitted to the Historic Preservation Commission. Where an applicant has already received a certificate of appropriateness from the Historic Preservation Commission, resubmission of the approved application for certificate of appropriateness shall constitute compliance with this application requirement unless the Zoning Administrator notifies the applicant that additional information is needed for aspects not covered in the approved COA application;
8. Facility impact analyses, including the following:
 - a. Proof of water and sewer availability from the Public Works Director and Wastewater Treatment Plant Superintendent.
 - b. Analysis of the adequacy of drainage for the site (description and assessment of adequacy of stormwater facilities on-site and off-site).
9. A written development agreement, if the developer requests city participation in the provision of on-site or off-site facilities, such as the sharing of costs for facilities, shared parking, etc. which may or may not be available from the city. If accepted by the city, the development agreement may become a condition of project approval or it may be considered and approved separately from redevelopment project approval;
10. If any variances or administrative variances are required, the applicant will file a separate application following submission requirements and processes for the type of variance sought.

(Ord. No. 348-16, § 1 (Exh. A), 7-19-2018)

Sec. 9.6. - M-1, Light Manufacturing and Industrial District

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modified

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- (a) *Purpose and Description* . This zoning district is intended to implement the "light industrial" and "transportation, communication and utilities" designations of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "industrial/employment" character area established in the comprehensive plan. It provides a concentration of employment and job activity, contributing substantially to the economic base of the city.
- (b) *Character* . Truck traffic is frequent, and individual manufacturing establishments are not necessarily connected with one another. Driveways and curb radii are designed to accommodate large trucks. Pedestrian accessibility is generally not anticipated, though pedestrian access is required along road frontages. Entrances, frontages, and building facades are softened with landscaping and low-lying identification signs.
- (c) *Permitted and Conditional Uses* . Permitted and conditional uses shall be as provided in Table [9.1](#), "Permitted and Conditional Uses in Nonresidential Zoning Districts." Light industries are the primary permitted uses.
- (d) *Dimensional Requirements* . Dimensional requirements shall be as provided in Table [9.2](#), "Dimensional Requirements in Nonresidential Zoning Districts."
- (e) *Design Requirements* . Please see Article 14 [sec. 14.13](#) of this ordinance.

(Ord. No. 348-16, § 1 (Exh. A), 7-19-2018)

Sec. 9.7. - M-2, Heavy Manufacturing and Industrial District.

modified

- (a) *Purpose and Description* . This zoning district is intended to implement the "heavy industrial" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "industrial/employment" character area established in the comprehensive plan. It provides a concentration of employment and job activity, contributing substantially to the economic base of the city.
- (b) *Character* . Truck traffic is frequent, and individual manufacturing establishments are not necessarily connected with one another. Driveways and curb radii are designed to accommodate large trucks. Pedestrian accessibility is generally not anticipated, though pedestrian access is required along road frontages. Entrances, frontages, and building facades are softened with landscaping and low-lying identification signs.
- (c) *Permitted and Conditional Uses* . Permitted and conditional uses shall be as provided in Table [9.1](#), "Permitted and Conditional Uses in Nonresidential Zoning Districts." Light and heavy industries are the primary permitted uses.
- (d) *Dimensional Requirements* . Dimensional requirements shall be as provided in Table [9.2](#), "Dimensional Requirements in Nonresidential Zoning Districts."
- (e)

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Design Requirements. Please see Article 14 [sec. 14.13](#) of this ordinance.

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(Ord. No. 348-16, § 1 (Exh. A), 7-19-2018)

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Table [9.1](#)

Permitted and Conditional Uses in Nonresidential Zoning Districts

(P = Permitted Use C = Conditional Use X = Prohibited)

 EXPAND

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Accessory building, structure, or use	P	P	P	P	P	P	P
Adaptive reuse of a detached single-family dwelling for a personal service establishment or enclosed retail establishment	C	C	P	P	P	X	X
Adult business (see Adult Entertainment of Code of Ordinances No. 360)	X	X	X	X	X	P	P
Agricultural processing	X	X	X	X	X	X	C
Aircraft landing area	X	X	X	X	X	X	C
Animal hospital or veterinary clinic	P	P	P	P	X	X	X
Animal rendering, slaughtering, and recycling plant	X	X	X	X	X	X	X
Animal shelter	X	P	X	C	X	P	P
Apparel manufacturing	X	X	X	X	X	P	P
Art gallery	P	P	P	P	P	X	X
Asphalt plant	X	X	X	X	X	X	C

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Flowery Branch, GA Auction house or auction yard (excluding livestock) 27-11-01 Code Codification	X	X	X	X	X	P	P
Auction house or auction yard (including livestock)	X	X	X	X	X	X	P
Automated teller machines (accessory use)	P	P	P	P	X	P	P
Automobile sales and service establishment	X	X	X	P	X	X	X
Automobile sales without service	X	X	X	P	X	X	X
Automobile service establishment without sales	X	X	X	P	X	P	P
Bank or financial institution	P	P	P	P	P	X	X
Batching plant	X	X	X	X	X	X	C
Bed and breakfast inn	P	P	P	P	P	X	X
Big box commercial building	X	X	X	C	X	C	C
Borrow site	X	C	X	C	X	X	P
Botanical garden	P	P	P	C	X	X	X
Bottling or canning plant	X	X	X	X	X	C	P
Brewery or distillery	X	X	X	X	X	P	P
Broadcasting studio	P	P	P	P	X	P	P
Building material sales	X	X	X	C	X	P	P
Building sales establishment	X	X	X	C	X	P	P
Bulk storage	X	X	X	X	X	X	P

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Business service establishment, not exceeding 2,500 square feet of gross floor area	C	C	P	P	P	P	P
Business service establishment, more than 2,500 square feet of gross floor area	X	X	X	P	P	P	P
Camp or campground	X	C	X	C	X	X	X
Car wash	X	X	X	C	X	P	P
Caretaker's residence	X	X	X	C	C	P	P
Carnival	X	X	X	C	X	X	P
Cemetery or mausoleum	X	P	X	C	X	P	P
Church, temple, synagogue, or place of worship, including specified accessory uses (see Sect. 14.3)	P	P	C	P	X	C	C
Clinic	P	P	P	P	X	X	X
Club or lodge, nonprofit, sponsored by a civic or similar organization	P	P	C	P	X	C	C
Club, private	X	C	X	C	X	X	X
Cold storage plant or frozen food locker	X	X	X	X	X	P	P
Co-generation facility	X	X	X	X	X	C	C
College or university	C	P	X	C	X	C	C
Commercial recreational facility, indoor	X	X	C	P	X	C	C
Commercial recreational facility, outdoor	X	X	X	C	C	C	C
Communication tower and antenna	P	P				P	P

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Flowery Branch, GA Community recreation area	P	P	P	P	P	P	P
 Municode Codification Composting facility	X	X	X	X	X	X	P
Use	O-P	INST	NS	HB	CBD	M-1	M-2
Use	O-P	INST	NS	HB	CBD	M-1	M-2
Conservation areas and passive recreational facilities	P	P	P	P	P	P	P
Construction field office and/or yard (temporary use)	X	P	X	P	X	P	P
Continuing care retirement community	C	P	X	P	C	X	X
Contractor's establishment	X	X	X	P	X	P	P
Convenience store, with or without gasoline pumps	X	X	P	P	X	P	P
Cottage industry	P	P	P	P	P	P	P
Crematorium in conjunction with a funeral home or mortuary	X	C	X	C	X	P	P
Crematorium not in conjunction with a funeral home or mortuary	X	X	X	X	X	X	P
Crisis center	C	P	X	P	X	P	P
Custom order shop	X	X	P	P	P	P	P
Day care center serving no more than 17 persons	P	P	P	P	X	C	C
Day care center serving 18 persons or more	X	P	C	P	X	C	C

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Flowery Branch, GA Code of Ordinances Municode Codification	X	X	X	C	X	P	P
Dry cleaning plant	X	X	X	C	X	P	P
Dwelling, single-family detached, fee-simple	P	P	X	X	P	X	X
Dwelling, single-family detached, condominium	P	P	X	X	P	X	X
Dwelling, townhome (single-family attached fee-simple)	X	X	X	X	P	X	X
Dwelling, multi-family	X	X	X	X	C	X	X
Dwelling, two-family (duplex)	C	C	X	X	X	X	X
Dwelling, located within a building containing a nonresidential principal use	X	X	X	X	X	X	X
Explosives storage	X	X	X	X	X	X	C
Exterminating and pest control business or disinfecting service	X	X	C	P	X	P	P
Extraction and removal of sand, gravel, top soil, clay, dirt, precious metals, gems, and minerals	X	X	X	X	X	X	C
Fairgrounds	X	P	X	X	C	P	P
Finance, insurance, and real estate establishment, 2,500 square feet or less of gross floor area per establishment	P	P	P	P	P	P	P
Finance, insurance, and real estate establishment, more than 2,500 square feet of gross floor area per establishment	P	P	P	P	P	X	X

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Food processing	X	X	X	X	X	X	P
Fuel oil distributor	X	X	X	X	X	P	P
Funeral home or mortuary	X	X	X	C	X	P	P
Gas tank sales	X	X	X	C	X	X	P
Greenhouse (commercial)	X	X	X	P	X	P	P
Group home	C	P	X	P	X	X	X
Growler							
Gym or exercise facility, not open 24 hours a day	P	P	P	P	P	P	P
Gym or exercise facility open 24 hours a day	P	P	X	P	P	P	P
Hazardous waste receiving, handling, and/or disposal facility, or volatile organic liquid handling and storage	X	X	X	X	X	X	C
Health spa	X	X	X	P	P	P	P
Hospital	C	P	X	P	C	C	C
Incinerator	X	X	X	X	X	X	C
Institutional residential living and care facility, serving no more than 17 persons	P	P	P	P	X	X	X
Institutional residential living and care facility, serving 18 persons or more	C	P	X	P	X	X	X
Junk/salvage yard	X	X	X	X	X	X	C
Kennel	X	X	X	X	X	P	P

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Flowery Branch, GA	P	P	C	P	X	P	P
 Municode Codification Landfill (sanitary, construction/demolition, inert waste)	X	X	X	X	X	X	C
Landscaping company	X	X	X	P	X	P	P
Live/work unit	C	X	C	C	P	P	P
Lodging service (hotel, motel, motor hotel, inn)	X	C	X	P	P	X	X
Logging yard	X	X	X	X	X	X	P
Lumber yard	X	X	X	C	X	P	P
Machine shop	X	X	X	P	X	P	P
Manufactured home, "Class A"	X	X	X	X	X	X	X
Manufactured home other than "Class A"	X	X	X	X	X	X	X
Manufactured home park	X	X	X	X	X	X	X
Manufacturing, ceramics	X	X	X	X	X	C	P
Manufacturing, cosmetics or toiletries	X	X	X	X	X	P	P
Manufacturing, coating of cans, coils, fabrics, vinyl, metal furniture, appliance surfaces, wire, paper, and flat wood paneling	X	X	X	X	X	C	C
Manufacturing, electronics, camera, or photographic or communication equipment	X	X	X	X	X	P	P
Manufacturing, instrument assembly	X	X	X	X	X	P	P
Manufacturing, metal products	X	X	X	X	X	P	P

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Manufacturing, pharmaceuticals and medical supplies	X	X	X	X	X	P	P
Manufacturing, textiles	X	X	X	X	X	P	P
Manufacturing, wood products	X	X	X	X	X	P	P
Manufacturing, processing, and assembling, within buildings, not otherwise specified	X	X	X	X	X	C	C
Marina	X	C	X	P	X	X	X
Materials recovery facility	X	X	X	X	X	X	C
Micro brewery	X	X	X	X	P	P	P
Mixed use building or development	C	X	P	P	P	C	X
Museum	P	P	P	P	P	P	P
Office	P	P	P	P	P	P	P
Office-warehouse	X	X	X	C	X	P	P
Open air business	X	X	X	P	C	C	C
Open storage yard (principal use)	X	X	X	C	X	P	P
Package Store	X	X					
Parking deck or structures, on-site or off-site	C	C	X	P	C	C	C
Parking lot, off-site	P	P	P	P	C	P	P
Personal service establishment	C	C	P	P	P	P	P
Petroleum bulk storage site	X	X	X	X	X	X	P

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Flowery Branch, GA							
 Municode Codification							
Public or semi-public use	P	P	P	P	P	P	P
Rail yard	X	C	X	X	X	X	P
Railroad freight terminal	X	C	X	X	X	X	P
Recreational vehicle park	X	X	X	C	X	X	X
Recovered materials processing facility	X	X	X	X	X	X	C
Recycling center	X	X	X	X	X	C	C
Restaurant, excluding drive-ins or drive through facilities and fast-food restaurants as defined	X	C	P	P	P	P	P
Restaurant, including drive-ins or drive through facilities and fast-food restaurants as defined	X	X	X	P	X	C	C
Retail trade establishment, enclosed	X	X	P	P	P	P	P
Retreat center	P	P	X	P	X	X	X
Riding academy or equestrian center	X	X	X	P	X	C	C
Rooming or boarding house	C	X	X	C	X	X	X
Sawmill	X	X	X	C	X	X	P
School for the arts	P	P	C	P	C	C	C
School, private, elementary, middle, or high	P	P	C	P	X	C	C
School, public	P	P	X	X	X	X	X
School, professional	P	P	C	P	X	C	C

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Flowery Branch, GA	P	P	X	X	X	C	C
 Municode Codification School, trade	C	C	X	X	X	C	C
Self-service storage facility (mini-warehouse)	X	X	X	C	X	P	P
Service and fuel-filling station	X	X	X	P	X	P	P
Showroom	X	X	X	X	X	P	P
Slaughterhouse	X	X	X	X	X	X	C
Solid waste handling and/or transfer facility	X	X	X	X	X	X	C
Special event facility	C	P	C	P	X	X	X
Taxi cab and limousine service	X	X	X	C	X	C	C
Tattoo Parlor	X	X	X	P	x	C	C
Temporary use approved by the Zoning Administrator	P	P	P	P	P	P	P
Therapeutic camp	X	C	X	X	X	X	X
Tow service	X	X	X	P	X	C	P
Truck stop or truck terminal	X	X	X	C	X	X	P
Utility company	P	P	X	P	X	P	P
Use	O-P	INST	NS	HB	CBD	M-1	M-2
Utility company substation	P	P	P	P	P	P	P
Vehicle emission testing facility	X	X	X	P	X	P	P
Warehouse or storage building	X	X	X	C	X	P	P

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Flowerly Branch, GA Municode Codification	X	X	X	X	X	X	X
Wholesale trade establishment	X	X	X	C	C	P	P
Wireless telecommunications equipment	X	C	X	C	X	C	C
Wireless telecommunications facility	X	C	X	C	X	C	C
Wrecked motor vehicle compound	X	X	X	C	X	X	P
Yoga Studio	P	P	P	P	P	P	P

(Ord. No. 348-16, § 1 (Exh. A), 7-19-2018)

Table 9.2

Dimensional Requirements for Nonresidential Zoning Districts

 EXPAND

Dimensional Requirement (measurement unit)	O-P	INST	NS	HB	CBD	M-1	M-2
Maximum height (feet)	35	45	35	60	Note 1	75	75
Maximum height (number of stories)	3	3	3	5	Note 1	4	5
Maximum density (units per acre)	3	3	3	12	N/A	N/A	N/A
Minimum lot size for detached single family dwelling (square feet)	10,000	10,000	10,000	10,000	7,000	N/A	N/A
Minimum lot size for other uses (square feet)	10,000	None	None	None	None	None	None
Minimum lot width (feet)	75	75	90	None	None	100	100

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Minimum lot area (square feet)	1,200	1,200	1,200	700	700	700	700
Minimum lot width (feet)							
Minimum front yard setback (feet)	25	40	25	None	None	25	25
Minimum side setback, interior lot line (feet)	10	40	10	10	None	15	15
Minimum side setback, corner lot (feet)	15	40	15	15	None	25	25
Minimum side setback, interior lot line (width in feet) for institutional zones abutting other institutional zones	N/A	10	N/A	N/A	N/A	N/A	N/A
Minimum landscape strip required along side property lines for institutional zones abutting other institutional zones (width in feet)	N/A	5	N/A	N/A	N/A	N/A	N/A
Minimum rear setback (feet)	20	40	20	25	None	25	25
Minimum setback abutting an R-1, R-2, R-3, TND, or PUD district (feet)	25	50	40	30	None	60	60
Minimum width of natural buffer abutting an R-1, R-2, R-3, TND, or PUD district (feet)	15	40	30	30	None	50	50
Minimum landscape strip required along right-of-ways for any nonresidential or multi-family use (width in feet)	10	25	10	10 (None if built to front lot line)	None	30	30

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Minimum landscaped open space required along side property lines for any nonresidential or multi-family use (width in feet)	5	15	5	None	None	None	None
Maximum lot coverage (percent)	35	40	45	50	None	None	None
Minimum landscaped open space (percent)	25	20	15	15	N/A	10	10

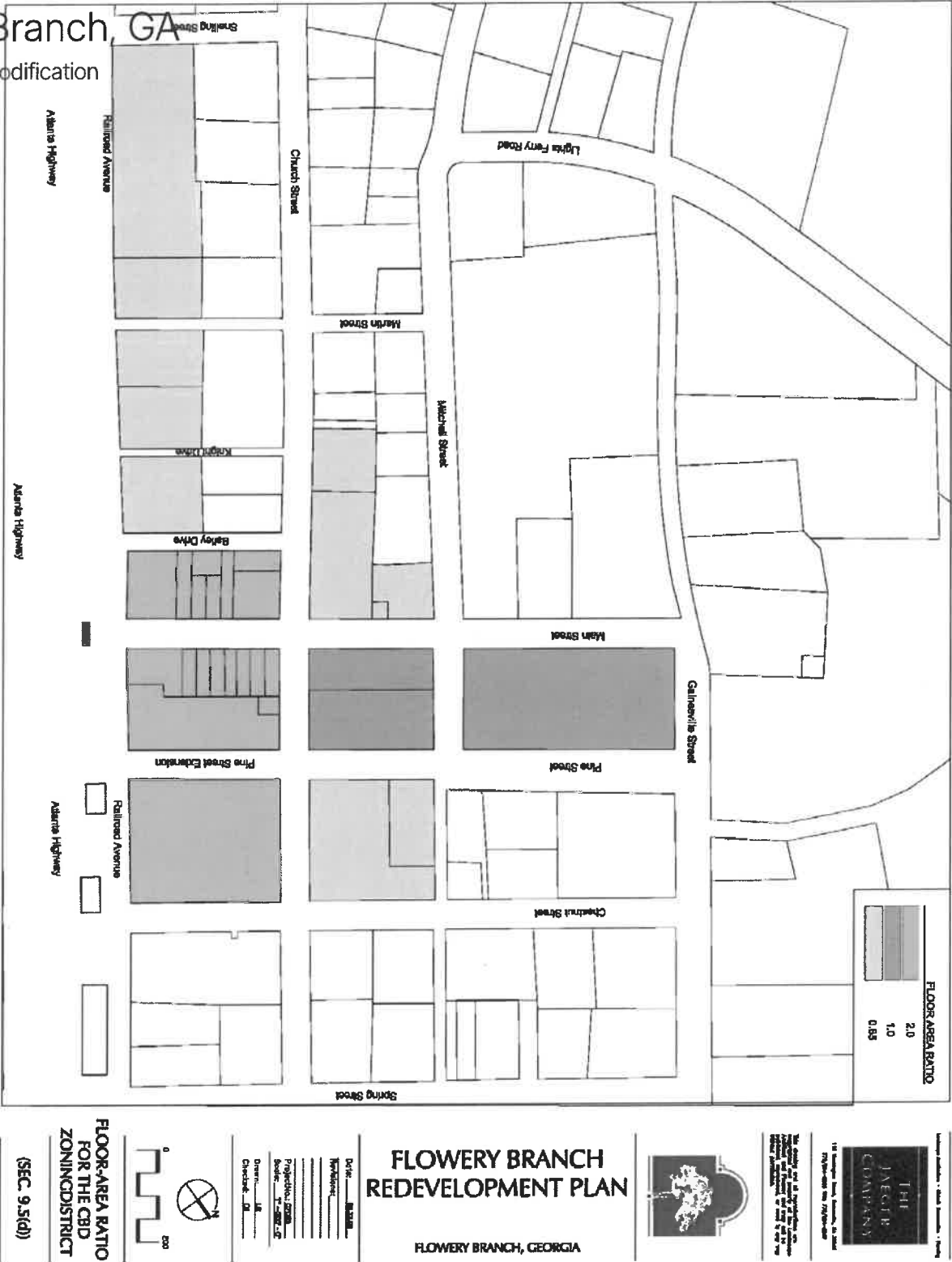
(Ord. No. 348-16, § 1 (Exh. A), 7-19-2018)

Note 1. Building Height and Number of Stories. The maximum height of any building, including those on lots subsequently zoned CBD after the effective date of this zoning ordinance amendment, shall be three stories and 45 feet, except as follows:

The maximum building height shall be four stories and 60 feet for the following city blocks: The city block bounded by Railroad Avenue, Pine Street Extension, Church Street, and Chestnut Street; the city block bounded by Railroad Avenue, Main Street, Church Street, and Pine Street Extension; and the city block bounded by Railroad Avenue, Bailey Drive, Church Street, and Main Street. The building height may project 6 feet above the maximum for purposes of screening roof mounted equipment, safety railings and/or other service equipment.

Flowery Branch, GA

Municode Codification



< Sec. 8.11. - Permits and Certificates. ARTICLE 10. - DEVELOPMENT REQUIREMENTS AND GUIDELINES >



April 2, 2025

I, Shelia Cooper, do hereby certify that I am the City Clerk for the City of Flowery Branch. As such, I keep its official records and, in that capacity, do hereby certify that the attached copy of Ordinance 657, an ordinance amending the zoning ordinance of the City of Flowery Branch, Georgia, is a true and accurate copy.

Given under my hand and seal of Flowery Branch, Georgia, this 2nd day of April 2025.


Shelia R. Cooper
City Clerk, City of Flowery Branch



ORDINANCE 657

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FLOWERY BRANCH, GEORGIA, ORDINANCE NO. 657, TO STRIKE THE FOLLOWING SECTIONS: 3.5, 6.1-6.5, 7.1-7.6, 8.1-8.7, 9.1-9.7 (INCLUDING TABLES 9.1 AND 9.2), 10.1, 10.7, 12.1-12.8, 14.13-14.15, AND 40.1-40.9 REPLACING THEM WITH NEW SECTIONS WITH THE SAME TITLES AND NUMBERS AS SHOWN ON ATTACHED EXHIBIT "A"; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the Zoning Ordinance of the City of Flowery Branch, Georgia, authorizes the amendment of the text of the City of Flowery Branch Zoning Ordinance by the City Council; and

WHEREAS, the Zoning Administrator is authorized, pursuant to Section 33.2 of the Zoning Ordinance, to initiate an amendment to the zoning ordinance for consideration by the City Council; and

WHEREAS, the City's adopted comprehensive plan includes an intent to implement the adopted redevelopment plan for Old Town by redeveloping obsolete housing units and attracting new housing in Old Town and nearby neighborhoods; and

WHEREAS, it is in the public interest to update existing codes; and

WHEREAS, the changes to the code enhance the health, safety, and overall general welfare of the citizens of Flowery Branch; and

WHEREAS, the City has complied with the Zoning Procedures Law and the requirements of Article 33 of the Zoning Ordinance with regard to text amendments, including the holding of an advertised public hearing; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS THAT THE FLOWERY BRANCH ZONING ORDINANCE IS AMENDED AS FOLLOWS:

SECTION 1. AMENDMENT.

Strike sections 3.5, 6.1-6.5, 7.1-7.6, 8.1-8.7, 9.1-9.7 (including tables 9.1 and 9.2), 10.1, 10.7, 12.1-12.8, 14.13-14.15, and 40.1-40.9 replacing them with the new sections as shown Exhibit "A".

SECTION 2. SEVERABILITY.

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

SECTION 3. EFFECTIVE DATE.

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

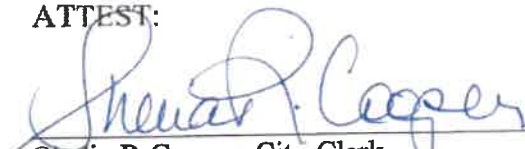
SECTION 4. REPEALER.

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

Approved this 16th day of December 2021.


James M. Miller, Mayor

ATTEST:


Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:


E. Ronald Bennett, Jr., City Attorney



Exhibit "A"**ARTICLE 3. - ESTABLISHMENT OF DISTRICTS AND OFFICIAL ZONING MAP****Sec. 3.5. - Character Areas Established.**

The character areas presented in map and text form in the adopted comprehensive plan of the City of Flowery Branch, Georgia, are hereby adopted as if fully set forth in this ordinance. The recommendations for appropriate development specified in the comprehensive plan for character areas and future land uses shall be applicable to development in the form of guidelines. Furthermore, to the extent this zoning ordinance provides regulations for character area districts, they are mandatory and shall be followed.

The boundaries of character areas as established in the adopted comprehensive plan shall not be amended through the zoning map amendment process established in this zoning ordinance, and such character area boundaries shall only be changed by amending the adopted comprehensive plan.

ARTICLE 6. - AGRICULTURAL AND CONVENTIONAL RESIDENTIAL ZONING DISTRICTS**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 and related uses 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 and related uses at moderate 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-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 Multi-Family District.

- (a) *Purpose and Description.* This zoning district is intended to provide for higher density residential development and related uses and to protect the future development of land in accordance with the comprehensive plan. This district consists predominantly of multi-family residences (apartment complexes and townhouses), two-family residences, and detached single-family dwellings (site built or modular) and is intended to implement the "urban density community" 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."

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

- (a) *Purpose and Description.* This zoning district is intended exclusively for the placement of manufactured homes and related uses 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.
- (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." Dimensional requirements such as specifications for manufactured home spaces shall be as designated on an approved site plan.
- (d) *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.
- (e) *Design Requirements.* See Articles 10 and 40 of this Zoning Ordinance.

ARTICLE 7. - TND, TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT

Sec. 7.1. - Purpose and Description.

This zoning district is intended to provide for neighborhoods that are designed according to the principles of "new urbanism" with a grid or modified-grid street network, pedestrian scale and orientation, shallow front yards, relatively narrow local streets planted with shade trees and provided with wide sidewalks, and with automobile garages located to the rear or side of residential lots. TND districts are

further distinguished from conventional suburban subdivision developments in their provision of public greens or common areas, when new neighborhoods are created.

Sec. 7.2. - Character.

Development within this district consists mostly of residential neighborhoods in a rectangular or square block, lot, and street pattern.

Sec. 7.3. - Permitted and Conditional Uses.

Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Special Uses in Traditional Neighborhood Development Districts."

Sec. 7.4. - Dimensional Requirements.

Dimensional requirements shall be as provided in Table 7.2, "Dimensional Requirements in Traditional Neighborhood Development Districts."

Sec. 7.5. - Additional Development Requirements.

- (a) **Maximum Block Width and Block Length.** When a new subdivision is created within this district, the lots shall be designed in a grid-like pattern of blocks and interconnecting streets, where no new block created shall have a length or width exceeding 800 feet in length without an alley or intervening (mid-block) pedestrian footpaths.
- (b) **Front Porches.** Any new, detached dwelling shall have a front porch no less than sixteen feet in width as measured along the street frontage and no less than six feet in depth measured from the front property line to the interior of the lot.
- (c) **On-site Parking.** A two-car garage or carport located in the rear or side yard is required.

Sec. 7.6. - Design Requirements.

See Articles 10, 12 and 40 of this Zoning Ordinance. Where there are conflicting requirements between the articles cited herein and this Article 7, the requirements of Article 7 shall apply.

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 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.

Sec. 8.4. - Permitted Uses.

Permitted uses shall be proposed by an applicant for rezoning to PUD and shall be limited to those uses approved by the Governing Body; provided, however, that the following shall apply when the site proposed to be rezoned and developed is designated as "suburban residential" on the adopted future development map of the City of Flowery Branch:

- (a) At least twenty (20) percent of the total area of the planned unit development shall be conservation, open space, and/or landscaped area.
- (b) At least seventy (70) percent of the units proposed and approved as part of the planned community development shall be detached, single-family dwellings.

In the case of a PUD zoning district that was already developed or partially developed on the effective date of this zoning ordinance, said development shall continue to be governed by the conditions of zoning, site or development plan approval, architectural elevations, approved mixes of uses, and any other development-specific stipulations of the original PUD approval, until or unless otherwise amended by the Governing Body, and the land use parameters described in this Section shall not apply to such prior PUD zoning district approvals by the Governing Body.

The applicant for PUD zoning shall include in the application a list of all land uses proposed to be included in the PUD, which shall be limiting on the application if approved, unless otherwise specifically provided by the Governing Body. In addition, the application shall contain a development schedule indicating the approximate dates for beginning and completing the project, or each phase if the development is to be phased, and the extent of development and types of land uses in each phase. This information shall also specify the number of residential units by type and density, and the total square footage of buildings devoted to non-residential uses.

Sec. 8.5. - Dimensional Requirements.

Lot sizes, maximum densities (units per acre), setbacks and yards, building coverage, building heights, and other dimensional requirements shall be proposed by an applicant for rezoning to PUD and as may be approved by the Governing Body. The applicant for PUD zoning shall submit the dimensional requirements for, at minimum, the types of requirements for conventional residential zoning districts as specified in Table 6.2 of this zoning ordinance and compare the proposed dimensional requirements with

said requirements in Table 6.2 for the R-1 and/or R-2 zoning district. Standards proposed by the developer are legally binding on the development if approved, unless otherwise specified by the Governing Body.

In addition, other dimensional requirements of this zoning ordinance, including but not limited to Article 25 (regulations for steep slopes) where applicable, shall also be proposed by the applicant.

Sec. 8.6. - 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 Guidelines.

The following provisions are not requirements per se, but may be made requirements as a part of rezoning approval. 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.
- (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) See also Article 10 of this Zoning Ordinance.

ARTICLE 9. - NONRESIDENTIAL ZONING DISTRICTS

Sec. 9.1. - O-P, Office-Professional District.

- (a) *Purpose and Description.* This zoning district is intended to implement the "Institutional Campus" character area established in the comprehensive plan. The Office-Professional district is intended to encourage and provide suitable areas for professional, medical, research and scientific functions, general offices, and certain related activities. This district is intended to apply to single-function office buildings and to planned office parks and planned office complexes. In some cases, the OP district may be appropriate as a transition between a commercial zoning district and a single-family or multi-family residential zoning district.
- (c) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts."

- (d) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."
- (e) *Design Requirements.* See Articles 10 and 40 of this Zoning Ordinance.

Sec. 9.2. - INST, Institutional District.

- (a) *Purpose and Description.* This zoning district is intended to implement the "Institutional Campus" character area established in the comprehensive plan. The Institutional zoning district is intended to encourage and provide suitable areas for single-function institutional campuses including the Atlanta Falcons Training Facility, schools, and large churches.
- (b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts."
- (c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."
- (d) *Design Requirements.* See Articles 10 and 40 of this Zoning Ordinance.

Sec. 9.3. - NS, Neighborhood Shopping District.

- (a) *Purpose and Description.* This zoning district is intended to primarily implement the "neighborhood commercial" character area established in the comprehensive plan but may also be used to implement the "mixed use – downtown" and "mixed use – neighborhood" character areas. The NS district is intended to provide areas for limited, small-scale commercial uses of a convenience nature serving nearby residential neighborhoods as opposed to a regional market. This district provides for attractive, non-auto related neighborhood businesses and services within enclosed buildings that have a scale compatible with pedestrians and that are connected to adjacent residential neighborhoods and do not generate adverse impacts which would detract from the desirability of adjacent properties for residential use.
- (b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts."
- (c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."
- (d) *Design Requirements.* See Articles 10 and 40 of this Zoning Ordinance.

Sec. 9.4. - HB, Highway Business District.

- (a) *Purpose and Description.* This zoning district is intended to implement the "activity center" and "activity center-retail" character areas established in the comprehensive plan. This zoning district will be an accessible center of businesses, services, and complementary uses with attractive building and site features and contributing extensively to the economic base of the city. The widest possible range of commercial uses is contemplated in this zoning district, except for industry, mixed use developments, and single-family residences including manufactured homes.
- (b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts."
- (c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."
- (d) *Design Requirements.* See Articles 10 and 40 of this Zoning Ordinance.

Sec. 9.5. - CBD, Central Business District.

- (a) *Purpose and Description.* This zoning district is intended to primarily implement the "Old Town" character area established in the comprehensive plan, but may also be used to implement the "Mixed Use – Downtown" character area. Developments are built to a pedestrian-friendly scale (i.e., "Main

Street Commercial") that complement the historic character of the City's downtown core and that include plazas and small urban pocket parks.

- (b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts."

- (c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."

- (d) *Construction Approval.*

1. Any proposed construction project must be approved by the City Council prior to issuance of any permit.

2. For lots zoned CBD which are within the city's local historic district, compliance with the city's historic preservation ordinance is required prior to issuance of any building permit. See also Section 9.5.(f)7. below.

- (f) *Construction Approval Requirements.* All construction proposals shall submit at a minimum the following:

1. Legal description of the property;
2. Survey of the property;
3. Existing conditions analysis of the site to be redeveloped, including any existing buildings, structures, and/or uses on the subject site, and the existing land uses and description of buildings, structures, and uses on all adjacent lots;
4. Letter of intent describing the proposed use(s) of the property or other action requested (redevelopment project approval). The applicant must be comprehensive in terms of describing all principal uses that will be included - these will become limiting and binding on the developer - refer to the permitted uses listing in Table 9.1 of Article 9 of the Flowery Branch Zoning Ordinance. For complex projects, the applicant should describe the intended phasing of the project, if applicable. The letter of intent shall address the following:
 - a. How the proposed action compares (and is consistent with) the goals, policies, and development requirements of the Old Town Redevelopment Plan;
 - b. How the project will be consistent with any adopted design guidelines for the type of development and/or the proposed use; and
 - c. How the general design, the character and appropriateness of design, scale of buildings, arrangement, texture, materials, and colors of buildings in the proposed redevelopment project will be appropriate in its surroundings;
5. Two copies and one electronic copy of a site plan of the property, at an appropriate engineering scale, showing the proposed use and relevant information (buildings, parking, open spaces, etc.) regarding proposed improvements;
6. Statistics regarding the proposed development (this may be incorporated into the letter of intent, or shown on the site plan, or both). At minimum, such statistics shall include the total square footage of the redevelopment project, including any existing buildings to be retained, the total gross square footages of building(s) devoted to each use, and proposed building heights for all buildings and structures proposed in the redevelopment project;
7. Two copies and one electronic copy of all exterior elevation drawings of all building faces that will front on a public or private street, and rear and side elevations of same if requested by Zoning Administrator, drawn to an architectural scale and signed by an architect. If structured parking is proposed, elevations of the parking structure must also be submitted. Said exterior elevation drawings shall clearly show in sufficient detail the exterior appearance and architectural design of proposed principal buildings. Each application shall also indicate proposed materials, textures and colors and provide samples of materials and colors. In cases where an applicant has already made application for approval of a certificate of appropriateness (COA), the applicant can submit

the complete application for certificate of appropriateness as submitted to the Historic Preservation Commission. Where an applicant has already received a certificate of appropriateness from the Historic Preservation Commission, resubmission of the approved application for certificate of appropriateness shall constitute compliance with this application requirement unless the Zoning Administrator notifies the applicant that additional information is needed for aspects not covered in the approved COA application;

8. Facility impact analyses, including the following:
 - a. Proof of water and sewer availability from the Public Works Director and Wastewater Treatment Plant Superintendent.
 - b. Analysis of the adequacy of drainage for the site (description and assessment of adequacy of stormwater facilities on-site and off-site).
9. A written development agreement, if the developer requests city participation in the provision of on-site or off-site facilities, such as the sharing of costs for facilities, shared parking, etc. which may or may not be available from the city. If accepted by the city, the development agreement may become a condition of project approval or it may be considered and approved separately from redevelopment project approval;
10. If any variances or administrative variances are required, the applicant will file a separate application following submission requirements and processes for the type of variance sought.

Sec. 9.6. - M-1, Light Manufacturing and Industrial District.

- (a) *Purpose and Description.* This zoning district is intended to accommodate light industrial uses and to implement the "industrial employment" character area established in the comprehensive plan. The M-1 district provides for various types of industrial, manufacturing or warehousing operations that generally require storage of materials or goods, but are of low noise or nuisance level. Land for the M-1 district should be located in relation to the local road network due to frequent truck traffic and designated so as to not disrupt normal traffic flow. This district provides a concentration of employment and job activity, contributing substantially to the economic base of the city.
- (b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts." Light industries are the primary permitted uses.
- (c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."
- (d) *Design Requirements.* Please see Article 14 sec. 14.13 and Article 40 of this ordinance.

Sec. 9.7. - M-2, Heavy Manufacturing and Industrial District.

- (a) *Purpose and Description.* This zoning district is intended to accommodate heavy industrial uses and to implement the "industrial employment" character area established in the comprehensive plan. The M-2 district provides for industrial, manufacturing and warehousing operations which require buildings and open areas for fabricating, processing, extracting or repairing equipment, raw materials, manufactured products or wastes and which require adequate separation and screening from residential and commercial uses. Land for the M-2 district should be located in relation to the local road network so as to not disrupt normal traffic flow. This district provides a concentration of employment and job activity, contributing substantially to the economic base of the city.
- (c) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 9.1 , "Permitted and Conditional Uses in Nonresidential Zoning Districts." Light and heavy industries are the primary permitted uses.
- (d) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."
- (e) *Design Requirements.* Please see Article 14 sec. 14.13 and Article 40 of this ordinance.

Table 9.1
Permitted and Conditional Uses in Nonresidential Zoning Districts
(P = Permitted Use C = Conditional Use X = Prohibited)

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Accessory building, structure, or use	P	P	P	P	P	P	P
Adaptive reuse of a detached single-family dwelling for a personal service establishment or enclosed retail establishment	C	C	P	P	P	X	X
Adult business (see Adult Entertainment of Code of Ordinances No. 360)	X	X	X	X	X	P	P
Agricultural processing	X	X	X	X	X	X	C
Aircraft landing area	X	X	X	X	X	X	C
Animal hospital or veterinary clinic	P	P	P	P	X	X	X
Animal rendering, slaughtering, and recycling plant	X	X	X	X	X	X	X
Animal shelter	X	P	X	C	X	P	P
Apparel manufacturing	X	X	X	X	X	P	P
Art gallery	P	P	P	P	P	X	X
Asphalt plant	X	X	X	X	X	X	C
Auction house or auction yard (excluding livestock)	X	X	X	X	X	P	P
Auction house or auction yard (including livestock)	X	X	X	X	X	X	P
Automated teller machines (accessory use)	P	P	P	P	X	P	P
Automobile sales and service establishment	X	X	X	P	X	X	X
Automobile sales without service	X	X	X	P	X	X	X
Automobile service establishment without sales	X	X	X	P	X	P	P
Bank or financial institution	P	P	P	P	P	X	X

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Batching plant	X	X	X	X	X	X	C
Bed and breakfast inn	P	P	P	P	P	X	X
Big box commercial building	X	X	X	C	X	C	C
Borrow site	X	C	X	C	X	X	P
Botanical garden	P	P	P	C	X	X	X
Bottling or canning plant	X	X	X	X	X	C	P
Brewery or distillery	X	X	X	X	X	P	P
Broadcasting studio	P	P	P	P	X	P	P
Building material sales	X	X	X	C	X	P	P
Building sales establishment	X	X	X	C	X	P	P
Bulk storage	X	X	X	X	X	X	P
Camp or campground	X	C	X	C	X	X	X
Car wash	X	X	X	C	X	P	P
Caretaker's residence	X	X	X	C	C	P	P
Carnival	X	X	X	C	X	X	P
Cemetery or mausoleum	X	P	X	C	X	P	P
Church, temple, synagogue, or place of worship, including specified accessory uses (see Sect. 14.3)	P	P	C	P	X	C	C
Clinic	P	P	P	P	X	X	X
Club or lodge, nonprofit, sponsored by a civic or similar organization	P	P	C	P	X	C	C
Club, private	X	C	X	C	X	X	X

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Cold storage plant or frozen food locker	X	X	X	X	X	P	P
Co-generation facility	X	X	X	X	X	C	C
College or university	C	P	X	C	X	C	C
Commercial recreational facility, indoor	X	X	C	P	X	C	C
Commercial recreational facility, outdoor	X	X	X	C	C	C	C
Communication tower and antenna	P	P	X	P	X	P	P
Community recreation area	P	P	P	P	P	P	P
Composting facility	X	X	X	X	X	X	P
Conservation areas and passive recreational facilities	P	P	P	P	P	P	P
Construction field office and/or yard (temporary use)	X	P	X	P	X	P	P
Continuing care retirement community	C	P	X	P	C	X	X
Contractor's establishment	X	X	X	P	X	P	P
Convenience store, with or without gasoline pumps	X	X	P	P	X	P	P
Cottage industry	P	P	P	P	P	P	P
Crematorium in conjunction with a funeral home or mortuary	X	C	X	C	X	P	P
Crematorium not in conjunction with a funeral home or mortuary	X	X	X	X	X	X	P
Crisis center	C	P	X	P	X	P	P
Custom order shop	X	X	P	P	P	P	P
Day care center serving no more than 17 persons	P	P	P	P	X	C	C
Day care center serving 18 persons or more	X	P	C	P	X	C	C
Distribution center, including truck terminals	X	X	X	C	X	P	P

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Dry cleaning plant	X	X	X	C	X	P	P
Dwelling, single-family detached	X	X	X	X	P	X	X
Dwelling, townhome (single-family attached fee-simple)	X	X	X	X	P	X	X
Dwelling, multi-family	X	X	X	X	C	X	X
Dwelling, located within a building containing a nonresidential principal use	X	X	X	X	X	X	X
Explosives storage	X	X	X	X	X	X	C
Exterminating and pest control business or disinfecting service	X	X	C	P	X	P	P
Extraction and removal of sand, gravel, top soil, clay, dirt, precious metals, gems, and minerals	X	X	X	X	X	X	C
Fairgrounds	X	P	X	X	C	P	P
Finance, insurance, and real estate establishment, 2,500 square feet or less of gross floor area per establishment	P	P	P	P	P	P	P
Finance, insurance, and real estate establishment, more than 2,500 square feet of gross floor area per establishment	P	P	P	P	P	X	X
Food processing plant	X	X	X	X	X	X	P
Fuel oil distributor	X	X	X	X	X	P	P
Funeral home or mortuary	X	X	X	C	X	P	P
Gas tank sales	X	X	X	C	X	X	P
Greenhouse (commercial)	X	X	X	P	X	P	P
Group home	C	P	X	P	X	X	X
Growler	X	X	P	P	P	P	P
Gym or exercise facility, not open 24 hours a day	P	P	P	P	P	P	P

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Gym or exercise facility open 24 hours a day	P	P	X	P	P	P	P
Hazardous waste receiving, handling, and/or disposal facility, or volatile organic liquid handling and storage	X	X	X	X	X	X	C
Health spa	X	X	X	P	P	P	P
Hospital	C	P	X	P	C	C	C
Incinerator	X	X	X	X	X	X	C
Institutional residential living and care facility, serving no more than 17 persons	P	P	P	P	X	X	X
Institutional residential living and care facility, serving 18 persons or more	C	P	X	P	X	X	X
Junk/salvage yard	X	X	X	X	X	X	C
Kennel	X	X	X	P	X	P	P
Laboratory	P	P	C	P	X	P	P
Landfill (sanitary, construction/demolition, inert waste)	X	X	X	X	X	X	C
Landscaping company	X	X	X	P	X	P	P
Live/work unit	C	X	C	C	P	P	P
Lodging service (hotel, motel, motor hotel, inn)	X	C	X	P	P	X	X
Logging yard	X	X	X	X	X	X	P
Lumber yard	X	X	X	C	X	P	P
Machine shop	X	X	X	P	X	P	P
Manufactured home, "Class A"	X	X	X	X	X	X	X
Manufactured home other than "Class A"	X	X	X	X	X	X	X
Manufactured home park	X	X	X	X	X	X	X

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Manufacturing, ceramics	X	X	X	X	X	C	P
Manufacturing, cosmetics or toiletries	X	X	X	X	X	P	P
Manufacturing, coating of cans, coils, fabrics, vinyl, metal furniture, appliance surfaces, wire, paper, and flat wood paneling	X	X	X	X	X	C	C
Manufacturing, electronics, camera, or photographic or communication equipment	X	X	X	X	X	P	P
Manufacturing, instrument assembly	X	X	X	X	X	P	P
Manufacturing, metal products	X	X	X	X	X	C	P
Manufacturing, pharmaceuticals and medical supplies	X	X	X	X	X	P	P
Manufacturing, textiles	X	X	X	X	X	P	P
Manufacturing, wood products	X	X	X	X	X	P	P
Manufacturing, processing, and assembling, within buildings, not otherwise specified	X	X	X	X	X	C	C
Marina	X	C	X	P	X	X	X
Materials recovery facility	X	X	X	X	X	X	C
Micro brewery	X	X	X	X	P	P	P
Mixed use building or development	C	X	P	X	P	C	X
Museum	P	P	P	P	P	P	P
Office	P	P	P	P	P	P	P
Office-warehouse	X	X	X	C	X	P	P
Open air business	X	X	X	P	C	C	C
Open storage yard (principal use)	X	X	X	C	X	P	P

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Package Store	X	X	X	P	X	P	P
Parking deck or structures, on-site or off-site	C	C	X	P	C	C	C
Parking lot, off-site	P	P	P	P	C	P	P
Personal service establishment	C	C	P	P	P	P	P
Petroleum bulk storage site	X	X	X	X	X	X	P
Power plant, private	X	X	X	X	X	X	C
Public or semi-public use	P	P	P	P	P	P	P
Rail yard	X	C	X	X	X	X	P
Railroad freight terminal	X	C	X	X	X	X	P
Recreational vehicle park	X	X	X	C	X	X	X
Recovered materials processing facility	X	X	X	X	X	X	C
Recycling center	X	X	X	X	X	C	C
Restaurant, excluding drive-ins or drive through facilities and fast-food restaurants as defined	X	C	P	P	P	P	P
Restaurant, including drive-ins or drive through facilities and fast-food restaurants as defined	X	X	X	P	X	C	C
Retail trade establishment, enclosed	X	X	P	P	P	P	P
Retreat center	P	P	X	P	X	X	X
Riding academy or equestrian center	X	X	X	P	X	C	C
Rooming or boarding house	C	X	X	C	X	X	X
Sawmill	X	X	X	C	X	X	P
School for the arts	P	P	C	P	C	C	C

Use	O-P	INST	NS	HB	CBD	M-1	M-2
School, private, elementary, middle, or high	P	P	C	P	X	C	C
School, public	P	P	X	X	X	X	X
School, professional	P	P	C	P	X	C	C
School, special	P	P	X	X	X	C	C
School, trade	C	C	X	X	X	C	C
Self-service storage facility (mini-warehouse)	X	X	X	C	X	P	P
Service and fuel-filling station	X	X	X	P	X	P	P
Showroom	X	X	X	X	X	P	P
Slaughterhouse	X	X	X	X	X	X	C
Solid waste handling and/or transfer facility	X	X	X	X	X	X	C
Special event facility	C	P	C	P	X	X	X
Taxi cab and limousine service	X	X	X	C	X	C	C
Tattoo Parlor	X	X	X	P	X	C	C
Temporary use approved by the Zoning Administrator	P	P	P	P	P	P	P
Therapeutic camp	X	C	X	X	X	X	X
Tow service	X	X	X	P	X	C	P
Truck stop or truck terminal	X	X	X	C	X	X	P
Utility company	P	P	X	P	X	P	P
Utility company substation	P	P	P	P	P	P	P
Vehicle emission testing facility	X	X	X	P	X	P	P
Warehouse or storage building	X	X	X	C	X	P	P

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Water plant or wastewater treatment facility	X	X	X	X	X	X	X
Wholesale trade establishment	X	X	X	C	C	P	P
Wireless telecommunications equipment	X	C	X	C	X	C	C
Wireless telecommunications facility	X	C	X	C	X	C	C
Wrecked motor vehicle compound	X	X	X	C	X	X	P
Yoga Studio	P	P	P	P	P	P	P

Table 9.2
Dimensional Requirements for Nonresidential Zoning Districts

Dimensional Requirement (measurement unit)	O-P	INST	NS	HB	CBD	M-1	M-2
Maximum height (feet)	35	45	35	60	Note 1	75	75
Maximum height (number of stories)	3	3	3	5	Note 1	4	5
Maximum density (units per acre)	3	3	3	12	N/A	N/A	N/A
Minimum lot size for detached single family dwelling (square feet)	10,000	10,000	10,000	10,000	7,000	N/A	N/A
Minimum lot size for other uses (square feet)	10,000	None	None	None	None	None	None
Minimum lot width (feet)	75	75	90	None	None	100	100
Minimum heated floor area per dwelling unit (square feet)	1,200	1,200	1,200	700	700	700	700
Minimum heated floor area for other uses (square feet)	None	None	2,500 per tenant space	None	None	None	None
Minimum front yard setback (feet)	25	40	25	None	None	25	25
Minimum side setback, interior lot line (feet)	10	40	10	10	None	15	15
Minimum side setback, corner lot (feet)	15	40	15	15	None	25	25
Minimum side setback, interior lot line (width in feet) for institutional zones abutting other institutional zones	N/A	10	N/A	N/A	N/A	N/A	N/A
Minimum landscape strip required along side property lines for institutional zones abutting other institutional zones (width in feet)	N/A	5	N/A	N/A	N/A	N/A	N/A

Dimensional Requirement (measurement unit)	O-P	INST	NS	HB	CBD	M-1	M-2
Minimum rear setback (feet)	20	40	20	25	None	25	25
Minimum setback abutting an R-1, R-2, R-3, TND, or PUD district (feet)	25	50	40	30	None	60	60
Minimum width of natural buffer abutting an R-1, R-2, R-3, TND, or PUD district (feet)	15	40	30	30	None	50	50
Minimum landscape strip required along right-of-ways for any nonresidential or multi-family use (width in feet)	10	25	10	10 (None if built to front lot line)	None	30	30
Minimum landscape strip required along side property lines for any nonresidential or multi-family use (width in feet)	5	15	5	None	None	None	None
Maximum lot coverage (percent)	35	40	45	50	None	None	None
Minimum landscaped open space (percent)	25	20	15	15	N/A	10	10

Note 1. Building Height and Number of Stories. The maximum height of any building, including those on lots subsequently zoned CBD after the effective date of this zoning ordinance amendment, shall be three stories and 45 feet, except as follows:

The maximum building height shall be four stories and 60 feet for the following city blocks: The city block bounded by Railroad Avenue, Pine Street Extension, Church Street, and Chestnut Street; the city block bounded by Railroad Avenue, Main Street, Church Street, and Pine Street Extension; and the city block bounded by Railroad Avenue, Bailey Drive, Church Street, and Main Street. The building height may project 6 feet above the maximum for purposes of screening roof mounted equipment, safety railings and/or other service equipment.

ARTICLE 10. - DEVELOPMENT REQUIREMENTS AND GUIDELINES

Sec. 10.1. - Applicability.

- (a) The development requirements and guidelines are intended to apply to all land uses unless the context clearly indicates otherwise as specifically provided in this Article, and with the exception that Sec. 10.7. – Architectural Design, Sec. 10.8, – Pedestrian Retail and Sec. 10.10. – Office, Institutional, Business, and Industrial Parks and Campuses do not apply to townhouses, single-family detached dwellings, and duplexes.
- (b) See Article 12, Sec. 12.6, Sec. 12.7, and 12.8 in this Zoning Ordinance for additional requirements that pertain to townhouses, single-family detached dwellings, and duplexes.
- (c) See also Article 40. *Design Review*.

Sec. 10.7. - Architectural Design.

- (a) Architectural design should be compatible with the developing character of the neighboring area. Design compatibility includes complementary building style, form, size, color, materials, and detailing. The designer should consider each of the following contexts as part of the design process:
 - 1. Size (the relationship of the project to its site).
 - 2. Scale (the relationship of the building to those around it).
 - 3. Massing (the relationship of the building's various parts to each other).
 - 4. Fenestration (the placement of windows and doors).
 - 5. Rhythm (the relationship of fenestration, recesses and projections).
 - 6. Setback (in relation to setback of immediate surroundings).
 - 7. Materials (their compatibility with the historic district).
 - 8. Context (the overall relationship of the project to its surroundings).
- (b) Efforts to coordinate the height of buildings and adjacent structures are encouraged. This is especially applicable where buildings are located very close to each other. It is often possible to adjust the height of a wall, cornice or parapet line to match that of an adjacent building. Similar design linkages such as window lines should be placed in a pattern that reflects the same elements on neighboring buildings.
- (c) Diversity of architectural design should be encouraged. "Theme" or stylized architecture which is characteristic of a particular historic period or trend is not encouraged, unless the existing building or site is historically important to the district or necessary for architectural harmony.
- (d) Multiple buildings on the same site shall be designed to create a cohesive visual relationship between the buildings.
- (e) Long or continuous wall planes shall be avoided, particularly in pedestrian activity areas, where buildings should exhibit more detail and elements appropriate for close range pedestrian view. Recesses and projections should be used along the front facade to break up long expanses of wall planes.
- (f) Façade articulation.
 - 1. *Office, institutional, commercial, and industrial uses.* The walls of buildings shall not extend more than 200 linear feet parallel to a street unless the front facade of the building is designed in a way that breaks up the building face into discrete architectural elements, which can be accomplished through the following:
 - Facade modulation: stepping back or extending forward a portion of the facade; and/or
 - Providing bay windows or repeating window patterns at regular intervals; and/or

Providing a porch, patio, deck, covered entry to portions of the facade at the ground level, or in the case of buildings containing two or more story, balconies; and/or

Changing the roofline by alternating dormers, or using stepped roofs, gables, or other roof elements; and/or

Changing materials with the change in building plane.

Consistent: Roof planes should be varied to increase visual interest, and awnings above windows and entrances also help to provide visual interest;

Inconsistent: Flat roofs and lengthy, non-articulated walls;

Consistent: A line of mature trees that almost entirely screens what would otherwise be a large, imposing side wall of a big box;

Inconsistent: The rear side of this shopping center consists of a finished but monotonous wall. Trash receptacles are not enclosed.

2. Multi-family dwellings. Variation in the roofline of buildings and offsets in pitched roofs and gables is required. Facades over 50 feet in length must incorporate projections or recesses a minimum of 12 inches in depth. The combined length of said projections and recesses must constitute at least 20% of the total facade length. On street-facing facades of any building in a multi-family development, the blank wall area (defined as the portion of the exterior facade of a building that does not include windows or doors; pilasters or other articulation greater than 12 inches in depth; or a substantial change in material) shall not exceed 30 feet in either a vertical or horizontal direction. Transparency (defined as the minimum percentage of windows and doors that must cover a ground or upper story facade) on a street-facing facade of any building in a multi-family development shall be a minimum of 20% on each story.

(g) Outside of pedestrian retail districts, building surfaces over two stories high or fifty feet in length shall be relieved with changes of wall plane (i.e., recesses and projections) that provide strong shadow or visual interest.

(h) All sides of a building may impact on its surroundings and shall utilize an architectural finish of primary materials consisting of real brick (full-depth or thin brick), unpainted natural stone, unpainted cast stone, true three-coat cement stucco, natural wood or cementitious siding including lap siding and board and batten, and wood or cementitious shakes and shingles. Front facades shall be at least 50% real brick and/or unpainted natural stone. Side facades shall be at least 50% real brick and/or unpainted natural stone. Rear facades that are visible from a public right-of-way shall be at least 50% real brick and/or unpainted natural stone. Requirements for brick or stone may be modified to accommodate creatively designed structures as determined by the Community Development Director.

(i) Exterior building materials on the primary structure shall not include smooth-faced concrete block, tilt-up concrete panels, or prefabricated steel panels, with the exception that exterior building materials on industrial buildings may be split face (integrated block) and/or tilt-up concrete panels accented with steel panels. However, elevations visible from the public right-of-way must be permanent, non-metal construction.

(j) The following types of building materials shall not be used: highly reflective, shiny, or mirror-like materials; mill-finish (non-colored) aluminum metal windows or door frames; exposed, unfinished foundation walls; exposed plywood or particle board; and unplastered, exposed concrete masonry blocks.

(k) Piecemeal embellishment and frequent changes in material shall be avoided. Material or color changes generally shall occur at a change of plane. A horizontal accent stripe (e.g., a foot wide stripe of different color) shall be used to help reduce the monotonous color and break up the appearance of large building walls, and shall be used when there is a change in exterior finish.

(l) Facade colors shall be low reflectance, subtle, neutral, or earth tone colors. High-intensity colors, metallic colors, black, or fluorescent colors shall not be used. Building trim and accent areas on non-residential buildings may feature brighter colors, including primary colors, provided that the width of the trim shall not exceed four (4) feet.

- (m) Building colors should be carefully chosen so that each building complements that of its neighbors. Colors can be classified as the "base" color (used on the majority of the building surface), "trim" color (used on the window trim, fascia, balustrades, and posts), and "accent" color (used on signs, awnings, and doors). The base color shall consist of more subdued earth tones or brick shades. Trim colors shall have contrasting lighter or darker shade than the base color. If natural brick is used, it shall not be painted.
- (n) The use of awnings on buildings are recommended so as to provide much needed protection from sun, wind, and rain, and to improve aesthetics of the building exterior.
- (o) Awnings are recommended to be constructed with a durable frame covered by a canvas material. Awnings that are backlit through translucent materials may be acceptable but are not particularly encouraged. Aluminum and other metal canopies are acceptable in most instances, particularly when integrated into shopping center designs. Flameproof vinyl, canvas or metal awnings and canopies may be used.
- (p) Solid colors are preferred over striped awnings, but striping is permitted if colors compliment the character of the structure or group of buildings.
- (q) Awnings are encouraged for first floor retail uses to provide architectural interest and to encourage pedestrian activity. Where awnings are used, they should be designed to coordinate with the design of the building and any other awnings along the same block face.
- (r) The design of fences and walls shall be compatible with the architecture of the main building(s) and should use similar materials. All walls or fences fifty feet in length or longer, and four feet in height or taller, should be designed to minimize visual monotony through changes in plane, height, material or material texture or significant landscape massing. Chain link fencing is discouraged. Use of special fencing design or materials should be discussed in cases where site security is paramount. If used, chain link fences should be vinyl coated (black or green colored vinyl encouraged).
- (s) All commercial, industrial, large multifamily residential and institutional sites must provide appropriate refuse dumpsters and other similar areas devoted to the storage of waste materials and grease or oil containers. The minimum area for said requirement shall be 36 square feet. All garbage dumpsters and other similar areas devoted to the storage of waste materials and grease or oil containers should be screened on three (3) sides of said dumpster or area with a minimum six (6) foot high solid wooden fence, or a wall constructed of materials substantially similar in appearance to the building on site. In addition, said dumpster areas should be gated on the fourth side with a material that provides opaque screening, should be screened on three (3) sides of said dumpster or area with a minimum six (6) foot high solid wooden fence, or a wall constructed of materials substantially similar in appearance to the building on site. In addition, said dumpster areas should be gated on the fourth side with a material that provides opaque screening.
- (t) Rooftop mechanical and electrical equipment shall be screened from public view by building elements that are designed as an integral part of the building architecture, or by a parapet wall.
- (u) Where roof shingles are used, architectural shingles shall be required.

ARTICLE 12. - REQUIREMENTS FOR SPECIFIC RESIDENTIAL PRINCIPAL BUILDINGS AND USES

Sec. 12.1. - Commercial Recreation Facility.

Within a residential subdivision or multiple-family residential development, community recreation facilities as defined by this Zoning Ordinance must be platted when a part of a subdivision or part of the site plan approval for a multiple-family residential development. Community recreation facilities shall be subject to the following requirements:

- (a) *Exterior lighting.* If lighted, exterior lighting shall require a lighting plan to be submitted and approved prior to installation. See Article 23 of this Zoning Ordinance.
- (b) *Swimming Pools and Tennis Courts.* Swimming pools and tennis courts shall be setback a minimum of twenty-five (25) feet from all property lines of the tract of land devoted to community recreation, with a minimum ten (10) foot wide landscape strip along all property lines of said tract. See Article 19 of this Zoning Ordinance for landscape strip specifications.
- (c) *Buildings.* Buildings (excluding accessory structures) shall be setback a minimum of twenty-five (25) feet from the property line of the tract. If outdoor patios or decks are provided, they shall be located no closer than twenty-five (25) feet from the property line of the tract and a minimum ten (10) foot wide landscape strip shall be provided between said outdoor patio or deck and the property line or boundary of said tract. See Article 19 of this Zoning Ordinance for landscape strip specifications.
- (d) *Parking.* Parking shall be provided per the requirements of Article 21 of this Zoning Ordinance.

Sec. 12.2. - Model Home.

A dwelling unit may be constructed and used as a model home or temporary office for the sale of lots under the following conditions:

- (a) *Time of Construction.* The model home is typically constructed before approval of a final plat, and hence the model home is the principal use of the entire unsubdivided parcel until the final plat is approved.
- (b) *Location on a Lot.* The model home shall be placed on a lot designated on the approved preliminary plat and shall be placed in a manner that meets the applicable zoning district dimensional requirements so that it complies at the time it is erected and when it is sold and/or converted for single-family residential use.
- (c) *Sales.* Sales shall be limited to the lots and buildings within the subdivision where the model home is located.
- (d) *Certain Buildings Prohibited.* A manufactured home or portable building shall not be used as a model home or temporary sales office.
- (e) *Duration and Discontinuance.* The use of the model home for a sales office shall be discontinued within 30 days after Certificates of Occupancy have been issued on 90 percent of the lots in the subdivision.
- (f) *Parking and Accessibility.* The model home shall comply with off-street parking and applicable accessibility standards.

Sec. 12.3. - Multi-family Development.

- (a) *Condominiums.* If a condominium form of ownership is proposed, the development shall meet all current applicable state laws including the Georgia Condominium Act (O.C.G.A. § 44-3-70 et seq.). Proposed bylaws and the articles of incorporation for the condominium association shall be submitted with the application for development approval.
- (b) *Laundry facilities.* On-site accessory laundry facilities are permitted accessory uses for developments with 25 or more units.

- (c) *Setbacks.* Buildings within multi-family developments shall be subject to the setbacks for the entire lot as established in applicable zoning district dimensional requirements. There shall be no requirements for setbacks from private driveways within the multi-family development, except as may be determined by the Zoning Administrator to be essential to meet building or accessibility codes, to meet sight accessibility requirements for motorists and pedestrians, or other essential public safety considerations during the site plan review process.
- (d) *Site Plan Approval.* Site plan approval by the Zoning Administrator shall be required. The Zoning Administrator may place conditions of development approval on any multiple-family site plan approval, which such conditions are specifically related to compliance with a requirement of this Zoning Ordinance or other applicable regulation. Furthermore, reasonable conditions may be placed on the development through site plan approval by the Zoning Administrator in order to (1) ensure compliance with design and development standards specified in this Zoning Ordinance for said use or (2) ensure consistency with development guidelines or policies of the comprehensive plan.
- (e) *Design Standards.* See Section 10.7 of this Zoning Ordinance.

Sec. 12.4. - Relocated Residence.

A relocation permit is required to relocate a residential structure, whether it is to be moved out of or into the city limits. The relocation permit is not a building permit for the placement of the structure at a new location. The applicant shall include the following with the application for the relocation permit:

- (a) *Picture.* A photograph of the structure at its present location.
- (b) *Existing Location.* The current location (address and tax parcel number) where the structure is now located.
- (c) *Proposed Location in City.* If the structure is to be relocated inside the city limits, the proposed location (address and tax parcel number) of the structure. To ensure compliance with the applicable zoning district dimensional requirements, when the relocated residential structure is proposed to be located within the city limits, the Zoning Administrator shall require submission of the proposed location (address and tax parcel number) and a copy of the recorded plat of the lot on which the structure will be placed (if none exists the applicant shall be required to comply with subdivision requirements of the city's Subdivision and Land Development Ordinance).
- (d) *Floor Area.* The total heated floor area of the existing structure and, if to be located within the city, the renovated structure.
- (e) *Building Permit.* A building permit shall be required.
- (f) *Exterior Improvements.* All exterior improvements to the structure once relocated shall be completed within six months of relocation.
- (g) *Historic Preservation.* If located or proposed to be located within a historic district as recognized in this Zoning Ordinance or other historic preservation ordinance of the city, there must be a copy of the approved Certificate of Appropriateness from the Historic Preservation Commission prior to relocating the residential structure.
- (h) *Inspection.* The Zoning Administrator shall inspect or arrange for the inspection of the structure for compliance with the minimum standards of the zoning district proposed for location and other applicable regulations and codes.

Sec. 12.5. - Subdivision Entrance Monuments.

No subdivision entrance monument shall be permitted to be erected unless it meets the following requirements:

- (a) *Design.* The subdivision entrance monument and the landscape surrounding the monument shall be designed by a registered landscape architect.
- (b) *Design Review.* Design plan review and approval is required. See Article 40 of this zoning ordinance.

Sec. 12.6. - Townhouses.

In zoning districts where permitted, fee-simple townhouses shall meet the following requirements:

- (a) *Lot Frontage and Lot Width.* Each platted lot shall have a minimum of twenty (20) feet of frontage on a public street or private road that meets public street standards, and each lot shall have a minimum lot width of twenty (20) feet.
- (b) *Lot Size.* The minimum size of a lot for each fee-simple townhouse lot (i.e., the extent of land owned by the owner of the unit) shall be 2,000 square feet in lot area.
- (c) *Front Building Setbacks.* There shall be a minimum twenty (20) foot front setback from any perimeter boundary of the fee-simple townhouse subdivision and a 30 foot front setback from any public or private street exterior to or within the subdivision.
- (d) *Side Setbacks and Zero Lot Line.* Zero lot line between units within the same building shall be permitted, subject to applicable fire and building codes.
- (e) *Rear Setbacks.* There shall be a minimum twenty (20) foot rear setback from townhouse lot boundaries for all buildings and structures, except when the rear property line abuts an alley, in which case no setback shall be required.
- (f) *Building Separation.* There shall be a minimum building separation of twenty (20) feet between townhouse buildings.
- (g) *Building Unit Offsets.* To avoid a monotonous appearance, for any given building, no more than six (6) units may have common walls. Any building containing more than three (3) units with common walls must have the front façade, rear façade, and the roof of each attached unit distinct from the other through separation, staggering, or offsets in design. A minimum of two (2) exterior colors shall be used on buildings containing up to four (4) units, and a minimum of three (3) exterior colors shall be used on buildings containing five (5) or six (6) units; however, when all exteriors are unpainted brick, they shall not be required to vary in color. See also Sec. 12.6.(k)1.
- (h) *Rear Access.* Townhouse developments shall be designed to provide proper access to all dwelling units for firefighting purposes, as may be determined by applicable codes. Rear access, if required for firefighting purposes or by Subsection (n) below, shall be accomplished by alleys.
- (i) *Parking.* Two enclosed parking spaces minimum per unit shall be provided.
- (j) *Subdivision Plat Approval.* Each townhouse development or phase thereof shall require preliminary and final subdivision plat approval in accordance the City of Flowery Branch Subdivision and Land Development Ordinance.
- (k) *Wall Finishes.*

1. Exterior wall finish materials (excluding foundations, trim, windows and doors) shall be limited to: real brick (full-depth or thin brick), unpainted natural stone, unpainted cast stone, true three-coat cement stucco, natural wood or cementitious siding including lap siding and board and batten; and wood or cementitious shakes and shingles. A horizontal accent strip (i.e., band board or belly board / band) shall be used when there is a change in material. Each dwelling unit is limited to two of the allowed wall finishes listed in this subsection and one paint color. Adjoining or adjacent units shall not be the same exterior color.

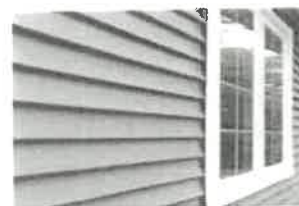
The following are illustrative examples of wall finishes that **DO NOT** meet the requirements of this section:



Faux Stone Veneer



Faux Brick Veneer



Vinyl Siding

2. All street-facing facades shall meet the following requirements:

a. Each applicable facade shall have: a minimum of 5% transparency (defined as the minimum percentage of windows and doors that must cover a ground or upper story façade) of the total wall area; and, a maximum of 20 feet of blank wall area (defined as the portion of the exterior façade of a building that does not include windows or doors; pilasters or other articulation greater than 12 inches in depth; or a substantial change in material) in either a vertical or horizontal direction.

b. False windows may count toward the transparency requirement where they are similar in size, shape, and materials to other windows on that building and consist of trim with closed shutters that have the appearance of a shuttered window or windows. A single louvered panel with trim may also count toward this requirement. False windows shall not be allowed to count toward this requirement unless shutters adjacent to a true window or windows are also provided on another exterior wall.

- (l) **Foundation Walls.** Exposed foundation walls must be faced in real brick or real stone to the level of the first finished floor when there is a basement or at least 24 inches above grade for the entire perimeter wall when the building has a slab on grade. Faux brick or stone foundation panels are prohibited.

The following are illustrative examples of foundation walls that **DO NOT** meet the requirements of this section:



Faux Brick Foundation Panel



Foundation wall missing / insufficient height on the side



Foundation wall is only located on the front façade

- (m) **Roof Materials.** Pitched roofs shall be finished in either architectural shingles or standing seam metal roofs.

- (n) **Garage Placement and Materials.**

1. Where townhouse developments abut public streets, lots fronting onto these streets shall address garage placement as follows: the front façade of the townhouse shall face the public street, and garages shall be rear-loaded.

2. Where front-loaded garages are allowed, garage doors shall be carriage-style (both the door style/paneling as well as the hardware) and may either:

a. Recess at least one foot behind the front wall plane of the dwelling unit and the front entrance. When the garage door is recessed less than one foot, there shall be required a garage eyebrow treatment (trellis, pergola, roof, or a second-story architectural feature) that extends at least one foot beyond the garage face.

b. Project beyond the front wall plane and the front entrance upon providing a garage eyebrow treatment (trellis, pergola, roof, or second-story architectural feature) that extends at least one foot beyond the garage face, as well as decorative lighting that is mounted above or to the sides of the garage door.

3, All front-loaded garages shall be finished in real brick or real stone. The finish shall cover the entire façade of a projecting garage. When garage doors are recessed in accordance with Sec.(n) 2.a. above, the façade of the ground floor shall be finished in the required material(s).

4. Single-story detached garages that meet the requirements of subsections (k), (l) and (m) above and are placed to the rear of the building(s) are allowed in lieu of attached garages.

The following are illustrative examples of garage treatments that **DO NOT** meet the requirements of this section:



Brick or stone is only partially used or is not used at all as the required exterior finish, and carriage-style garage doors are not used. In addition, required elements over the projecting garages (left and middle examples) are missing.

(o) *Private Open Space.* Private, usable open space, such as balconies, patios, decks, etc. shall be provided contiguous to each dwelling unit. The area of such open space for each dwelling unit shall not be less than 10% of the floor area of the unit served.

1. Each dwelling unit with a rear-loaded garage shall provide a usable covered porch that runs the entire width of the front façade. The porch shall be at least 6 feet deep (not including steps, if applicable).

2. Rear patios, decks and porches shall be covered with a roof, pergola, or projecting architectural feature that is designed with materials to match the façade and/or trim of the building.

(p) *Residential Driveway Length.* Townhouses are required to have a minimum driveway length of twenty-three (23) feet as measured from the back of sidewalk or back of curb, as applicable.

(p) *Design Review.* See Article 40.

Sec. 12.7. – Single-Family Detached Dwellings.

Detached single-family dwellings shall meet the following requirements.

(a) *Wall Finishes.*

1. See Sec. 12.6.(k)1.

2. Facades facing a side yard shall meet the following requirements:

a. Each applicable façade shall have: a minimum of 5% transparency (defined as the minimum percentage of windows and doors that must cover a ground or upper story façade) of the total wall area; and, a maximum of 20 feet of blank wall area (defined as the portion of the exterior façade of a building that does not include windows or doors; pilasters or other articulation greater than 12 inches in depth; or a substantial change in material) in either a vertical or horizontal direction.

b. False windows may count toward the transparency requirement where they are similar in size, shape, and materials to other windows on that building and consist of trim with closed shutters that have the appearance of a shuttered window or windows. A single louvered panel with trim may also count toward this requirement. False windows shall

not be allowed to count toward this requirement unless shutters adjacent to a true window or windows are also provided on another exterior wall.

- c. Walls that are fully finished in brick shall be exempt from the transparency requirement in Subsection a. above.

3. Facades facing a rear yard shall meet the following requirements:

- a. Sec. 12.7.(a) 2. shall apply to rear facades that are visible from a public street.
- b. Rear patios, decks and porches shall be covered with a roof, pergola, or projecting architectural feature that is designed with materials to match the façade and/or trim of the building.

(b) *Entrance Features.*

1. The primary entrance to a residence must be emphasized through the use of an unenclosed roofed porch, veranda or terrace that is a minimum of: six (6) feet deep (not including the steps); and, 40% of the width of the front façade or 11 feet, whichever is greater.
2. A stoop or gable may be used in lieu of a porch, veranda or terrace when the front façade finish is brick. A stoop shall not be more than six (6) feet deep (not including the steps) and cannot be fully enclosed.
3. Entry steps shall have enclosed risers.
4. Columns shall be a minimum width of eight (8) inches and shall be wood or durable material that resembles wood from top to bottom or atop stone or masonry bases.

(c) *Foundation and Roof materials.* See Sections 12.6 (l) and (m).

(d) *Garage Placement and Materials.*

1. Where detached single-family developments abut public streets, lots fronting onto these streets shall address garage placement as follows: the front façade of the dwelling shall face the public street, and garages shall be rear-loaded. This requirement shall not apply when homes are oriented such that the side yards front the public street.

2. For single-family detached dwellings with attached front-loaded garages, garage doors shall not project more than eight (8) feet from the front wall plane and front entrance. Any projecting garage shall not prevent the requirement of Sec. 12.7.(b)1 being met.

3. Projecting front-loaded garages shall have a garage eyebrow treatment (trellis, pergola, roof, or second-story architectural feature) that extends at least one foot beyond the garage face, as well as decorative lighting above or to the sides of the garage. The gable (if applicable) above the garage door shall not be blank and shall include window(s) and decorative lighting. Additional gable treatments options include a gable vent and a change in material.

4. All front-loaded garages shall be finished in real brick or real stone. The finish shall cover the façade of the projecting garage wall but is not required to be used on the gable (if applicable) above the required garage eyebrow treatment. When a garage does not project, the façade of the ground floor garage shall be finished in the required material(s).

5. Garage doors shall be carriage-style (both the door style/paneling and hardware).

The following are illustrative examples of garage treatments that **DO NOT** meet the requirements of this section:



missing elements: full required extent of brick or stone finish, "eyebrow" treatment above the garage, and gable features (left and middle photos); brick or stone finish, carriage style door and front porch (photo at right). A carriage-style garage door is also not used in the photo at left.

(e) Residential Driveway Length. See Sec. 20.11.(c).

(f) Design Review. See Article 40.

Sec. 12.8. – Two-Family Dwellings (Duplexes).

Duplexes shall meet the requirements of Sec. 12.7.

ARTICLE 14. - SPECIFIC PROVISIONS FOR PRINCIPAL NONRESIDENTIAL

Sec. 14.13. - Industrial Uses.

In M-1 and M-2 zoning districts all new construction must adhere to the following requirements in addition to any and all other requirements set forth elsewhere in this ordinance:

- (a) 20% open space requirement - landscaping and/or natural areas excluding any detention ponds unless they are built as an amenity.
- (b) Landscape and buffer plan must be submitted and approved by the Zoning Administrator.
 - 1. A significant amount of landscaping will be required to ensure proper screening.
 - 2. Plans will be approved on a case by case basis taking into account the location of the project and the topography of the site.
- (c) Minimum 75% of required parking shall be located in the rear of the primary structure(s). If on a corner lot parking shall be adequately screened from the right-of-way.
- (d) All loading/unloading bays shall be located in the rear of the primary structure(s).
- (e) Master sign plan must be submitted and approved by the Zoning Administrator.
- (f) Architectural renderings of the project must be submitted and approved by the Zoning Administrator prior to the issuance of any permits.
- (g) See also Article 10 *Development Requirements and Guidelines* of this Zoning Ordinance.

Sec. 14.14. – Package Stores.

Package stores shall meet all requirements set forth by the City of Flowery Branch Code of Ordinances and in addition shall comply with the following:

- (a) No new package store shall be allowed to operate within 2,640 feet (.5 miles) of an existing, legally established, package store. Distance shall be calculated from the store front and shall extend in every direction. It is the responsibility of the property owner or business owner to provide proof that this condition is being met at the time of occupational tax license application submittal.
- (b) No package store may operate within one hundred (100) yards of a legally established church or religious institution. It is the responsibility of the property owner or business owner to provide proof that this condition is being met at the time of occupational tax license application submittal.
- (c) No package store may operate within two hundred (200) yards of any legally established school building, educational building, school grounds, or college campus. It is the responsibility of the property owner or business owner to provide proof that this condition is being met at the time of occupational tax license application submittal.

Sec. 14.15. - Application Requirements for Uses Specified in this Article.

In addition to the requirements for conditional use applications as specified in this Zoning Ordinance, if applicable, all applicants for any use specified by this Article shall submit to the Zoning Administrator the following information for review and approval:

- (a) *Plat.* A copy of the recorded plat for the subject property.
- (b) *Site Plan.* The site plan required by this Zoning Ordinance, which must show areas proposed for the handling and storage of overburden, by-products, and/or excavated materials including the estimated type and volume of extraction.
- (c) *Operations Plan.* An operations plan, which shall include: the date of commencement of operation and its expected duration and the proposed hours of operation.
- (d) *State or Federal Permit Documents.* A copy of all documents submitted or prepared for submission to the Georgia Department of Natural Resources or any other state or federal

regulatory agency, as may be required, for the purpose of obtaining a state permit or federal authorization.

- (e) *Review by Georgia Department of Transportation.* A statement from the Georgia Department of Transportation which shall identify any state-maintained road within or adjacent to the subject property, and which shall identify any repaving, repairs, alterations, turning lanes, or other additions necessary to accommodate the potential increase in traffic volume or weight occasioned by the proposed operations.
- (f) *Review by City Engineer.* A statement from the City Engineer or other qualified professional which identifies all city roads within or adjacent to the property and which shall identify any repaving, repairs, alterations, turning lanes, or other additions necessary to accommodate the potential increase in traffic volume or weight occasioned by the proposed operations.

Public Hearing Published	01/17/2021	First Reading	12/02/2021
Public Hearing	12/02/2021	Adopted	12/16/2021

ARTICLE 40. - DESIGN REVIEW

Sec. 40.1. - Purposes.

Careful attention to the architectural design of buildings and the layout of development sites is in the economic interests of the City, its citizens, and business owners. Attractive and integrated architectural and site design features tend to improve an area's image, raise overall property values, attract new businesses and residents, and improve the quality of life. Research and experience have shown that there is a positive return on investment for providing attractive design features, for both government and property owners. This ordinance establishes a design review process and requires review and approval by the Zoning Administrator of design plans.

Sec. 40.2. - Applicability.

- (a) This Article shall apply to all development within the city limits of Flowery Branch, unless otherwise specifically exempted from compliance.
- (b) Developments within the CBD, M-1, and M-2 zoning districts shall meet all requirements as shown in Article 9 of this ordinance.
- (c) See also Article 10 of this Zoning Ordinance for design requirements pertaining to all uses within the City.

Sec. 40.3. - Exemptions.

The following activities are exempt from filing a design review request:

- (a) All applications for land development or building permits are required to meet the requirements of this Article and are therefore exempt from making a formal request unless the applicant chooses to do so independently, concurrently, or in advance of the building or land development permit application.
- (b) The re-occupation of vacant office, commercial, institutional, or light industrial space within a single-tenant or multi-tenant building that received prior approval, where no new changes to the external features of the building or site inconsistent with prior approval will take place, except for a change in signage.
- (c) Changes of ownership but which do not involve any changes to external features of the building or site inconsistent with prior approval, including signage.
- (d) Repainting of an existing building to a similar color.
- (e) Revisions of window or door placement.
- (f) An increase or decrease in the number of parking spaces of ten percent (10%) from the number originally approved.
- (g) Repair or reconstruction of existing freestanding retaining walls, decorative walls, and fences, when repaired or replaced with materials that are the same or substantially similar to those originally approved.
- (h) Modifications to outdoor lighting fixtures involving the replacement of light fixtures, and which may involve an increase in the number of light fixtures at the same or lesser height, provided that the type of lighting and materials used for such light fixtures shall be of the same as or similar to those originally approved, and subject to the provisions of Article 23 of this zoning ordinance.
- (i) The relocation of an access driveway or curb cut which does not affect or interfere with the approved placement of buildings or structures.

Public Hearing Published 01/17/2021
Public Hearing 12/02/2021

First Reading 12/02/2021
Adopted 12/16/2021

- (j) The addition of a temporary use that is permitted in the zoning district in which the subject property is located.
- (k) Development and activity that is specifically exempt from design review by another section of this zoning ordinance.
- (l) Other similar minor changes as determined by the Zoning Administrator. The Zoning Administrator may exempt a minor development or change to an existing development from design review, and he or she may exempt a proposed change to an existing building or structure from design review approval, where in his or her judgment, the proposed development or change to existing building or structure meets the spirit and intent of this Article and applicable design guidelines that apply to the proposed development.
- (m) Any development activity that is within the jurisdiction of the Historic Preservation Commission and which requires a Certificate of Appropriateness according to the City's historic preservation ordinance.

Sec. 40.4. - Authority.

- (a) The Zoning Administrator shall have authority to review, approve, conditionally approve, or deny design review applications.

Sec. 40.5. - General Requirements.

- (a) For any development, building, structure, or activity to which this Article applies, approval of a design plan shall be required before a building permit or other permit, as appropriate, is issued or any improvement, grading, alteration of land(s), or construction of building(s) commences.
- (b) The Zoning Administrator shall not authorize, and the Building Inspector shall not issue, a building permit, a certificate of occupancy, or a development permit until all requirements of this, and any and all relevant articles pertaining to review are satisfactorily met.
- (c) For any business, activity, or establishment which is required to obtain a business registration pursuant to the Flowery Branch City Code, no such business registration shall be issued, and operation shall not commence, until the business, activity, or establishment has either received approval of a design review request as required by this Article or has been found by the Zoning Administrator to be exempt from design plan approval.

Sec. 40.6. - Initiation of Design Review Requests.

A request for design review 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 design approval is sought.

Sec. 40.7. - Request Requirements.

Requests for design review shall require submittal of the following requirements specified in this Section.

- (a) Written request, including signed and notarized signature of property owner;
- (b) Legal description of the property;
- (c) Survey of the property;
- (d) Letter of intent describing the proposed use of the property or other action requested;
- (e) Site plan of the property at an appropriate engineering scale showing the proposed use and relevant information regarding proposed improvements, including landscaping;

Public Hearing Published 01/17/2021
Public Hearing 12/02/2021

First Reading 12/02/2021
Adopted 12/16/2021

- (f) Statistics regarding the proposed development;
- (g) Description of any special conditions voluntarily made a part of the request;
- (h) Exterior elevation drawings drawn to scale and signed by an architect, engineer or other appropriate professional and submitted in sufficient number of copies as required by the Zoning Administrator. Said exterior elevation drawings shall clearly show in sufficient detail the exterior appearance and architectural design of proposed change(s) to buildings or structures and new construction, as applicable. Each application shall also indicate proposed materials, textures and colors and provide samples of materials and colors. The Zoning Administrator may accept written descriptions, photographs, or other information in lieu of signed elevation drawings and color and material samples.
- (i) Other information as may be required by the Zoning Administrator.

Sec. 40.8. - Criteria for Considering Design Review Requests.

The following general criteria shall be used by the Zoning Administrator in determining whether an application for design review shall be approved, conditionally approved, or denied:

- (a) Consistency with any adopted design guidelines for the type of development and/or the proposed use.
- (b) The nature and character of the surrounding areas, and the consistency and compatibility of the proposed application with such nature and character.
- (c) The general design, the character and appropriateness of design, scale of buildings, arrangement, texture, materials, and colors of the structure in question and the relation of such elements to similar features of structures in the immediate surrounding area, site, and landscaping.
- (d) Among other grounds for considering a design inappropriate are the following defects: character foreign to the area, arresting and spectacular effects, violent contrasts of material, color, intense or lurid colors, a multiplicity or incongruity of details resulting in a restless and disturbing appearance, and the absence of unity and coherence in composition not in consonance with the density and character of the present structure or surrounding area.

Sec. 40.9. - Appeals.

If the applicant wishes to appeal the decision of the Zoning Administrator, he/she may do so in compliance of Article 39 of this ordinance.



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider CivicPlus Agenda and Meeting Management Master Service Agreement

COUNCIL MEETING DATE: May 1, 2025

HISTORY:

The City has subscribed to Granicus since 2015, but service has become increasingly unreliable in recent years, with long delays in resolving support issues and a lack of urgency. Since implementing live streaming in early 2024, there have been nine video upload failures, leaving residents to rely on the City's YouTube Channel. Starting in July 2024, major streaming encoder issues prompted months of troubleshooting with Granicus, who initially stated the issue was with the City's IT and audio systems. Despite AV tests confirming all equipment was functional, Granicus only acknowledged in January 2025 that the outdated LiveCast Encoder was the root cause. Even after a firmware update, video quality issues like freezing and skipping persist. Additionally, problems with Minutes Maker have been met with minimal support, typically just a recommendation to uninstall and reinstall.

FACTS AND ISSUES:

CivicPlus offers an easy-to-use item entry allows staff members to enter agenda items, upload attachments, and collaborate with each other to make the items "meeting" ready. Configurable field types and the embedded text editor ensure that we are capturing all the information needed for Select to generate staff reports. Automated PDF file conversion and built in integrations with Microsoft's OneDrive and Google Drive simplify the inclusion of supporting documentation and attachments.

CivicPlus Agenda and Meeting Management Select automatically indexes published meeting content with Board Portal search functionality, so it is easy for officials to find information quickly. The full-text search tool empowers officials to locate published meeting content by searching for keywords, date range, and more. An item summary view allows officials to see the motions, votes, and any comment or discussion on the item that was recorded in the meeting minutes in an intuitive display, preventing a manual search through full minutes documents.

The Granicus subscription from July 1, 2024 – June 30, 2025, cost was \$10,185.08.

The Granicus Annual Renewal Subscription from July 1, 2025, to June 30, 2026, will be \$11,203.59 if the CivicPlus Software is not approved.

CivicPlus initial term is \$18,158.00 with an Annual Renewal Subscription of \$13,933.00

The City maintains two active subscriptions with CivicPlus: Social Media Archiving and Municode, which CivicPlus has acquired. Transitioning to a unified vendor would enhance efficiency and simplify service management.

OPTIONS:

Approve or Deny

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

Yes

AMOUNT AND SOURCE OF FUNDS:

\$18,158.00

RECOMMENDATION:

SAMPLE MOTION:

I make a motion to approve the contract with CivicPlus for automated agenda and meeting management for an amount not to exceed \$18,158 and terminate the subscription with Granicus.

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Executive Summary CivicPlus Agenda & Minutes Software Consideration.pdf](#)
- [Flowery Branch - GA - CivicPlus AMM SOW \(FINAL\).pdf](#)
- [AMM Select Pro-Premium Package.pdf](#)

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Consider CivicPlus Agenda and Meeting Management Master Service Agreement

DATE: April 25, 2025

☒ **RECOMMENDATION**

☐ **POLICY DISCUSSION**

BUDGET INFORMATION:

☐ **STATUS REPORT**

ANNUAL- \$13,933.00

☐ **OTHER**

CAPITAL-

COUNCIL ACTION REQUESTED ON: May 1, 2025

PURPOSE: To consider a contract with CivicPlus for automated agenda and minutes management.

HISTORY: The City has subscribed to Granicus since 2015, but service has become increasingly unreliable in recent years, with long delays in resolving support issues and a lack of urgency. Since implementing live streaming in early 2024, there have been nine video upload failures, leaving residents to rely on the City's YouTube Channel. Starting in July 2024, major streaming encoder issues prompted months of troubleshooting with Granicus, who initially stated the issue was with the City's IT and audio systems. Despite AV tests confirming all equipment was functional, Granicus only acknowledged in January 2025 that the outdated LiveCast Encoder was the root cause. Even after a firmware update, video quality issues like freezing and skipping persist. Additionally, problems with Minutes Maker have been met with minimal support, typically just a recommendation to uninstall and reinstall.

FACTS AND ISSUES: CivicPlus offers an easy-to-use item entry allows staff members to enter agenda items, upload attachments, and collaborate with each other to make the items "meeting" ready. Configurable field types and the embedded text editor ensure that we are capturing all the information needed for Select to generate staff reports. Automated PDF file conversion and built in integrations with Microsoft's OneDrive and Google Drive simplify the inclusion of supporting documentation and attachments.

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OPTIONS: Approve or Deny

RECOMMENDED SAMPLE MOTION: I make a motion to approve the contract with CivicPlus for automated agenda and minutes management for an amount not to exceed \$18,158 and terminate the subscription with Granicus.

DEPARTMENT: Administration

Prepared by: Shelia Cooper

**CivicPlus**

302 South 4th St. Suite 500
Manhattan, KS 66502
US

Quote #:
Date:
Expires On:

Statement of Work
Q-98025-1
4/9/2025 12:43 PM
5/2/2025

Client:
City of Flowery Branch, GA

Bill To:
FLOWERY BRANCH CITY, GEORGIA

SALESPERSON	Phone	EMAIL	DELIVERY METHOD	PAYMENT METHOD
Darren Cornejo		darren.cornejo@civicplus.com		Net 30

Discount(s)

QTY	PRODUCT NAME	DESCRIPTION	12 Month Value
1.00	AMM: Year 1 Annual Fee Discount	Year 1 Annual Fee Discount	USD -1,325.00
1.00	AMM: Year 1 Annual Fee Discount	Year 1 Annual Fee Discount	USD -2,500.00
1.00	AMM: Year 1 Annual Fee Discount	Year 1 Annual Fee Discount	USD -475.00

One-time(s)

QTY	PRODUCT NAME	DESCRIPTION	12 Month Value
1.00	AMM Select: Pro Premium Implementation	Pro Premium Implementation; Includes config. of up to 10 meeting types, up to 10 boards, 1 approval workflow per meeting type, 4 hrs of training, and 2 hrs of consulting; Includes 1 original agenda, 1 original minutes, and 1 original staff report design	USD 3,900.00
1.00	CivicPlus Media: Implementation Fee	CivicPlus Media: Implementation Fee	USD 1,050.00
1.00	AMM Select: Live Meeting Manager Implementation Fee	Live Meeting Manager Implementation	USD 500.00
1.00	AMMS: Platform IdP Integration Implementation Fee	Platform IdP Integration Implementation Fee	USD 1,575.00

QTY	PRODUCT NAME	DESCRIPTION	12 Month Value
1.00	AMM Select: Historical Import Fee with Videos (up to 500)	Historical import of up to 500 meetings; Volume is calculated based on number of meetings being imported; Import does include video files	USD 1,500.00

Recurring Service(s)

QTY	PRODUCT NAME	DESCRIPTION	12 Month Value
1.00	AMM Select: Pro Annual Fee	AMM Select: Pro Annual Fee	USD 5,300.00
1.00	CivicPlus Media: Annual Fee	CivicPlus Media Annual Fee: Unlimited storage, unlimited users, up to 3 concurrent streams	USD 5,000.00
1.00	AMM Select: Live Meeting Manager Annual Fee	AMM Select: Live Meeting Manager Annual Fee	USD 1,900.00
1.00	AMMS: Platform IdP Integration Annual Fee	Platform IdP Integration Annual Fee	USD 1,733.00

List Price - Initial Term Total	USD 22,458.00
Total Investment - Initial Term	USD 18,158.00
Annual Recurring Services (Subject to Uplift)	USD 13,933.00

Initial Term	12 Months
Initial Term Invoice Schedule	100% Invoiced upon Signature Date

Renewal Procedure	Automatic 1 year renewal term, unless 60 days notice provided prior to renewal date
Annual Uplift	5% to be applied in year 2

This Statement of Work ("SOW") shall be subject to the terms and conditions of the CivicPlus Master Services Agreement and the applicable Solution and Services terms and conditions located at <https://www.civicplus.help/hc/en-us/p/legal-stuff> (collectively, the "Binding Terms"), By signing this SOW, Client expressly agrees to the terms and conditions of the Binding Terms throughout the term of this SOW.

Please note that this document is a SOW and not an invoice. Upon signing and submitting this SOW, Client will receive the applicable invoice according to the terms of the invoicing schedule outlined herein.

Acceptance of Quote # Q-98025-1

The undersigned has read and agrees to the Binding Terms, which are incorporated into this SOW, and have caused this SOW to be executed as of the date signed by the Customer which will be the Effective Date:

For CivicPlus Billing Information, please visit <https://www.civicplus.com/verify/>

Authorized Client Signature

CivicPlus

By (please sign):

By (please sign):

Printed Name:

Printed Name:

Title:

Title:

Date:

Date:

Organization Legal Name:

Billing Contact:

Title:

Billing Phone Number:

Billing Email:

Billing Address:

Mailing Address: (If different from above)

PO Number: (Info needed on Invoice (PO or Job#) if required)



agenda and meeting
management

SELECT

Select Pro with Premium Implementation

Proposal valid for 60 days from date of receipt



Company Overview

CivicPlus started back in June of 1998 with a simple yet powerful vision: to create a website solution that allowed municipal staff to maintain their websites daily without needing a technical webmaster. As technology advanced, we saw our customers' need to bring more services online. We expanded our vision to make local government work better as a whole.

Today, CivicPlus provides public sector technology that automates processes, digitizes services, and enhances civic experiences. Our wide range of government software solutions are designed to be flexible, scalable, and customizable, ensuring a frictionless experience for residents and staff. Our portfolio includes solutions for:



- Municipal Websites
- Web Accessibility
- Agenda and Meeting Management
- Codification
- Emergency and Mass Notifications
- Parks and Recreation Management
- 311 and Citizen Relationship Management
- Process Automation and Digital Services
- Planning, Permitting, Licensing, and Code Enforcement
- Fire and Life Safety Inspections
- Social Media Archiving
- FOIA Management

EXPERIENCE & RECOGNITION

25+ Years
10,000+ Customers
950+ Employees



CivicPlus has over 25 years of experience working with municipal organizations across the US and Canada. Our commitment to deliver the right solutions in design and development, end-user satisfaction, and secure hosting has been instrumental in making us a leader in government web technology. We are proud to have earned the trust of our over 10,000 customers and their over 100,000 administrative users. In addition, over 340 million residents engage with our solutions daily. With such experience, we are confident that we can provide the best solution for you.

PRIMARY OFFICE

302 S. 4th Street, Suite 500, Manhattan, KS 66502

Phone: 888.228.2233

Fax: 785.587.8951

civicplus.com



civicplus.com

Powering & Empowering Government

We empower municipal leaders to transform interactions between residents and government into consistently positive experiences that elevate resident satisfaction, increase revenue, and streamline operations.

Government leaders tell us that one of their most pressing needs is to improve how residents access and experience municipal services; however, they struggle with budget cutbacks and technology constraints. CivicPlus enables civic leaders to solve these problems, making consistently positive interactions between residents and government possible.

CivicPlus is the only government technology company exclusively committed to powering and empowering governments to efficiently operate, serve, and govern using our innovative and integrated technology solutions built and supported by former municipal leaders and award-winning support teams. With it, municipalities increase revenue and operate more efficiently while fostering trust among residents.



Features & Functionality

Select Solution

CivicPlus' Select software is the fastest, most intuitive way to streamline the entire agenda management process—from creating agenda items to managing live meetings. It provides time-saving automation while allowing clerks to balance these conveniences with manual controls and overrides. Internal collaboration with Select is easy with customized workflows, version tracking, and built-in communication tools.

Our Pro package includes the most frequently used functionality to manage your agendas and meetings. You'll be able to seamlessly create agendas with the ability to assign an item status and use configurable workflows to help manage your internal processes. Built-in integrations and a suite of APIs make working with other internal applications easy. Select's user-defined roadmap ensures that the product will continue to grow and adapt as transparency requirements and compliance expectations change.



Fully Integrated, Cloud-Based Software Suite

- » User-friendly, modern interface
- » Unlimited users
- » Unlimited storage
- » Highly configurable to your agenda and meeting management processes
- » Adaptable permission settings
- » Confidential attachments
- » Enhanced Analytics for Data Visibility
- » Field-level versioning
- » Single sign-on via the CivicPlus Platform
- » Integrated code of ordinances
- » Secure Cloud-Based Hosting
- » Automatic Updates
- » Customer-Defined Roadmap
- » Built-in integrations with Dropbox, Microsoft's One Drive, Google Drive, Laserfiche, Zoom, and API availability (additional fees may apply)



Agenda Management

FLEXIBLE, PERSONALIZED DESIGNS

Standardized designs throughout the system provide consistency and clarity to agendas, packets, staff reports, and minutes.

EFFICIENTLY MANAGE AGENDA PACKETS OF ANY SIZE

The software compiles your items and all the legislation, memorandums, or supporting documentation into a bookmarked PDF packet quickly and easily, no matter the size of the packet. Create multiple packet versions instantly to include or exclude specific attachments for your different internal and external users. Last-minute changes to the agenda or packet can be made and published with minimal effort.

Administrators choose what they publish to the public, internal users, and elected or appointed officials and when the information goes out. Automated email notifications can be enabled so all users, both internal and external, know when the meeting documents are published.

CONVENIENT, ANYTIME AGENDA MODIFICATIONS

Changes to the agenda can be made at any time by administrators without affecting global configurations or settings. Drag-and-drop reordering allows you to move items and automatically rennumbers everything on the agenda. One-touch copy and move functions enable you to duplicate or move agenda items from meeting to meeting, eliminating the need for duplicate data entry.

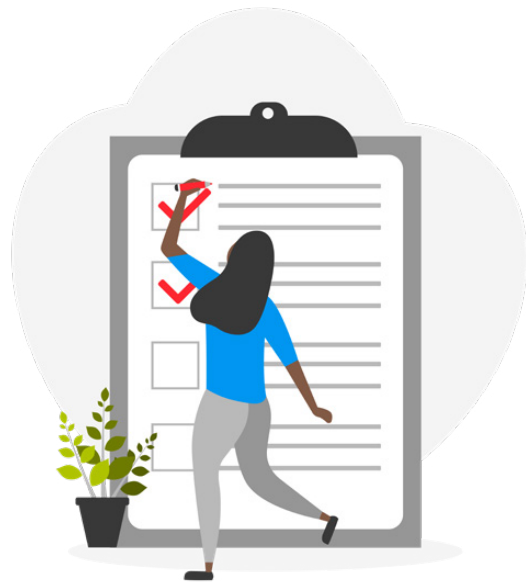
Item Management

CREATE AGENDA ITEMS AND STAFF REPORTS IN SECONDS

An easy-to-use item entry allows staff members to enter agenda items, upload attachments, and collaborate with each other to make items meeting ready. Configurable field types and our embedded text editor ensure that you are capturing all the information needed for Select to generate staff reports. Automated PDF file conversion and built-in integrations with Microsoft's OneDrive and Google Drive simplify the inclusion of supporting documentation and attachments.

MANAGE THE MEETING READINESS OF ITEMS

Update item statuses (approved, in-progress, tabled, etc.), assign tasks to staff members to update item content and attachments, leave comments on items, and be notified when changes are made to items.



AUTOMATE YOUR APPROVALS PROCESS

The workflow engine streamlines the routing of your agenda items, automates notifications, and gives full transparency to collaborators as it passes through the approval process. As contributors change items, the system tracks revisions, keeping them visible within the item fields and on the item timeline. In-app messaging and task assignments keep everyone in the loop and agenda prep moving forward.

CUSTOM TAGS TO GROUP LIKE AGENDA ITEMS

Administrators can set up tags that can be used by staff when creating their agenda items for improved searching and reporting. Associate like content with pre-defined tags relevant to your community.

Board Portal

FLEXIBLE ACCESS

Your officials can choose how to access meeting content—helping them work better, faster. Efficiently deliver packets of any size by paper, email, Dropbox, Google Drive, or post to the Board Portal. It is optimized for all devices, including desktops, laptops, and tablets. No separate application required.

A PERSONAL MEETING REPOSITORY

Give officials a personal, secure location to review and take notes on all meeting content, including agendas, supporting documents, minutes, and media.

FIND WHAT YOU NEED-FASTER

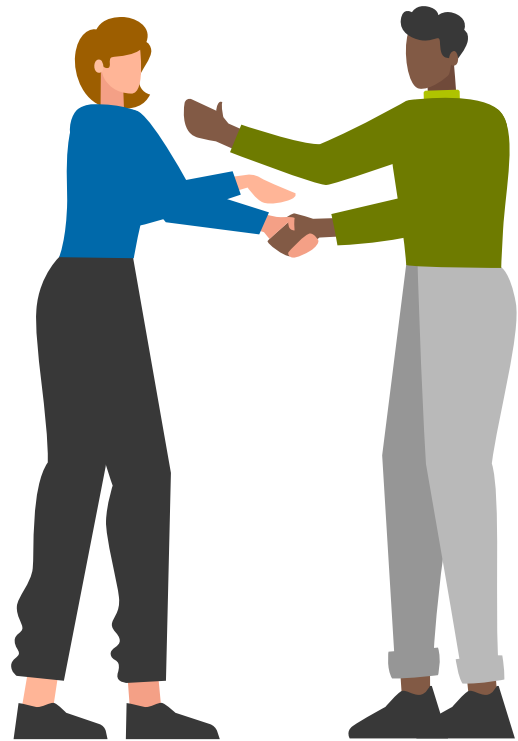
Agenda and Meeting Management Select automatically indexes published meeting content with Board Portal search functionality, so it is easy for officials to find information quickly. Our full-text search tool empowers officials to locate published meeting content by searching a keyword, date range, and more. An item summary view allows officials to see the motions, votes, and any comment or discussion on the item that was recorded in the meeting minutes in an intuitive display, preventing a manual search through full minutes documents.



Public Resident Portal

FEATURES

- Resident portal to embed on any webpage gives access to all meeting content on a single page
- PDF downloads of Agenda, Packet, Minutes, Notices, and Other pertinent meeting documents
- HTML agenda view hyperlinks attachments within the meeting agenda for direct access to specific documents
- Full-text search and filtering options
- Email notifications
- Social sharing
- Mobile-responsive
- Custom branding
- Side-by-side agenda and video display with optional CivicPlus Media live streaming and on-demand video service (additional fees apply)
- Optional Motions and Vote minutes display updates the HTML agenda view to allow residents to quickly see the final disposition of agenda items without having to read full minutes documents
- Integrated live or on-demand video with timestamps to easily jump to desired content (additional fees apply)
- Optional public commenting forum
- Easily jump to past, current, upcoming events with an embedded calendar and continuous scrolls



CONTENT ACCESSIBILITY

It's not enough to be transparent by publishing your agendas and other meeting documents online. Your meeting content must be accessible to all members of the public.

Closed captioning is also available with our CivicPlus Media service for live streaming and on-demand video. Additional fees apply for CivicPlus Media and closed captioning.

CONTENT TRANSPARENCY

Build public trust with access to fully searchable meeting content, including legislative decisions and public meeting videos. Meet municipal transparency requirements while keeping residents engaged and informed.



Minutes Module

AUTOMATED MINUTES SETUP

A fully-integrated Minutes module will automatically migrate all your agenda content. No manual pre-meeting minutes setup or agenda import is required. Move from the meeting agenda to the Minutes module with a single click.

KEEP UP WITH THE MEETING ACTION

Meetings move fast. Select's cloud-based platform allows you to move quickly through your agenda items, recording official actions and discussion, without having to wait for the system to catch up. The clean, intuitive interface gives single-screen access to all your meeting controls.



SPEAKER MANAGER

Speakers can be added to the discussion at any time during the live meeting, while the built-in speaker timer helps keep meetings running efficiently.

EASY, INTUITIVE MINUTES-TAKING

While in your live meeting, use the Minutes module to capture critical meeting actions from a single screen with a clean and intuitive user interface. Take roll and manage attendance, record motions and votes, enter speaker information, and record comments or discussion to be brought into your minutes document.

If using CivicPlus Media's integrated video streaming and video-on-demand service, you can also create timestamps for the accompanying video during the live meeting. Additional fees apply.



The Civic Experience Platform

Developed specifically to enable municipalities to deliver consistently positive interactions across every department and every service, the Civic Experience Platform includes technology innovations that deliver frictionless, one-stop, and personalized resident interactions. Benefit from our Civic Experience Platform with:

- Single Sign-On (SSO) to all of your CivicPlus products supporting two-factor authentication and PCI Level password compatibility
- A single dashboard and toolbar for administrative access to your CivicPlus software stack
- Access to a continually growing and fully documented set of APIs
- A centralized data store with robust data automation and integration capabilities

CIVICPLUS PORTAL

CivicPlus Portal empowers residents to be more engaged and informed about progress in your community. With a single username and password, residents can watch a public meeting recording, submit a public works request, pay a utility bill, or register for an upcoming event. The result is more engaged and informed voters and fewer phone calls, walk-ins, or emails to your department asking how to find documents or submit records requests.

INTEGRATION HUB

Integration Hub is a tool that can help you unify your disparate cloud-based solutions and your CivicPlus solutions, assemble powerful workflows, and set up complex automations—without the need for a developer. With Integration Hub's easy-to-use drag-and-drop interface, non-technical users can build integrations for syncing content and data between CivicPlus solutions or with third parties (for an additional fee) saving your staff's valuable time.

Integrated Code of Ordinances & Web

As the only local government software provider with an integrated agenda and meeting management, codification, and municipal website solution offering, our suite allows for digital transformation of the entire legislative process - from the start of the agenda process to the final online publishing of the newly adopted legislation.

If you are also a customer of CivicPlus' codification services, the cutting-edge integration between your meetings and agenda management and code of ordinances reduces the manual steps associated between your agenda management and codification processes. As an example, you can send ordinances directly to CivicPlus for codification by our team of legal editors. When pushed from Select, this uncodified legislation will be visible on the landing page of our Online Code Hosting platform nearly instantaneously. You can also take this to the next level by integrating our Municipal Website solutions with our Online Code Hosting solution, allowing for one-stop search capabilities. With this integration, the public can instantly access your code, meetings, packets, and agendas in one simple search straight from your municipal website.



EXAMPLES OF MEANINGFUL CIVIC EXPERIENCE INTEGRATIONS

The following are examples of integrations between the CivicPlus Agenda and Meeting Management Select with other CivicPlus solutions and tools. If you have yet to experience all that CivicPlus can provide, please reach out for additional information and a quote.

Municipal Websites Central (Web Central)	• Set-up a workflow to post in Web Central's News Flash once you've published your meeting documents. • Automatically add agenda or minute files to Web Central's Document Center to be displayed on your website after they are published in Select. • Meeting information and dates are automatically integrated to the Web Central's Calendar. • Meeting files are automatically included in the website's search results.
Codification	• Send adopted ordinances to the Codification Legal Team in one click. • Send ordinances straight to your online code portal as "Adopted and Not Yet Codified". • Instantly link your online code to the meeting content produced within Select.
CivicPlus Media	• Share high-definition, on-demand video or live video feeds of your meetings directly from Select and CivicPlus Media, seamlessly integrated with your meeting agendas and equipped with clear bookmarking and navigation.
Integration Hub	• Third-party integrations examples include integrations with Zoom, Webex, and GoToMeetings, and with Laserfiche, Google Drive, Dropbox, and other APIs.



Implementation

Project Timeline

14 – 16 Weeks

While every implementation is unique, the following timeline can provide you with information about the different implementation stages and what you can expect at each stage.

PHASE 1: INITIATE	• Project Kickoff and communication including timeline, deliverables, and an implementation questionnaire to capture details for your configuration
PHASE 2: ANALYZE	• Design Review meeting to review and discuss needs for proposed Agenda, Minutes, and Item/Staff Report designs • Obtain internal approvals on proposed designs and send in final approval
PHASE 3: DESIGN & CONFIGURE	• Configuration of designs • Configuration of up to 10 boards • Configuration of up to 10 meeting types • Configuration of up to 10 approval workflows • Configuration of up to 1 item/staff report
PHASE 4: OPTIMIZE	• Virtual consulting session(s) to review current processes and documents and discuss desired goals, best practices, and configuration options • Configuration is completed and handed off for review, testing, and feedback • Configuration adjustments made per submitted feedback
PHASE 5: EDUCATE	• Live, virtual training sessions are conducted within configured site
PHASE 6: LAUNCH	• First Live Meeting and System Launch • Access to live chat features, Technical Support and introduction to Live Care



Implementation Approach

Implementation & Support Experience Designed for You

The Select Implementation Team has experience and expertise to help administrations of any size transform the entire meeting management process. We know implementation can't be a one size fits all solution and offer flexible packages designed to meet your desired outcomes.

Our Premium Implementation Package is the perfect fit for transforming complex agenda and meeting processes. Have CivicPlus create original designs that meet the specific needs of your Agendas, Minutes, and Item/Staff Reports. A dedicated and knowledgeable Implementation Team will manage your project from end-to-end—consulting and collaborating with your team to build confidence navigating the system, configuring the system to automate your process, and delivering live virtual training to your users.

Beyond implementation, your users will feel empowered by our in-application support tools, a full online help center, as well as phone, email, and live chat support with members of the dedicated, award-winning Technical Support team.

CONSULTING

Up to Two Hours of Virtual Consultation

During this consulting session, your implementation consultant will be reviewing your submitted project questionnaire with your key project staff. The implementation consultant will review your agenda, minutes, and item/staff report designs and discuss the configurations that will be made to ensure your workflows match your current agenda and meeting processes.

DESIGN CONFIGURATIONS

We will configure the following consistent with your branding and content needs:

- One original Agenda Design with both four Section Designs and four Item Designs per Agenda Design
- One original Minutes Design with two Discussion Designs
- One original Item/Staff Report Design with up to 32 fields; eight system defaults, eight text boxes, eight check boxes, and eight date fields

Additional design configurations and approval workflows can be purchased as needed. For no additional cost, Approval Workflows can be created from scratch and Meeting Types can be duplicated and modified—while still making use of existing designs—by administrative users at any time using Help Center resources.

TRAINING

Up to Four Hours of Virtual Training

Your implementation consultant will guide user groups through live, virtual training sessions using your custom configured Agenda and Meeting Management Select solution. We recommend no more than 20 users per session. Individual sessions are either 30 or 60 minutes in duration.



Continuing Services

Technical Support & Services

With technology, unlimited support is crucial. Our live technical support engineers based in North America are ready to answer your staff members' questions and ensure their confidence. CivicPlus' support team is available 8 a.m. – 6 p.m. CST to assist with any questions or concerns regarding technical functionality and usage of Select.

CivicPlus Technical Support will provide a toll-free number as well as an online email support system for users to submit technical issues or questions. If the customer support specialist is unable to assist with the question or issue, the three-tier escalation process will begin to report issues to our product engineering team for resolution.

Support at a Glance

- Technical support engineers available 8 a.m. – 6 p.m. (CST) Monday – Friday (excluding holidays)
- Accessible via phone and email
- 4-hour response during normal hours
- 24/7 emergency technical support for named points of contact
- Dedicated customer success manager
- Online self-service help with the CivicPlus Help Center (civicplus.help)

Emergency technical support is available 24/7 for designated, named points-of-contact, with members of CivicPlus' support teams available for urgent requests.



AWARD-WINNING

CivicPlus has been honored with three Gold Stevie® Awards, six Silver Stevie® Awards, and nine Bronze Stevie® Awards. The Stevie Awards are the world's top honors for customer service, contact center, business development, and sales professionals.

CIVICPLUS HELP CENTER

CivicPlus customers have 24/7 access to our online Help Center where users can review articles, user guides, FAQs, and can get tips on best practices. Our Help Center is continually monitored and updated by our dedicated Knowledge Management Team to ensure we are providing the information and resources you need to optimize your solution. In addition, the Help Center provides our release notes to keep your staff informed of upcoming enhancements and maintenance.

CONTINUING PARTNERSHIP

We won't disappear after your solution is launched. You'll be assigned a dedicated customer success manager who will partner with you by providing information on best practices and how to utilize the tools of your new system to most effectively engage your residents.



MAINTENANCE

CivicPlus is proactive in identifying any potential system issues and often corrects issues before they ever affect our customers' web solutions. Our standard maintenance includes:

- Regular review of site logs, error messages, servers, router activity, and the internet in general
- Full backups performed daily
- Regularly scheduled upgrades including fixes and other enhancements
- Operating system patches
- Testing and development

Hosting & Security

Redundant power sources and internet access ensure consistent and stable connections. We invest over 1.0M annually to ensure we adapt to the ever-changing security landscape while providing maximum availability. CivicPlus' extensive, industry-leading process and procedures for protecting and hosting your site are unparalleled.

CLOUD-HOSTING WITH AZURE

The infrastructure is fully hosted within the Azure Cloud environment using their Infrastructure as a Service (IaaS) model. Using a mix of Azure Virtual Machines and Storage Accounts, all processing and data storage is done within this environment. All users need is a web browser to access and utilize the application. Your system is monitored 24/7/365 with a 99.9% guaranteed up-time (excluding maintenance). Additional details regarding our hosting and security services can be provided upon request.

DISASTER RECOVERY

Agenda and Meeting Management Select utilizes Azure's Site Recovery Services and Geographically Redundant Storage Accounts (GRS) to provide disaster recovery between Azure regions. All data is written to a GRS account, which creates copies of that data in data centers across multiple Azure regions, so access to the data is always available. Site Recovery Services allows us to quickly spin up and failover to clones of our Azure Virtual Machines.



Disclaimer

A successful project begins with a contract that meets the needs of both parties. This proposal is intended as a non-binding document, and the contents hereof may be superseded by an agreement for services. Its purpose is to provide information on a proposed project we believe will meet your needs based on the information available. If awarded the project, CivicPlus reserves the right to negotiate the contractual terms, obligations, covenants, and insurance requirements before a final agreement is reached. Subject to the terms of the final controlling agreement, CivicPlus requires its standard Master Services and Solutions and Service Terms to be incorporated and linked in the final agreement. For reference, the CivicPlus standard Master Services and Solutions and Service Terms can be found online at civicplus.help/hc/en-us/sections/. We look forward to developing a mutually beneficial contract with you.

Optional Enhancements

LIVE MEETING MANAGER

Live Meeting Manager enhances live meetings by integrating the board portal with audience display pages, offering a unified experience with efficient controls. It features automations to engage participants through in-chamber displays, electronic voting with one-click, and real-time updates of the current item. The system allows easy display of speaker details, board member requests, and chairperson controls for managing the meeting. Additionally, it automatically bookmarks video timestamps to agenda items, making it easier for viewers to access specific discussion topics.

CIVICPLUS MEDIA: LIVE STREAMING & ON-DEMAND VIDEO

Increase resident engagement and participation by sharing high-definition live video feeds of your meetings directly from Select and CivicPlus Media. Stream up to three concurrent live proceedings and seamlessly integrate all video content directly into your meeting agendas. Videos feature clear bookmarking and navigation so viewers can quickly find discussions of interest. Viewers can watch videos from any device with no software or application downloads necessary. Integrated closed captioning and translation services are available at an additional cost.

BOARDS & COMMITTEES MODULE

The Boards and Committees module tracks vacancies, applications, and appointments. Interactive dashboards give you quick access to actionable information. Easily manage rosters and generate communications using customized templates. Store system-generated communications and other necessary documentation at the board or individual member level. Track training and other internal requirements.



BOARD APPLICATIONS

The Board Applications solution powered by CivicPlus' Process Automation and Digital Services solution offers a digital platform to streamline the recruitment, vetting, and appointment of local government board members. This solution includes an online portal for residents to apply for board positions, eliminating the need for paper submissions. The Board Applications solution simplifies the recruitment and management of board members by allowing administrators to promote open positions and enabling residents to apply online from any device, securely storing all personal data. It ensures transparent communication with customizable email templates, notifies administrators of new applications, and facilitates digital review and selection by board committees. The solution supports remote collaboration with features for managing meeting schedules, member rosters, and vacancies, and offers reporting, analytics, and advanced search functionality to streamline board operations and inform strategic decisions.

Additionally, the optional addition of the Power Automate Connector integrates with Office 365 products to automate routine tasks, enhancing efficiency.

PLATFORM IDENTITY PROVIDER (IDP) INTEGRATION

CivicPlus offers IdP integration capabilities, which means you'll benefit from easier integration between your CivicPlus solutions and your favorite third-party solutions. Provide single sign-on (SSO) functionality to streamline managing and supporting user credentials and identify management solutions. CivicPlus IdP partners include Microsoft's Entra ID (formerly Azure AD), Microsoft's Active Directory Federation Services (AD FS) versions 3.0, 4.0, and 5.0, and Okta.

LASERFICHE INTEGRATION

With a third-party integration in Integration Hub you can route data to Laserfiche's cloud-hosted solution.

HISTORICAL FILE IMPORT

As part of your implementation project, we will import a specified number of meetings to your new system. Choose an import with or without videos in increments of up to 500, 500-750, or 750+ meetings.

The process includes indexing your imported agendas for keyword searching and retrieval. You and your residents will still have access to this historical information with increased functionality. Historic meeting documents imported into Select by your implementation consultant will be optimized for character recognition to improve complete text search, and accessibility for screen reading assistive devices.