



**City of Flowery Branch
City Council Meeting
Thursday, December 02, 2021, 6:00 PM
City of Flowery Branch City Hall
5410 West Pine Street, Flowery Branch, GA 30542**



CALL MEETING TO ORDER:

PLEDGE OF ALLEGIANCE:

NEW BUSINESS - VOTING SESSION:

- Appointment of Shelia Cooper as City Clerk
- Resolution 21-020 to Approve Graham McKinnon as Judge
[Appointment of Graham McKinnon.pdf](#)

SWEARING IN OF GRAHAM MCKINNON AS JUDGE

PUBLIC HEARING:

- Ordinance 657 an update to the zoning ordinance ensuring the code coincides with the recently adopted comprehensive plan and to increase, clarify and further codify building standards.
[2021 Zoning Text Amendments_Draft FOR ordinance .pdf](#)
[ZO Update Ordinance 2021.pdf](#)

PUBLIC COMMENTS:

NEW BUSINESS -WORK SESSION:

- Ordinance 657 an update to the zoning ordinance ensuring the code coincides with the recently adopted comprehensive plan and to increase, clarify and further codify building standards.
[2021 Zoning Text Amendments_Draft FOR ordinance .pdf](#)
[ZO Update Ordinance 2021.pdf](#)
- Consider - First Reading of Ordinance 658 - Call for Special Election
[Ordinance 658 Call for Special Election.pdf](#)

DEPARTMENT REPORTS: -

- a. City Manager Report
- b. City Clerk Report
- c. Finance Director Report
- d. Planning Department Report
- e. Police Report
- f. Attorney Report
- g. Council Report

ADJOURNMENT WORK SESSION:

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

PUBLIC COMMENTS: - Please limit to two minutes

CONSENT AGENDA:

- Consider 2022 Council Meeting Dates
[2022 Meeting Dates.pdf](#)
- Black and Veatch WWTP Interim Improvements Proposal
[Proposal Flowery Branch WWTF Interim Improvements bid doc and const_rev.pdf](#)
[December 2, 2021.png](#)

UNFINISHED BUSINESS - VOTING SESSION:

- Appointment of Tonya Parrish as City Manager
[Parrish Employment Agreement FINAL 11 15 21.pdf](#)

NEW BUSINESS - VOTING SESSION

- Ordinance 657 an update to the zoning ordinance ensuring the code coincides with the recently adopted comprehensive plan and to increase, clarify and further codify building standards.
[2021 Zoning Text Amendments_Draft FOR ordinance .pdf](#)
[ZO Update Ordinance 2021.pdf](#)
- Consider - First Reading of Ordinance 658 - Call for Special Election
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EXECUTIVE SESSION:

ADJOURNMENT:

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

RESOLUTION NO.: 21-020

A RESOLUTION TO APPOINT GRAHAM MCKINNON AS JUDGE

WHEREAS, Section 23.10 of the Code of Ordinances for the City of Flowery Branch authorizes the city council to appoint a judge of the municipal court;

WHEREAS, the city council desires to appoint Graham McKinnon as the judge of the municipal court.

NOW THEREFORE, IT IS HEREBY RESOLVED, by the City Council of the City of Flowery Branch as follows:

Graham McKinnon shall be appointed as judge.

SO RESOLVED this ____ day of December, 2021.

James M. Miller, Mayor

Attest:

Vickie Short, City Clerk

Approved as to form:

E. Ronald Bennett, Jr., City Attorney

ARTICLE 3. - ESTABLISHMENT OF DISTRICTS AND OFFICIAL ZONING MAP

Sec. 3.5. - Character ~~Areas and Future Land Use Districts~~ Established.

The character areas ~~and future land use districts~~ 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 ~~and future land use districts~~ 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 ~~and future land use district~~ 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 ~~intended to establish 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 implement the "Single-family residential" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also~~ intended to implement the "suburban residential" character area established in the comprehensive plan. 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) *Character.* The designs of subdivisions in this district include cul-de-sacs and curvilinear streets. Houses are set back considerable distance from the street. Streets are built to relatively wide standard when compared with traditional neighborhoods. Access to this district is predominantly by automobile but pedestrian mobility is accommodated.~~
- ~~(c) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts." Land use in this district consists predominantly of detached, single-family dwellings on their own lots at a low density (no more than one dwelling unit per acre). Site built dwellings only are permitted (no manufactured homes). Other uses that are compatible with a low density, residential environment such as recreational, educational, and religious facilities, are permitted or conditional uses.~~
- (d) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts." ~~Dimensional~~

~~requirements such as minimum building setbacks and maximum building coverage are intended to provide for spacious yards surrounding each dwelling.~~

(e) 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 "Single-family residential" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "suburban residential" character area established in the comprehensive plan. 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) Character. The designs of subdivisions in this district include cul-de-sacs and curvilinear streets. Houses are set back a significant distance from the street. Streets are built to relatively wide standard when compared with traditional neighborhoods. Access to this district is predominantly by automobile but pedestrian mobility is accommodated.~~
- (c) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts." ~~Land use in this district consists predominantly of detached, single-family dwellings on their own lots at a moderate density (no more than approximately three dwelling units per acre). Site-built dwellings only are permitted (no manufactured homes). Other uses that are compatible with a low-density, residential environment such as recreational, educational, and religious facilities, are permitted or conditional uses.~~
- (d) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts." ~~Dimensional requirements such as minimum building setbacks and maximum building coverage are intended to provide for yards surrounding each dwelling.~~
- (e) 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. implement the "Multi-family residential" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to 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 communitiescommunity" 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) Character. This district allows for higher density, urban living environments that provide primarily rental housing opportunities. Access to this district is primarily by automobile, but convenient pedestrian access within the district and with connections to surrounding destinations is required.~~
- (c) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts." ~~Land use in this district consists predominantly of multi-family dwellings at urban densities (from six to no more than twelve dwelling units per acre). Acceptable uses include multi-family development (apartment complexes and townhouses but not including manufactured home parks) and may also include detached, single family and two family dwellings on their own lots. Site-built dwellings only are permitted (no manufactured homes). Other uses that are compatible with the urban density residential environment such as recreational, educational, and religious facilities, are permitted or conditional uses.~~

- (d) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts." ~~Dimensional requirements such as minimum building separation and maximum building coverage are intended to provide for some open space or yards surrounding dwellings.~~

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

- (a) *Purpose and Description.* This zoning district is intended ~~to 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 ~~"Multi-family residential" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch as it pertains to existing manufactured home park use.~~ It is also intended to implement the "urban density ~~communities~~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) *Character.* This district allows for higher density, urban living environments that provide opportunities to rent manufactured homes. Access to this district is primarily by automobile.~~
- (c) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts." ~~Land use in this district consists predominantly of manufactured homes on spaces within a park setting. Other uses that are serve the urban density residential environment such as recreational, educational, and religious facilities, are permitted or conditional uses.~~
- (d) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts." Dimensional requirements such as specifications for manufactured home spaces shall be as designated on an approved site plan.
- (e) *Limitations on Rezoning.* There shall be no rezoning to the MHP zoning district, unless it is contiguous to an existing MHP zoning district, or unless it is designated MHP at the time of annexation into the city limits.
- (f) *Design Requirements.* See Articles 10 and 40 of this Zoning Ordinance.

ARTICLE 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 ~~primarily to implement the "Single-family residential" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch, 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 area. ~~It is also intended to implement the "suburban residential" character area established in the comprehensive plan but may also be used to implement the "traditional neighborhood development" character area.~~

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 ~~residential~~ "suburban residential" on the adopted future ~~land-use~~ development map of the City of Flowery Branch:

- ~~(a) Retail, service, office, and civic and institutional residential uses shall not exceed twenty-five (25) percent of the total site area of the district.~~
- ~~(b) Industrial uses shall not normally be considered appropriate for inclusion in planned unit developments but if proposed and approved shall not exceed ten (10) percent of the total site area of the district, and such area shall be counted within the percent limit for uses specified in paragraph (a) of this section.~~
- (c) At least twenty (20) percent of the total area of the planned unit development shall be conservation, open space, and/or landscaped area.
- (d) 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 ~~"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."

(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 "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 single-function 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."

(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. 9.3. - NS, Neighborhood Shopping District.

(a) *Purpose and Description.* This zoning district is intended to primarily 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 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) *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.~~
- (e) *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 ~~"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"~~ activity center-retail 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, t~~This zoning district will be an accessible center of businesses, services, and complementary uses, which may include traditional neighborhood development and mixed-use developments, 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) *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."
- (e) *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 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, but may also be used to implement the "Mixed Use – Downtown" character area~~ 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. 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) *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 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.*

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 "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. 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. ~~It~~ This district 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 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 "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. 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.

- (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) *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

Use	O-P	INST	NS	HB	CBD	M-1	M-2
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
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

Use	O-P	INST	NS	HB	CBD	M-1	M-2
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
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

Use	O-P	INST	NS	HB	CBD	M-1	M-2
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
Dry cleaning plant	X	X	X	C	X	P	P
Dwelling, single-family detached, fee-simple	P X	P X	X	X	P	X	X

Use	O-P	INST	NS	HB	CBD	M-1	M-2
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
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

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Growler	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
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

Use	O-P	INST	NS	HB	CBD	M-1	M-2
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	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

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Mixed use building or development	C	X	P	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
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

Use	O-P	INST	NS	HB	CBD	M-1	M-2
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
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

Use	O-P	INST	NS	HB	CBD	M-1	M-2
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
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	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
abutting other institutional zones (width in feet)							
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) Unless the context clearly indicates otherwise as specifically provided in this Article, t~~he 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, except for detached, single-family detached dwellings, and duplexes.

~~(a)~~(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.

~~(b)~~(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 should 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) The walls of buildings for office, institutional, commercial, and industrial use 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.

- (g) Outside of pedestrian retail districts, building surfaces over two stories high or fifty feet in length should 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 ~~should be considered for treatment with~~ shall utilize an architectural finish of primary materials ~~(i.e., consisting of real brick (full-depth or thin brick, and 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.), unless other materials demonstrating equal or greater quality are used. As a general rule,~~ Front facades shall be at least 50% real brick and/or real 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. do not have a minimum suggested standard for primary materials unless they are visible from a public right-of-way. Requirements for brick or stone may be modified to accommodate creatively designed structures as determined by the ~~city planner~~ Community Development Director.
- (i) Exterior building materials on the primary structure ~~should~~ shall not include smooth-faced concrete block, tilt-up concrete panels, or prefabricated steel panels, ~~with the exception that, Exterior building elevations within employment/industrial character areas~~ 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 ~~should~~ 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) ~~Material or color changes generally should occur at a change of plane.~~ Piecemeal embellishment and frequent changes in material ~~should~~ shall be avoided. Material or color changes generally should occur at a change of plane. On non-residential buildings, A horizontal accent stripe (e.g., a foot wide stripe of different color) should be used to help reduce the monotonous color and break up the appearance of large building walls.
- (l) Facade colors should be low reflectance, subtle, neutral, or earth tone colors. High-intensity colors, metallic colors, black, or fluorescent colors should 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 should consist of more subdued earth tones or brick shades. Trim colors

should have contrasting lighter or darker shade than the base color. If natural brick is used, it should 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.

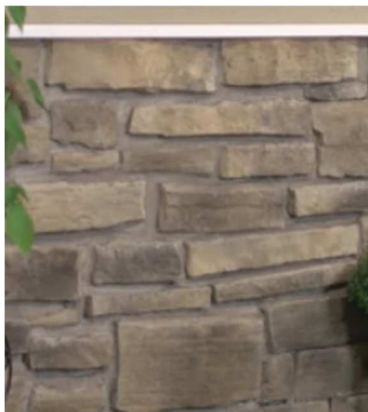
Sec. 12.6. - Townhouses.

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 facade and the roof of each attached unit distinct from the other through separation, staggering, or offsets in design.
- (h) *Rear Access for Fire Protection.* Townhouse developments shall be designed to provide proper access to all dwelling units for fire fighting purposes, as may be determined by applicable codes. Rear access, if required for fire fighting purposes may and is encouraged to 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.* 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. Each dwelling unit is limited to two of the allowed wall finishes listed in this subsection and one paint 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

- (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. Roof shingles shall be architectural shingles. However, roof shingles shall be prohibited on roofs on front porches and front stoops, and on any projecting or shed roof feature over the garage.

The following are illustrative examples of roof materials that **do not** meet the requirements of this section:



Shingled roof over garage



Shingled roof over front stoop



Shingled front porch roof

- (n) Garage Placement. Townhouses fronting a major street must be rear-loaded. Townhouses fronting a minor street may be rear-loaded or front-loaded. Garage doors must be recessed at least one foot behind the front wall plane of the dwelling unit; or, an eyebrow trellis, pergola or roof, or a second-story element over the garage door must be provided that extends at least one foot beyond the front wall plane. When the building façade is brick, the Community Development Director may consider alternative proposed measures that mitigate the visual impact of the garage, such as the use of contrasting brick or stone garage trim in conjunction with garage doors that have windows and/or carriage style hardware. 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 placement that **do not** meet the requirements of this section:



Garage is not recessed, and no projecting element is provided over the garage



Garages project forward and are not recessed behind the front wall plane of the units

(o) *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.

(a) *Design Standards.* Single-family dwellings shall meet the requirements of Sec. 12.6 (k), (l), and (m) above.

(b) *Garage Placement.* Front-loaded garage doors must be positioned at least five (5) feet behind the front wall plane of the house, and side-loaded garage doors must be located at least three (3) feet behind the front wall plane of the house.

The following are illustrative examples of garage placement that **do not** meet the requirements of this section:



Front-loaded garage is not recessed



Side-loaded garage is not recessed

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

(d) *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. 14.1415. - 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.

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.
- [~~\(a\)~~\(c\)](#) [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.
- (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;
- (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.

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

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

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”.

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

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

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:

Vickie Short, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

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

Exhibit "A"

To be added prior to second read

ARTICLE 3. - ESTABLISHMENT OF DISTRICTS AND OFFICIAL ZONING MAP

Sec. 3.5. - Character ~~Areas and Future Land Use Districts~~ Established.

The character areas ~~and future land use districts~~ 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 ~~and future land use districts~~ 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 ~~and future land use district~~ 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 ~~intended to establish~~ intended to be 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 implement the "'Single-family residential'" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "'suburban residential'" character area established in the comprehensive plan. 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) *Character.* The designs of subdivisions in this district include cul-de-sacs and curvilinear streets. Houses are set back considerable distance from the street. Streets are built to relatively wide standard when compared with traditional neighborhoods. Access to this district is predominantly by automobile but pedestrian mobility is accommodated.~~
- ~~(c) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts." Land use in this district consists predominantly of detached, single-family dwellings on their own lots at a low density (no more than one dwelling unit per acre). Site built dwellings only are permitted (no manufactured homes). Other uses that are compatible with a low density, residential environment such as recreational, educational, and religious facilities, are permitted or conditional uses.~~
- (d) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts." ~~Dimensional~~

~~requirements such as minimum building setbacks and maximum building coverage are intended to provide for spacious yards surrounding each dwelling.~~

(e) 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 "Single-family residential" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. ~~It is also intended to implement the "suburban residential" character area established in the comprehensive plan. 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) Character. The designs of subdivisions in this district include cul-de-sacs and curvilinear streets. Houses are set back a significant distance from the street. Streets are built to relatively wide standard when compared with traditional neighborhoods. Access to this district is predominantly by automobile but pedestrian mobility is accommodated.~~
- (c) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts." ~~Land use in this district consists predominantly of detached, single-family dwellings on their own lots at a moderate density (no more than approximately three dwelling units per acre). Site-built dwellings only are permitted (no manufactured homes). Other uses that are compatible with a low-density, residential environment such as recreational, educational, and religious facilities, are permitted or conditional uses.~~
- (d) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts." ~~Dimensional requirements such as minimum building setbacks and maximum building coverage are intended to provide for yards surrounding each dwelling.~~
- (e) 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. implement the "Multi-family residential" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to ~~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 communitiescommunity" 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) Character. This district allows for higher density, urban living environments that provide primarily rental housing opportunities. Access to this district is primarily by automobile, but convenient pedestrian access within the district and with connections to surrounding destinations is required.~~
- (c) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts." ~~Land use in this district consists predominantly of multi-family dwellings at urban densities (from six to no more than twelve dwelling units per acre). Acceptable uses include multi-family development (apartment complexes and townhouses but not including manufactured home parks) and may also include detached, single family and two family dwellings on their own lots. Site-built dwellings only are permitted (no manufactured homes). Other uses that are compatible with the urban density residential environment such as recreational, educational, and religious facilities, are permitted or conditional uses.~~

- (d) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts." ~~Dimensional requirements such as minimum building separation and maximum building coverage are intended to provide for some open space or yards surrounding dwellings.~~

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

- (a) *Purpose and Description.* This zoning district is intended ~~to 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 ~~"Multi-family residential" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch as it pertains to existing manufactured home park use.~~ It is also intended to implement the "urban density ~~communities~~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) *Character.* This district allows for higher density, urban living environments that provide opportunities to rent manufactured homes. Access to this district is primarily by automobile.~~
- (c) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts." ~~Land use in this district consists predominantly of manufactured homes on spaces within a park setting. Other uses that are serve the urban density residential environment such as recreational, educational, and religious facilities, are permitted or conditional uses.~~
- (d) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts." Dimensional requirements such as specifications for manufactured home spaces shall be as designated on an approved site plan.
- (e) *Limitations on Rezoning.* There shall be no rezoning to the MHP zoning district, unless it is contiguous to an existing MHP zoning district, or unless it is designated MHP at the time of annexation into the city limits.
- (f) *Design Requirements.* See Articles 10 and 40 of this Zoning Ordinance.

ARTICLE 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 ~~primarily to implement the "Single-family residential" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch, 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 area. ~~It is also intended to implement the "suburban residential" character area established in the comprehensive plan but may also be used to implement the "traditional neighborhood development" character area.~~

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 ~~residential~~ "suburban residential" on the adopted future ~~land-use~~ development map of the City of Flowery Branch:

- ~~(a) Retail, service, office, and civic and institutional residential uses shall not exceed twenty-five (25) percent of the total site area of the district.~~
- ~~(b) Industrial uses shall not normally be considered appropriate for inclusion in planned unit developments but if proposed and approved shall not exceed ten (10) percent of the total site area of the district, and such area shall be counted within the percent limit for uses specified in paragraph (a) of this section.~~
- (c) At least twenty (20) percent of the total area of the planned unit development shall be conservation, open space, and/or landscaped area.
- (d) 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 ~~"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."

(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 "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 single-function 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."

(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. 9.3. - NS, Neighborhood Shopping District.

(a) *Purpose and Description.* This zoning district is intended to primarily 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 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) *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.~~
- (e) *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 ~~"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"~~ activity center-retail 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, t~~his zoning district will be an accessible center of businesses, services, and complementary uses, ~~which may include traditional neighborhood development and mixed-use developments,~~ 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) *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."
- (e) *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 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, but may also be used to implement the "Mixed Use – Downtown" character area~~ 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. 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) *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 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.*

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 "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. 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. ~~It~~ This district 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 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 "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. 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.

- (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) *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

Use	O-P	INST	NS	HB	CBD	M-1	M-2
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
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

Use	O-P	INST	NS	HB	CBD	M-1	M-2
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
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

Use	O-P	INST	NS	HB	CBD	M-1	M-2
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
Dry cleaning plant	X	X	X	C	X	P	P
Dwelling, single-family detached, fee-simple	P X	P X	X	X	P	X	X

Use	O-P	INST	NS	HB	CBD	M-1	M-2
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
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

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Growler	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
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

Use	O-P	INST	NS	HB	CBD	M-1	M-2
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	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

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Mixed use building or development	C	X	P	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
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

Use	O-P	INST	NS	HB	CBD	M-1	M-2
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
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

Use	O-P	INST	NS	HB	CBD	M-1	M-2
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
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	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
abutting other institutional zones (width in feet)							
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) Unless the context clearly indicates otherwise as specifically provided in this Article, t~~he 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, except for detached, single-family detached dwellings, and duplexes.

~~(a)~~(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.

~~(b)~~(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 should 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) The walls of buildings for office, institutional, commercial, and industrial use 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.

- (g) Outside of pedestrian retail districts, building surfaces over two stories high or fifty feet in length should 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 ~~should be considered for treatment with~~ shall utilize an architectural finish of primary materials ~~(i.e., consisting of real brick (full-depth or thin brick, and 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), unless other materials demonstrating equal or greater quality are used. As a general rule, front facades should be at least fifty percent 50% real brick and/or real stone. Side facades should be at least fifty percent 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. do not have a minimum suggested standard for primary materials unless they are visible from a public right-of-way. Requirements for brick or stone may be modified to accommodate creatively designed structures as determined by the city planner~~ Community Development Director.
- (i) Exterior building materials on the primary structure ~~should~~ shall not include smooth-faced concrete block, tilt-up concrete panels, or prefabricated steel panels, ~~with the exception that exterior building elevations within employment/industrial character areas~~ 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 ~~should~~ 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) ~~Material or color changes generally should occur at a change of plane.~~ Piecemeal embellishment and frequent changes in material ~~should~~ shall be avoided. Material or color changes generally should occur at a change of plane. On non-residential buildings, A horizontal accent stripe (e.g., a foot wide stripe of different color) should be used to help reduce the monotonous color and break up the appearance of large building walls.
- (l) Facade colors should be low reflectance, subtle, neutral, or earth tone colors. High-intensity colors, metallic colors, black, or fluorescent colors should 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 should consist of more subdued earth tones or brick shades. Trim colors

should have contrasting lighter or darker shade than the base color. If natural brick is used, it should 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.

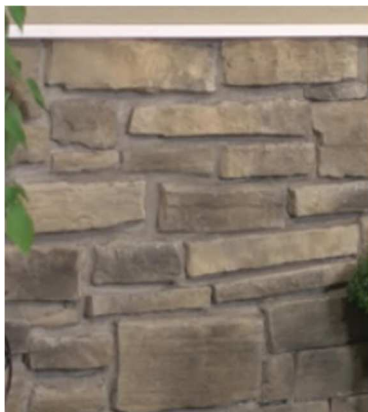
Sec. 12.6. - Townhouses.

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 facade and the roof of each attached unit distinct from the other through separation, staggering, or offsets in design.
- (h) *Rear Access for Fire Protection.* Townhouse developments shall be designed to provide proper access to all dwelling units for fire fighting purposes, as may be determined by applicable codes. Rear access, if required for fire fighting purposes may and is encouraged to 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.* 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. Each dwelling unit is limited to two of the allowed wall finishes listed in this subsection and one paint 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

- (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. Roof shingles shall be architectural shingles. However, roof shingles shall be prohibited on roofs on front porches and front stoops, and on any projecting or shed roof feature over the garage.

The following are illustrative examples of roof materials that **do not** meet the requirements of this section:



Shingled roof over garage



Shingled roof over front stoop



Shingled front porch roof

- (n) Garage Placement. Townhouses fronting a major street must be rear-loaded. Townhouses fronting a minor street may be rear-loaded or front-loaded. Garage doors must be recessed at least one foot behind the front wall plane of the dwelling unit; or, an eyebrow trellis, pergola or roof, or a second-story element over the garage door must be provided that extends at least one foot beyond the front wall plane. When the building façade is brick, the Community Development Director may consider alternative proposed measures that mitigate the visual impact of the garage, such as the use of contrasting brick or stone garage trim in conjunction with garage doors that have windows and/or carriage style hardware. 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 placement that **do not** meet the requirements of this section:



Garage is not recessed, and no projecting element is provided over the garage



Garages project forward and are not recessed behind the front wall plane of the units

(o) *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.

(a) *Design Standards.* Single-family dwellings shall meet the requirements of Sec. 12.6 (k), (l), and (m) above.

(b) *Garage Placement.* Front-loaded garage doors must be positioned at least five (5) feet behind the front wall plane of the house, and side-loaded garage doors must be located at least three (3) feet behind the front wall plane of the house.

The following are illustrative examples of garage placement that **do not** meet the requirements of this section:



Front-loaded garage is not recessed



Side-loaded garage is not recessed

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

(d) *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. 14.1415. - 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.

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.
- [~~\(a\)~~\(c\)](#) [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.
- (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;
- (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.

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

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

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”.

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

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

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:

Vickie Short, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

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

Exhibit "A"

To be added prior to second read

First Reading: December 2, 2021
Second Reading: December 16, 2021
Passed: December 16, 2021

ORDINANCE NO. 658

AN ORDINANCE TO PROVIDE FOR A SPECIAL ELECTION FOR THE CITY OF FLOWERY BRANCH, GEORGIA FOR 2022; ESTABLISH AND SET THE DATE AND TIME OF THE SPECIAL ELECTION FOR THE CITY OF FLOWERY BRANCH, GEORGIA FOR 2022 FOR COUNCIL MEMBER POST 2; PROVIDE A QUALIFYING PERIOD FOR SAID POSITION; PROVIDE FOR THE QUALIFYING FEES FOR SAID POSITION; PROVIDE FOR A QUALIFYING PROCEDURE; APPOINT ELECTION OFFICIALS; PROVIDE FOR THE OPENING AND CLOSING OF REGISTRATION FOR SAID SPECIAL ELECTION; REPEAL CONFLICTING ORDINANCES; PROVIDE FOR SEVERABILITY; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the City Council of the City of Flowery Branch, Georgia is authorized by Article IX, Section II, Paragraph II of the Constitution of the State of Georgia of 1983, and pursuant to O.C.G.A. Section 21-2-1 et seq., to enact ordinances for the holding of elections and special elections of public officials of the municipality; and

WHEREAS, the Council Member for Post 2 has resigned; and

WHEREAS, the City of Flowery Branch, Georgia desires to conduct a special election to fill this position, openly and fairly for all duly qualified and registered electors of the City of Flowery Branch, Georgia.

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

Section 1. Special Election.

The City of Flowery Branch, Georgia calls and will conduct a special election on Tuesday, March 15, 2022 from 7:00 a.m. to 7:00 p.m. with the place of said election being in the City Hall located at 5410 W. Pine Street, Flowery Branch, Georgia for the position as indicated in Section 2 of this Ordinance.

Section 2. Position Open for Election and Term Thereof.

The special election to be held on the date established by Section 1 of this Ordinance is for the purpose of filling the position of Council Member Post 2 which will be elected at large for the completion of the current term which will expire December 31, 2023.

Section 3. Qualifying Period.

The qualifying period for the election set by Section 1 of this Ordinance to qualify for the position described in Section 2 of this Ordinance shall be open on Monday, February 14, 2022 and will continue day-to-day through Wednesday, February 16, 2022. The hours of qualifying each day shall be during the regular business hours of the City of Flowery Branch, Georgia. The place of qualifying shall be the office of the City Clerk of the City of Flowery Branch, Georgia, being the office of the Election Superintendent, and being located at City Hall, 5410 W. Pine Street, Flowery Branch, Georgia.

Section 4. Qualifying Fee.

(a) The qualifying fee for the Council Member Post 2 position, which is open for election as provided by Section 2 of the Ordinance, shall be \$144.00. Such fee shall be paid to the Election Superintendent at the time a candidate files the candidate's notice of candidacy.

(b) A pauper's affidavit may be filed in lieu of paying the qualifying fee otherwise required by Section 4(a) of this Ordinance. A candidate filing a pauper's affidavit instead of paying a qualifying fee shall under oath affirm the candidate's poverty and the candidate's resulting inability to pay the qualifying fee otherwise required. The form of the affidavit shall be as prescribed by the Georgia Secretary of State and shall include a financial statement which lists the total income, assets, liabilities, and other relevant financial information of the candidate.

The affidavit shall contain an oath that such candidate has neither the assets nor the income to pay the qualifying fee otherwise required. The following warning shall be printed on the affidavit form as prepared by the Georgia Secretary of State, to wit: "WARNING: Any person knowingly making any false statement on this affidavit commits the offense of false swearing and shall be guilty of a felony."

The Election Superintendent shall place on the ballot the name of any candidate who subscribes and swears to an oath that such candidate has neither the assets nor the income to pay the qualifying fee otherwise required.

Section 5. Qualifying Affidavit and Financial Disclosure Statement.

(a) Each candidate qualifying for the position described in Section 2 of this Ordinance shall accompany the candidate's notice with an affidavit stating:

- (1) The candidate's residence, with street and number, if any, and the candidate's post office address;
- (2) The candidate's profession, business or occupation, if any;
- (3) The name of post or office sought for election and precinct, if applicable;
- (4) That the candidate is an elector of the municipality of the candidate's residence and is eligible to vote in the election in which the candidate is running for office;
- (5) The name of the position that the candidate is seeking;
- (6) That the candidate is eligible to hold such position;
- (7) That the candidate has never been convicted and sentenced in any court of competent jurisdiction for fraudulent violation of primary or election laws, malfeasance in office or a felony involving moral turpitude under the laws of this state or any other state or of the United States, of that the candidate's civil rights have been restored and that at least ten years have elapsed from the date of the completion of the sentence without a subsequent conviction of another felony involving moral turpitude; and
- (8) That the candidate will not knowingly violate any provisions of the "Georgia Municipal Election Code" or any rules and regulations adopted under the "Georgia Municipal Election Code."

(b) Each person qualifying as a candidate will file a financial disclosure statement prescribed by the laws of the State of Georgia in the form as prescribed therein, no later than the fifteenth (15th) day following the qualifying with the Election Superintendent of the City of Flowery Branch, Georgia.

Section 6. Write-In Candidates.

(a) In this special election, no person elected on a write-in vote shall be eligible to hold office unless notice of the person's intention of candidacy was given twenty (20) or more days prior to the election by the person to be a write-in candidate or by some other person or group of persons qualified to vote in the election, to the Mayor or the Election Superintendent and by publication in the official newspaper of the City of Flowery Branch, Georgia, said publication currently being "The Times."

(b) In addition to the requirements contained in Section 6(a) of this Ordinance, the person or persons giving notice of intention of candidacy for a write-in candidate shall also file with the Mayor or the Election Superintendent, a copy of the notice as published with an affidavit stating that the notice has been published, with the name of the newspaper and the date of publication, not later than the fifth (5th) day after the deadline for filing and publishing of such notice. The affidavit may be made by the person giving notice or intention of candidacy or by the publisher of the newspaper in which the notice was published or by an employee of the newspaper designated by the publisher.

Section 7. Election Appointments.

(a) The following persons are hereby appointed to act as election officials for the March 15, 2022 Special Election:

Election Superintendent	Shelia Cooper
Chief Registrar	To be announced
Absentee Ballot Clerk	Hall County Elections
Poll Manager	Hall County Elections
Poll Worker	Hall County Elections
Poll Worker	Hall County Elections

(b) The office of the City Clerk of the City of Flowery Branch, Georgia is hereby declared to be the office of the Election Superintendent for candidates qualifying for the office open for election as provided by Section 3 of this Ordinance, and also as the office of the Absentee Ballot Clerk.

Section 8. Last Day for Voter Registration.

The last day that an elector/voter may register to vote in the 2022 Special Election shall be Monday, February 14, 2022, by 5:00 p.m. at the Hall County Board of Elections and Registration located at 2875 Browns Bridge Road, Gainesville, Georgia, unless said date is a Georgia legal holiday, and then the last day for voter/elector registration shall be the next day by 5:00 p.m.

Section 9. Repealer.

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

Section 10. 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.

Dated this 16th day of December 2021.

James M. Miller, Mayor

ATTEST:

Shelia Cooper, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney



PUBLIC NOTICE

2022 GOVERNING BODY MEETING CALENDAR



IN ACCORDANCE WITH THE GEORGIA OPEN MEETINGS ACT AS AMENDED, VOLUME 50, CHAPTER 14, NOTICE IS HEREBY GIVEN; **THE CITY OF FLOWERY BRANCH 2022 GOVERNING BODY MEETING CALENDAR** FOR WORK AND VOTING SESSIONS HAS BEEN SET FORTH AS FOLLOWS:

January 6, 2022	July 21, 2022
January 20, 2022	August 4, 2022
February 3, 2022	August 18, 2022
February 17, 2022	September 1, 2022
March 3, 2022	September 15, 2022
March 17, 2022	October 6, 2022
April 7, 2022	October 20, 2022
April 21, 2022	November 3, 2022
May 5, 2022	November 17, 2022
May 19, 2022	December 1, 2022
June 2, 2022	December 15, 2022
June 16, 2022	

MEETINGS ARE HELD AT THE FLOWERY BRANCH CITY HALL ON THE 1ST AND 3RD THURSDAYS OF EACH MONTH AT 6:00 PM.

NOTICE OF ANY DEVIATIONS TO THE SCHEDULE OR ANY SPECIAL MEETINGS SHALL BE POSTED BY PUBLIC NOTICE ON THE OFFICIAL BULLETIN BOARD LOCATED AT 5410 W. PINE STREET AND ON THE CITY OF FLOWERY BRANCH WEBSITE: FLOWERYBRANCHGA.ORG.

Adopted: December 2, 2021

Posted: December 2, 2021

cc: Mayor and City Council
City Manager's Office
City Attorney
Department Directors
Media
Official Bulletin Board

PROPOSAL FOR BID DOCUMENTS AND CONSTRUCTION OBSERVATION SERVICES

INTERIM IMPROVEMENTS

Flowery Branch Water
Reclamation Facility

B&V PROJECT NO. 409845

PREPARED FOR



City of Flowery Branch

5 NOVEMBER 2021



ENGINEERING SERVICES AGREEMENT

This Agreement (Agreement), effective _____ 2021, is by and between the City of Flowery Branch (Client) and Black & Veatch Corporation (Engineer). Engineer shall perform the services described in Attachment A--Scope of Services (Services) with regard to the Flowery Branch WWTP Interim Upgrade project (Project) and payment shall be due and payable upon receipt in accordance with Attachment B--Compensation. Payments due Engineer under this Agreement shall be electronically transferred either by ACH, specifically in CCD+ or CTX format, or wire transfer to the bank account and in accordance with the bank instructions identified in Engineer's most recent invoice in immediately available funds no later than the payment due date. Invoice number and project name shall be referenced in the bank wire reference fields or the ACH addenda information. In the event that such electronic funds transfer methods are not available to Client, then payments due Engineer under this Agreement shall be made by check and mailed to the PO Box identified in the remittance instructions on the Engineer's most recent invoice. The Remittance Advice document shall be mailed with the check to the PO Box.

1. Engineer warrants that it shall perform the Services in accordance with the standards of care and diligence normally practiced by recognized engineering firms in performing services of a similar nature. If, during the six month period following the earlier of completion or termination of the Services it is shown there is an error in the Services caused solely by Engineer's failure to meet such standards, and Client has promptly notified Engineer in writing of any such error within that period, Engineer shall perform, at Engineer's cost, such corrective engineering services within the original Scope of Services as may be necessary to remedy such error. **The liabilities, obligations, warranties, and remedies of the parties are exclusively those expressly set forth in this Agreement, and in lieu of any others available at law or otherwise. Indemnities against, releases from, and limitations on liability, and limitations on remedies expressed in this Agreement, as well as waivers of rights, including, but not limited to, subrogation rights, shall apply even in the event of the fault, tort (including negligence), strict liability or other basis of legal liability by the party indemnified or released or whose liability is limited or allocated to the party giving the indemnity, or against whom remedies have been limited.**

2. Engineer shall maintain in force, during the period that Services are performed, workers' compensation insurance in accordance with the laws of the states having jurisdiction over Engineer's employees who are engaged in the Services and employer's liability insurance with a limit of \$100,000 each occurrence. Engineer also shall maintain commercial general liability insurance with a limit of \$1,000,000 per occurrence and in the aggregate; automobile liability insurance with combined single limit of \$1,000,000; and professional liability insurance with a per claim and aggregate limit of \$1,000,000. Client shall require all Project contractors under contract with Client to include Client and Engineer as additional insureds on their general, automobile, excess, pollution and umbrella liability insurance policies. Further, Client shall obtain and maintain for the benefit of Engineer the same indemnities, insurance benefits, and waivers of subrogation rights obtained for the protection of Client from any construction contractor and subcontractor working on the Project and shall obtain from that contractor and subcontractor insurance certificates evidencing the required coverages.

3. Engineer shall indemnify Client against any and all claims, demands and causes of action for bodily injury to or death of persons or for damage to or destruction of property (other than property of Client or construction work in progress, for which Client shall have responsibility) resulting solely from any and all negligent physical acts of Engineer while at Client's facility. The parties hereby waive all claims for property damage against the other, however, such damages may be caused, including without limitation the negligence or fault of the other party, and shall require their insurers to waive subrogation rights against the other party under any applicable policy of property insurance.

4. In performance of the Services, it is understood that Engineer may be supplied with certain information and/or data by Client and/or others, and that Engineer will rely on such information. It is agreed that the accuracy of such information is not within Engineer's control and Engineer shall not be liable for its accuracy, nor for its verification.

5. Client may, with or without cause, terminate the Services at any time upon ten working days written notice to Engineer. In such case, Engineer shall be paid costs incurred and fees earned to the date of termination and through demobilization and neither party shall be entitled to any other compensation or damages from the other.

6. Client may audit and inspect Engineer's records and accounts covering reimbursable costs for a period of six months following the completion of Engineer's Services. The purpose of any such audit shall be only for verification of such costs. Engineer shall not be required to keep records of or provide access to those of its costs expressed as fixed rates, a lump sum, or as a percentage of other costs.

7. Engineer does not guarantee that proposals, bids or actual project costs will not vary from Engineer's opinions of probable cost or that actual schedules will not vary from Engineer's projected schedules. Engineer shall not be responsible for: (1) construction means, methods, techniques, sequences, procedures, or safety precautions and programs in connection with the Project; (2) the failure of any contractor, subcontractor, vendor, or other Project participant, not under contract to Engineer, to fulfill contractual responsibilities to the Client or to comply with federal, state, or local laws, regulations, and codes; or (3) procuring permits, certificates, and licenses required for any construction unless such responsibilities are specifically assigned to Engineer in Attachment A, Scope of Services.

8. Neither party shall be responsible or held liable to the other party for special, indirect, incidental, punitive, exemplary, or consequential damages, or for loss of profit, investment, product, use, goodwill, opportunity, or revenue; business interruption; cost of capital or replacement goods, services, facilities or power; governmental and regulatory sanctions; and claims of customers for all such damages; whether arising under breach of contract or warranty, tort, strict liability, indemnity, or any other theory of legal liability. Engineer's total aggregate liability to Client under this Agreement whether arising under breach of warranty or contract, tort, strict liability, indemnity, or any other theory of legal liability, shall not exceed the amount of Engineer's Professional Liability Insurance.

9. Except for Client's obligation to make payments, neither party shall be in default hereunder to the extent such default is caused by a cause or circumstance beyond such party's reasonable control. Engineer shall be entitled to an equitable adjustment in schedule and compensation in the event such circumstances occur.

10. Client hereby agrees that Engineer may subcontract portions of the Services to its related or affiliated entities.

11. Nothing contained herein shall be construed as limiting or depriving Engineer of its rights to use its basic knowledge and skills to design or carry out other projects or work for itself or others, whether or not such other projects or work are similar to the work to be performed pursuant to this Agreement. Rights to intellectual property developed, utilized, or modified in the performance of the Services shall remain the property of Engineer.

This Agreement and the attached Attachments constitute the entire Agreement. No other representations of any kind, oral or otherwise, shall have any effect. This Agreement shall be governed by the laws of the state of Georgia, without giving effect to principles thereof resulting in the application of the laws of another jurisdiction as governing law.

City of Flowery Branch (Client)

Black & Veatch Corporation (Engineer)

By: _____

By: _____

Date: _____

Date: _____

Attachment A

Scope of Services

Project Purpose

The City of Flowery Branch (City) has tasked Black & Veatch (B&V) to provide bidding documents and construction services for the Wastewater Treatment Facility (WWTF) Interim Upgrade. The purpose of these upgrades is to provide an interim wastewater treatment solution until the new WWTF with an increased capacity is constructed.

As part of this project, B&V will provide the following professional services: develop front-end bid documents and technical specs, review contractor submittals, and provide monthly inspections (1x per month) utilizing one civil engineer and one electrical engineer.

Background

The Flowery Branch Water Quality Reclamation Facility was originally designed to treat an influent flow of 1.0 MGD however a combination of increases in influent loading and reductions in permit limits for ammonia nitrogen and total phosphorus have reduced the effective flow capacity of the plant to well below 1.0 MGD. A new plant has been designed based on a capacity of 2.2 MGD however this is several years away from being constructed. B&V was hired to evaluate the performance and capacity of the facility and to come up with recommended interim modifications to maximize capacity as far as possible, pending the installation of the new facility. A technical memorandum was provided to the City, which summarized the evaluation that was conducted, provided recommendations for interim modifications and provided civil mark-up drawings to allow for construction of the required modifications. The recommended modifications are summarized as follows:

1. Install a new 16 inch pipe to connect the existing inlet channel to the filter segment.
2. Remove the plate from the wall between the filter segment and the chlorine contact tank segment to allow flow to pass through. Cut a hole in the wall between the chlorine contact tank segment and Basin C to allow flow to pass through.
3. Install a new gravity flow pipe from Basin A to the existing standby clarifier feed pipe in Basin C to allow the standby clarifier to be operated in parallel with the central clarifier.
4. Install a new pump and piping to transfer return activated sludge (RAS) from the existing outlet of the central clarifier in Basin C to the filter segment.
5. Convert the existing standby clarifier feed pump located near Basin A and add new piping to transfer RAS from the standby clarifier to the filter segment.
6. Convert the existing filter segment of the plant to an additional aeration tank, installing 4 new aeration headers, each with 17 droppers / diffusers. Convert the existing chlorine contact tank segment of the plant to an additional aeration tank, installing a new aeration header with 17 droppers / diffusers to replace the existing header.
7. Install new piping in the chlorine contact tank segment to connect the outlet of the central clarifier and the standby clarifier to the existing outlet pipe in the tank.

8. Rent two aeration blowers and install new piping to connect these to the existing aeration headers in the sludge holding tank and the aerobic digester, closing the butterfly valves on the other end of the headers to isolate these tanks from the existing aeration system.
9. Upsize the blower suction piping to 18-inch diameter piping.
10. Upsize a section of the aeration ring main adjacent to the filter segment and chlorine contact segment to 12-inch diameter piping.
11. Provide new electrical feeds to the new RAS pump and the rental blowers from the existing MCC in the blower building.

Modifications 1 to 8 above are summarized in Figure 1-1.

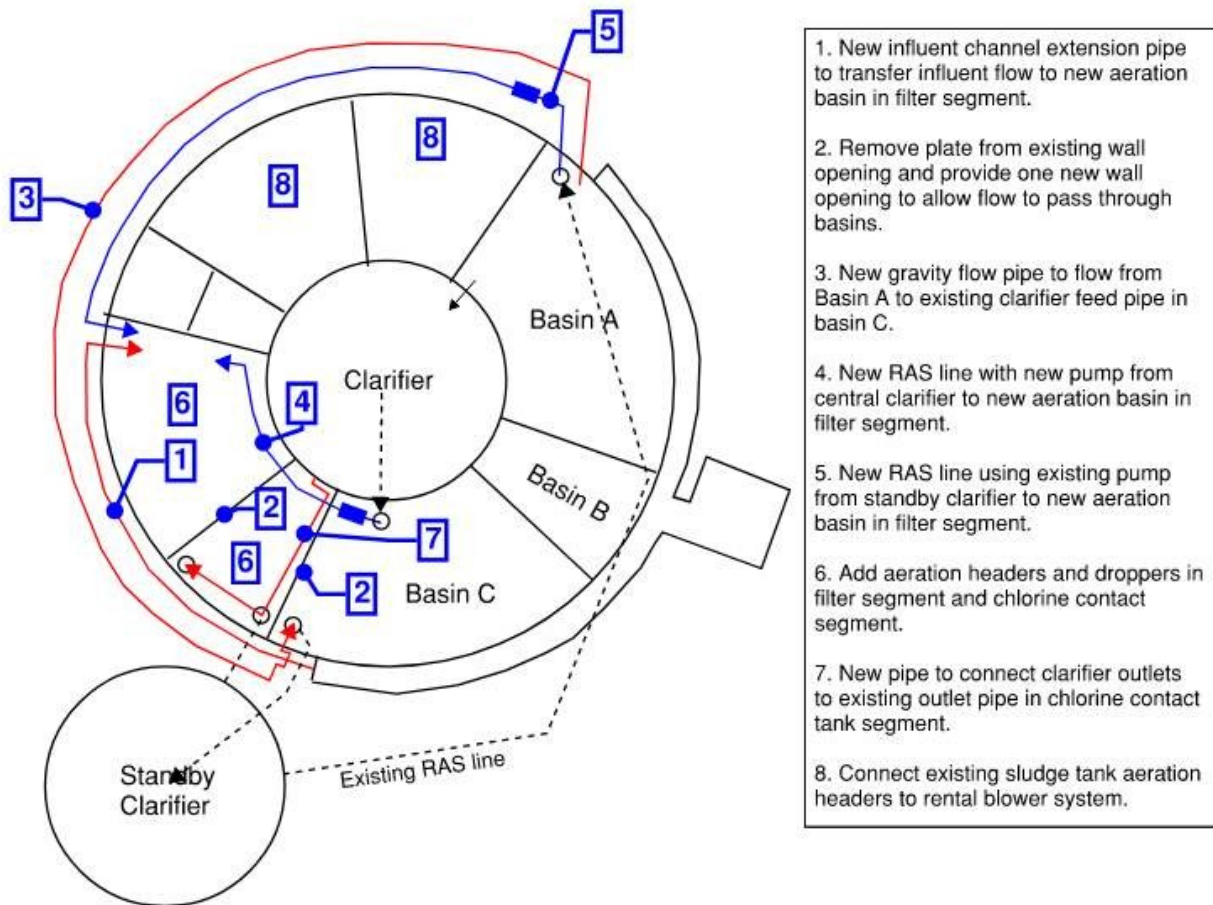


Figure 1-1 – Summary of major modifications required for selected alternative

Scope of Work

The City is seeking engineering services for the Wastewater Treatment Facility (WWTF) Interim Upgrade. B&V shall provide services for bidding and construction documents and construction services to include the following:

1. Front-End Bid Documents

- A. Consultant to provide the following services for development of front-end bid documents:
 - i. Complete Front-End Bidding Documents for the subject project with review by City staff. Preliminary table of contents is attached.
 - ii. Internal quality control reviews.
- B. Deliverables
 - iii. Bid documents for the City to competitively bid to contractors

2. Bidding Services

- A. Consultant is to provide bid phase services including:
 - i. Respond to bidder's questions for City to incorporate into one (1) addendum.

3. Construction Administration Services

- A. Consultant is to provide limited construction administration services including:
 - i. Schedule and attend a pre-construction conference, prepare agenda and meeting summary.
 - ii. Attend up to nine (9) monthly construction progress meetings, coordinate with Contractor, and review Contractor's meeting summaries. Provide site construction inspection the day of each progress meeting utilizing one (1) civil engineer and one (1) electrical engineer.
 - iii. Review up to ten (10) submittals and shop drawings and maintain a submittal log.
 - iv. Review and respond to up to four (4) Requests for Information (RFIs) related to the contract documents and maintain an RFI log.
 - v. Review up to two (2) change order requests and maintain a change management log.

Attachment B

Budget and Associated Fee

The following estimate of labor and fee are responsive to Attachment A - Scope of Services. The Scope of Services shown below is authorized upon execution of the agreement. If additional effort is requested, Consultant will notify the City and not proceed without written authorization (email or letter) by the City Representative.

The budget for each task is broken down as an hourly billed not to exceed amount as follows:

1. Front-End Bid Documents	\$ 18,000
2. Bidding Services	\$ 3,000
3. Construction Administration Services	\$ 44,000
TOTAL	\$ 65,000

The total budget for this Scope of Services is **\$65,000**.

Attachent C Project Milestones

Consultant's services will commence upon written authorization from the City, which will constitute a Notice to Proceed (NTP). The schedule of Consultant's services will coincide with contractual milestones established between City and Contractor.

Milestone	Anticipated Completion Date
Bid Documents	2 weeks after NTP
Bidding	6 weeks after NTP
Begin Construction	14 weeks after NTP
Complete Construction	9 months after Construction NTP

1. Engineer warrants that it shall perform the Services in accordance with the standards of care and diligence normally practiced by recognized engineering firms in performing services of a similar nature. If, during the ~~six month~~ ^{two year} period following the earlier of completion or termination of the Services it is shown there is an error in the Services caused solely by Engineer's failure to meet such standards, and Client has promptly notified Engineer in writing of any such error within that period, Engineer shall perform, at Engineer's cost, such corrective engineering services within the original Scope of Services as may be necessary to remedy such error. **The liabilities, obligations, warranties, and remedies of the parties are exclusively those expressly set forth in this Agreement, and in lieu of any others available at law or otherwise. Indemnities against, releases from, and limitations on liability, and limitations on remedies expressed in this Agreement, as well as waivers of rights, including, but not limited to, subrogation rights, shall apply even in the event of the fault, tort (including negligence), strict liability or other basis of legal liability by the party indemnified or released or whose liability is limited or allocated to the party giving the indemnity, or against whom remedies have been limited.**

**CITY MANAGER
EMPLOYMENT
AGREEMENT**

City Manager Employment Agreement

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City Manager Employment Agreement

This City Manager Employment Agreement ("Agreement") is made and entered into by and between the City of Flowery Branch, Georgia ("Employer") and Tonya Parrish ("Employee"), effective this 3rd day of December, 2021. All references to the "City Charter" herein shall mean the Charter for the City of Flowery Branch as amended and in effect at the time the act or event occurs. All references to the "Personnel Manual" herein shall mean the City of Flowery Branch Employee Handbook, as amended and in effect at the time the act or event occurs. In exchange for the assurances and covenants set forth herein, the Employer and the Employee both agree as follows:

Section 1: Term

The term of this Agreement shall be for an initial period of one (1) year from December 20, 2021 up and through December 19, 2022. This Agreement shall automatically renew annually on its anniversary date for up to four (4) additional one (1) year terms unless notice that the Agreement shall terminate is given at least six (6) months before the expiration date.

Section 2: Employment, Duties and Authority

- A. The Employer will employ Employee, and Employee accepts employment, as the City Manager for the City of Flowery Branch, Georgia, on the terms and conditions set forth in this Agreement. Employee's first day of employment will be December 20, 2021.
- B. Employee will perform the functions and duties, and have such authority to carry out those functions and duties, as are specified for the position of City Manager in Section 8.1 of the City Charter, the Personnel Manual, the City Manager Job Description ("Job Description"), and as may otherwise be legally and reasonably assigned to or requested of her by the Employer.
- C. Employee agrees to perform the duties as City Manager with reasonable care, diligence, skill and expertise, as determined in the sole discretion of the Employer. As used herein, reasonable care, diligence, skill and expertise means the care, diligence, skill and expertise a reasonable person in the position of City Manager would use to perform the job duties as expeditiously and effectively as possible. Therefore, during the term of the employment, Employee agrees that she will not perform any activities or services, or accept such other employment, that would be inconsistent with this Agreement or the employment relationship between her and the Employer or which would in any way interfere with or present a conflict of interest concerning Employee's employment with Employer.

Section 3: Compensation

- A. Employer will pay Employee an initial annual base salary of \$5,000.00 bi-weekly (which is equivalent to \$130,000.00 per year), payable in accordance with the Employer's usual payroll practices for other Department Heads.

- B. Employee will be eligible to receive any salary adjustments that are approved by the Mayor and City Council without the need to amend this Agreement in writing as is otherwise required herein.
- C. Consideration will be given by the Mayor and City Council on an annual basis to increase Employee's base salary, but nothing herein shall be construed as a guarantee of an increase at any time during Employee's employment.

Section 4: Health, Disability, and Life Insurance Benefits

- A. The Employer will pay for that portion of the premiums for health, vision, and dental insurance for the Employee and her dependents equal to that which is provided to all other Department Heads under the Employer's group insurance plans, subject to all eligibility and other requirements of the plans.
- B. The Employer will pay the premiums for disability insurance coverage for the Employee equal to that which is provided to all other Department Heads under the Employer's group insurance plans, subject to all eligibility and other requirements of the plans.
- C. The Employer will pay the premiums for basic term life insurance for the Employee equal to that which is provided to all other Department Heads under the Employer's group insurance plan, subject to all eligibility and other requirements of the plans.
- D. Employee acknowledges and agrees that her eligibility for and other requirements of all of the above insurance plans are controlled by the specific terms of the plans as stated in the applicable policy documents, and are subject to change during the course of her employment, as are the amounts of the Employer's contributions toward premium payments, based on many factors, including, but not limited to, benefit renewal costs, applicable laws, budget approval, and other factors.

Section 5: Vacation, Sick, and Military Leave

- A. Upon commencing employment, Employee will receive credit for forty (40) hours of vacation leave and will be credited with ten (10) years of service for accrual of vacation leave. Except as otherwise provided for in this Agreement, Employee will accrue sick and vacation leave in such amounts and in accordance with the Employer's vacation and sick leave policies set forth in the Personnel Manual.
- B. Employer will compensate Employee for any accrued, but unused, vacation time to the extent allowed by, and in a manner in accordance with, the terms of the Employer's vacation policy in effect in the Personnel Manual at the time of termination, except as otherwise provided for in this Agreement.

- C. The Employee will be entitled to military leave to the extent required or permitted by applicable law and/or the Employer's Military Leave policy in the Personnel Manual.

Section 6: Vehicle Allowance

The Employer agrees to pay to the Employee, during the term of this Agreement and in addition to other salary and benefits herein provided, the sum of \$6,000 per year as a vehicle allowance to be used to purchase, lease, or own, operate and maintain a personal vehicle. The vehicle allowance shall be paid in equal payments on a monthly basis or on another schedule as determined by the Finance Director. The Employee shall be responsible for paying for liability, property damage, and comprehensive insurance coverage upon such vehicle and shall further be responsible for gas, oil and all expenses attendant to the purchase, operation, maintenance, repair, and regular replacement of said vehicle.

Section 7: Retirement

The Employer will enroll Employee in its Defined Benefits Plan, for Employee's participation, upon Employee's satisfaction of the entry requirements set forth in the applicable plan documents. The Employer will revise the applicable plan documents so that Employee becomes vested upon enrollment.

Section 8: General Business Expenses

- A. Employer will pay for and/or reimburse Employee for professional dues and subscriptions that are necessary for Employee's continuation and participation in national, regional, state, and local associations and organizations that are necessary and desirable for the Employee's professional participation, growth, and advancement, and which are for the good of the Employer. All such requests for payment or reimbursement must be submitted by the Employee and approved by the Mayor, but such approval shall not be unreasonably withheld.
- B. Employer will pay for and/or reimburse Employee for travel and subsistence expenses incurred for professional and official travel, meetings, and other occasions associated with the professional development of Employee including but not limited to the Employee's participation in official functions for Employer and any national, regional, state, and local governmental groups and committees in which Employee serves as a member. All such requests for payment or reimbursement must be submitted by the Employee and approved by the Mayor, but such approval shall not be unreasonably withheld.
- C. Employer will pay for and/or reimburse Employee for travel and subsistence expenses incurred for short courses, institutes, and seminars that are necessary for the Employee's professional development and which are for the good of the Employer. All such requests for payment or reimbursement must be submitted by the Employee and approved by the Mayor, but such approval shall not be unreasonably withheld.

- D. The Employer acknowledges the value of having Employee participate and be directly involved in local civic clubs or organizations. Therefore, Employer will pay for or reimburse reasonable membership fees and/or dues that are necessary to enable the Employee to become an active member in local civic clubs or organizations. All such requests for payment or reimbursement must be submitted by the Employee and approved by the Mayor, but such approval shall not be unreasonably withheld.

Section 9: Termination

- A. Employee's employment with the Employer is for an indefinite term and is terminable at will by either the Employer or the Employee. This Agreement will automatically terminate upon Employee's termination from employment for any reason.
- B. The Employee may voluntarily resign or otherwise terminate her employment at any time and for any reason, but in such event agrees that she shall provide the Employer with a minimum of thirty (30) days' advance notice of her termination unless the Employer agrees to a shorter amount of time. If Employee does not provide such notice, then she forfeits any right to severance or other benefits provided herein, including, but not limited to, payment of accrued vacation time as provided in Section 5 of this Agreement.
- C. The Employer may terminate or suspend Employee's employment at any time and for any reason.

Section 10: Severance

- A. If the Employer terminates the Employee's employment, the Employer will pay severance to the Employee in the amount of six (6) months of the Employee's regular, base salary in effect at the time of termination, with such amount to be paid at the Employer's option in either a lump sum payment or for the period of six (6) months according to its regular payroll practices.
- B. In addition, Employer will continue to pay the share of Employee's insurance premiums set forth in Section 4 of this Agreement for six (6) months after Employee's termination or for so long as Employee elects to continue coverage, whichever is shorter. All other payment and other obligations under this Agreement shall cease upon Employee's termination.
- C. If the Employee is terminated because of a felony conviction or a violation of the Personnel Manual which would warrant immediate termination, then the Employer shall not be obligated to pay the Employee severance and all payment and other obligations under this Agreement shall cease upon Employee's termination.

Section 11: Performance Evaluation

Employer will annually review Employee's job performance on or near the Employee's anniversary date, in accordance with the Employer's review process.

Section 12: Hours of Work

Employee acknowledges and agrees that her employment as City Manager will be lawfully classified as exempt under the Fair Labor Standards Act. In that regard, it is recognized that the Employee will have to devote a great deal of time outside normal business hours related to her job and the business of the Employee, and, to that end, Employee will be allowed to establish an appropriate work schedule, subject to approval by the Mayor. Such work schedule shall, however, be generally reflective of a standard work schedule of business hours.

Section 13: Moving and Relocation Expenses

- A. Employer shall reimburse Employee up to \$5,000 for the expenses of moving Employee and her family and personal property from Waycross, Georgia to Flowery Branch, Georgia. Said moving expenses include packing, moving, storage costs, unpacking and insurance charges. All requests for reimbursement must be submitted by the Employee and approved by the Mayor, but such approval shall not be unreasonably withheld.
- B. In consideration for the Employer reimbursing the costs of moving, Employee agrees to remain employed for a period of twenty-four (24) months. If Employee leaves employment prior to completion of that period, Employee agrees to repay Employer for all moving expenses reimbursed by Employer. Employee agrees that Employer may deduct any moving expenses which Employee may owe the Employer from any sums the Employer may owe the Employee including, but not limited to, severance payment, wages, bonuses, sick and vacation pay.

Section 14: Other Terms and Conditions of Employment

- A. The Employer, only upon agreement with Employee, may fix any other terms and conditions of employment not provided for in this Agreement that it may determine from time to time relating to its employment of the Employee as City Manager, provided that such terms and conditions are not inconsistent or in conflict with the provisions of this Agreement, the City Charter, or any other law.
- B. Except as otherwise provided in this Agreement, the Employee will be entitled to the highest level of benefits that are enjoyed by other Department Heads or general employees of the Employer, as provided in the City Charter, Code of Ordinances, Personnel Manual, or by practice.

Section 15: Notices

Notice pursuant to this Agreement shall be given by hand delivery, depositing in the custody of the United States Postal Service, adequate postage prepaid, or statutory overnight delivery, addressed as follows:

(1) EMPLOYER:

Mayor and City Council
City of Flowery Branch
5410 Pine Street
Flowery Branch, Georgia 30542

(2) EMPLOYEE:

Tonya Parrish
1605 Seminole Springs Road
Waycross, Georgia 31501

Alternatively, notice required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service, as the date of deposit of such written notice in the course of transmission in the United States Postal Service or as of the date of delivery by statutory overnight delivery. Employee shall notify Employer in writing of any change in her notice address without the need to amend this Agreement in writing as is otherwise required herein.

Section 15: General Provisions

A. This Agreement together with the Employer's Charter, ordinances and policies referenced herein sets forth and establishes the entire understanding and agreement between the Employer and the Employee relating to the employment of the Employee by the Employer in the position of City Manager and the subject matters contained herein. Any prior discussions or representations by or between the parties are merged into and rendered null and void by this Agreement.

B. Except as expressly provided for herein, the parties may only amend this Agreement during the life of the Agreement through a written amendment duly executed by both parties. Such amendments shall be incorporated and made a part of this Agreement.

C. The rights and obligations of Employer under this Agreement shall inure to the benefit of and shall be binding upon the heirs, executors, administrators, successors and assigns, and other legal representative(s) of Employer. Employee may not assign this Agreement.

D. There shall be no presumption that this Agreement is to be construed against Employer due to Employer having drafted this Agreement. Employee agrees and acknowledges that she is represented by counsel and that, before signing this Agreement, she has read and fully understands each paragraph herein, and has had adequate opportunity to negotiate and modify the terms set forth herein.

E. The invalidity or partial invalidity of any portion of this Agreement will not affect the validity of any other provision. In the event that any provision of this Agreement is held to be invalid, the remaining provisions shall be deemed to be in full force and effect as if they have been executed by both parties subsequent to the expungement or judicial modification of the invalid provision.

F. The headings and captions in this Agreement are inserted solely as a matter of convenience and for reference and do not in any way modify or amend the terms and conditions of this Agreement.

IN AGREEMENT HERETO, the parties do hereby set their hand and seal in duplicate original.

EMPLOYEE:

EMPLOYER:

Tonya Parrish

James M. Miller, Mayor

Date: _____

Date: _____

ARTICLE 3. - ESTABLISHMENT OF DISTRICTS AND OFFICIAL ZONING MAP

Sec. 3.5. - Character ~~Areas and Future Land Use Districts~~ Established.

The character areas ~~and future land use districts~~ 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 ~~and future land use districts~~ 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 ~~and future land use district~~ 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 ~~intended to establish 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 implement the "'Single-family residential"' designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also~~ intended to implement the "suburban residential" character area established in the comprehensive plan. 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) *Character.* The designs of subdivisions in this district include cul-de-sacs and curvilinear streets. Houses are set back considerable distance from the street. Streets are built to relatively wide standard when compared with traditional neighborhoods. Access to this district is predominantly by automobile but pedestrian mobility is accommodated.~~
- ~~(c) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts." Land use in this district consists predominantly of detached, single-family dwellings on their own lots at a low density (no more than one dwelling unit per acre). Site built dwellings only are permitted (no manufactured homes). Other uses that are compatible with a low density, residential environment such as recreational, educational, and religious facilities, are permitted or conditional uses.~~
- (d) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts." ~~Dimensional~~

~~requirements such as minimum building setbacks and maximum building coverage are intended to provide for spacious yards surrounding each dwelling.~~

(e) 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 "Single-family residential" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "suburban residential" character area established in the comprehensive plan. 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) Character. The designs of subdivisions in this district include cul-de-sacs and curvilinear streets. Houses are set back a significant distance from the street. Streets are built to relatively wide standard when compared with traditional neighborhoods. Access to this district is predominantly by automobile but pedestrian mobility is accommodated.~~
- (c) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts." ~~Land use in this district consists predominantly of detached, single-family dwellings on their own lots at a moderate density (no more than approximately three dwelling units per acre). Site-built dwellings only are permitted (no manufactured homes). Other uses that are compatible with a low-density, residential environment such as recreational, educational, and religious facilities, are permitted or conditional uses.~~
- (d) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts." ~~Dimensional requirements such as minimum building setbacks and maximum building coverage are intended to provide for yards surrounding each dwelling.~~
- (e) 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. implement the "Multi-family residential" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to~~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 communitiescommunity" 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) Character. This district allows for higher density, urban living environments that provide primarily rental housing opportunities. Access to this district is primarily by automobile, but convenient pedestrian access within the district and with connections to surrounding destinations is required.~~
- (c) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts." ~~Land use in this district consists predominantly of multi-family dwellings at urban densities (from six to no more than twelve dwelling units per acre). Acceptable uses include multi-family development (apartment complexes and townhouses but not including manufactured home parks) and may also include detached, single family and two family dwellings on their own lots. Site-built dwellings only are permitted (no manufactured homes). Other uses that are compatible with the urban density residential environment such as recreational, educational, and religious facilities, are permitted or conditional uses.~~

- (d) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts." ~~Dimensional requirements such as minimum building separation and maximum building coverage are intended to provide for some open space or yards surrounding dwellings.~~

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

- (a) *Purpose and Description.* This zoning district is intended ~~to 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 ~~"Multi-family residential" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch as it pertains to existing manufactured home park use.~~ It is also intended to implement the "urban density ~~communities~~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) *Character.* This district allows for higher density, urban living environments that provide opportunities to rent manufactured homes. Access to this district is primarily by automobile.~~
- (c) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts." ~~Land use in this district consists predominantly of manufactured homes on spaces within a park setting. Other uses that are serve the urban density residential environment such as recreational, educational, and religious facilities, are permitted or conditional uses.~~
- (d) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts." Dimensional requirements such as specifications for manufactured home spaces shall be as designated on an approved site plan.
- (e) *Limitations on Rezoning.* There shall be no rezoning to the MHP zoning district, unless it is contiguous to an existing MHP zoning district, or unless it is designated MHP at the time of annexation into the city limits.
- (f) *Design Requirements.* See Articles 10 and 40 of this Zoning Ordinance.

ARTICLE 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 ~~primarily to implement the "Single-family residential" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch, 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 area. ~~It is also intended to implement the "suburban residential" character area established in the comprehensive plan but may also be used to implement the "traditional neighborhood development" character area.~~

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 ~~residential~~ "suburban residential" on the adopted future ~~land use development~~ map of the City of Flowery Branch:

- ~~(a) Retail, service, office, and civic and institutional residential uses shall not exceed twenty-five (25) percent of the total site area of the district.~~
- ~~(b) Industrial uses shall not normally be considered appropriate for inclusion in planned unit developments but if proposed and approved shall not exceed ten (10) percent of the total site area of the district, and such area shall be counted within the percent limit for uses specified in paragraph (a) of this section.~~
- (c) At least twenty (20) percent of the total area of the planned unit development shall be conservation, open space, and/or landscaped area.
- (d) 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 ~~"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."

(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 "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 single-function 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."

(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. 9.3. - NS, Neighborhood Shopping District.

(a) *Purpose and Description.* This zoning district is intended to primarily 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 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) *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.~~
- (e) *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 ~~"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"~~ activity center-retail 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, t~~This zoning district will be an accessible center of businesses, services, and complementary uses, which may include traditional neighborhood development and mixed-use developments, 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) *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."
- (e) *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 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, but may also be used to implement the "Mixed Use – Downtown" character area~~ 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. 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) *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 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.*

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 "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. 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. ~~It~~ This district 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 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 "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. 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.

- (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) *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

Use	O-P	INST	NS	HB	CBD	M-1	M-2
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
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

Use	O-P	INST	NS	HB	CBD	M-1	M-2
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
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

Use	O-P	INST	NS	HB	CBD	M-1	M-2
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
Dry cleaning plant	X	X	X	C	X	P	P
Dwelling, single-family detached, fee-simple	P <u>X</u>	P <u>X</u>	X	X	P	X	X

Use	O-P	INST	NS	HB	CBD	M-1	M-2
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
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

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Growler	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
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

Use	O-P	INST	NS	HB	CBD	M-1	M-2
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	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

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Mixed use building or development	C	X	P	P <u>X</u>	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	<u>X</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>P</u>
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

Use	O-P	INST	NS	HB	CBD	M-1	M-2
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
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

Use	O-P	INST	NS	HB	CBD	M-1	M-2
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
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	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
abutting other institutional zones (width in feet)							
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) Unless the context clearly indicates otherwise as specifically provided in this Article, t~~he 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, except for detached, single-family detached dwellings, and duplexes.

~~(a)~~(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.

~~(b)~~(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 should 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) The walls of buildings for office, institutional, commercial, and industrial use 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.

- (g) Outside of pedestrian retail districts, building surfaces over two stories high or fifty feet in length should 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 ~~should be considered for treatment with~~ shall utilize an architectural finish of primary materials ~~(i.e., consisting of real brick (full-depth or thin brick, and 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), unless other materials demonstrating equal or greater quality are used. As a general rule, front facades should be at least fifty percent 50% real brick and/or real stone. Side facades should be at least fifty percent 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. do not have a minimum suggested standard for primary materials unless they are visible from a public right-of-way. Requirements for brick or stone may be modified to accommodate creatively designed structures as determined by the city planner~~ Community Development Director.
- (i) Exterior building materials on the primary structure ~~should~~ shall not include smooth-faced concrete block, tilt-up concrete panels, or prefabricated steel panels, ~~with the exception that exterior building elevations within employment/industrial character areas~~ 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 ~~should~~ 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) ~~Material or color changes generally should occur at a change of plane.~~ Piecemeal embellishment and frequent changes in material ~~should~~ shall be avoided. Material or color changes generally should occur at a change of plane. On non-residential buildings, A horizontal accent stripe (e.g., a foot wide stripe of different color) should be used to help reduce the monotonous color and break up the appearance of large building walls.
- (l) Facade colors should be low reflectance, subtle, neutral, or earth tone colors. High-intensity colors, metallic colors, black, or fluorescent colors should 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 should consist of more subdued earth tones or brick shades. Trim colors

should have contrasting lighter or darker shade than the base color. If natural brick is used, it should 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.

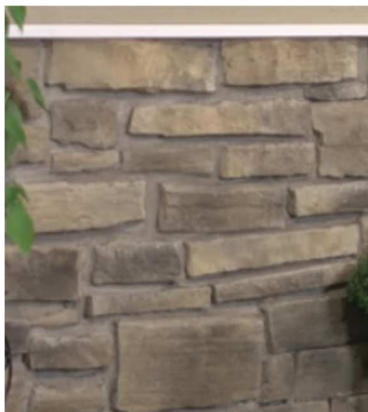
Sec. 12.6. - Townhouses.

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 facade and the roof of each attached unit distinct from the other through separation, staggering, or offsets in design.
- (h) *Rear Access for Fire Protection.* Townhouse developments shall be designed to provide proper access to all dwelling units for fire fighting purposes, as may be determined by applicable codes. Rear access, if required for fire fighting purposes may and is encouraged to 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.* 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. Each dwelling unit is limited to two of the allowed wall finishes listed in this subsection and one paint 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

- (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. Roof shingles shall be architectural shingles. However, roof shingles shall be prohibited on roofs on front porches and front stoops, and on any projecting or shed roof feature over the garage.

The following are illustrative examples of roof materials that **do not** meet the requirements of this section:



Shingled roof over garage



Shingled roof over front stoop



Shingled front porch roof

- (n) Garage Placement. Townhouses fronting a major street must be rear-loaded. Townhouses fronting a minor street may be rear-loaded or front-loaded. Garage doors must be recessed at least one foot behind the front wall plane of the dwelling unit; or, an eyebrow trellis, pergola or roof, or a second-story element over the garage door must be provided that extends at least one foot beyond the front wall plane. When the building façade is brick, the Community Development Director may consider alternative proposed measures that mitigate the visual impact of the garage, such as the use of contrasting brick or stone garage trim in conjunction with garage doors that have windows and/or carriage style hardware. 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 placement that **do not** meet the requirements of this section:



Garage is not recessed, and no projecting element is provided over the garage



Garages project forward and are not recessed behind the front wall plane of the units

(o) *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.

(a) *Design Standards.* Single-family dwellings shall meet the requirements of Sec. 12.6 (k), (l), and (m) above.

(b) *Garage Placement.* Front-loaded garage doors must be positioned at least five (5) feet behind the front wall plane of the house, and side-loaded garage doors must be located at least three (3) feet behind the front wall plane of the house.

The following are illustrative examples of garage placement that **do not** meet the requirements of this section:



Front-loaded garage is not recessed



Side-loaded garage is not recessed

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

(d) *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. 14.1415. - 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.

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.
- ~~(a)~~(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.
- (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;
- (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.

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

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

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”.

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

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

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:

Vickie Short, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

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

Exhibit "A"

To be added prior to second read

First Reading: December 2, 2021
Second Reading: December 16, 2021
Passed: December 16, 2021

ORDINANCE NO. 658

AN ORDINANCE TO PROVIDE FOR A SPECIAL ELECTION FOR THE CITY OF FLOWERY BRANCH, GEORGIA FOR 2022; ESTABLISH AND SET THE DATE AND TIME OF THE SPECIAL ELECTION FOR THE CITY OF FLOWERY BRANCH, GEORGIA FOR 2022 FOR COUNCIL MEMBER POST 2; PROVIDE A QUALIFYING PERIOD FOR SAID POSITION; PROVIDE FOR THE QUALIFYING FEES FOR SAID POSITION; PROVIDE FOR A QUALIFYING PROCEDURE; APPOINT ELECTION OFFICIALS; PROVIDE FOR THE OPENING AND CLOSING OF REGISTRATION FOR SAID SPECIAL ELECTION; REPEAL CONFLICTING ORDINANCES; PROVIDE FOR SEVERABILITY; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the City Council of the City of Flowery Branch, Georgia is authorized by Article IX, Section II, Paragraph II of the Constitution of the State of Georgia of 1983, and pursuant to O.C.G.A. Section 21-2-1 et seq., to enact ordinances for the holding of elections and special elections of public officials of the municipality; and

WHEREAS, the Council Member for Post 2 has resigned; and

WHEREAS, the City of Flowery Branch, Georgia desires to conduct a special election to fill this position, openly and fairly for all duly qualified and registered electors of the City of Flowery Branch, Georgia.

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

Section 1. Special Election.

The City of Flowery Branch, Georgia calls and will conduct a special election on Tuesday, March 15, 2022 from 7:00 a.m. to 7:00 p.m. with the place of said election being in the City Hall located at 5410 W. Pine Street, Flowery Branch, Georgia for the position as indicated in Section 2 of this Ordinance.

Section 2. Position Open for Election and Term Thereof.

The special election to be held on the date established by Section 1 of this Ordinance is for the purpose of filling the position of Council Member Post 2 which will be elected at large for the completion of the current term which will expire December 31, 2023.

Section 3. Qualifying Period.

The qualifying period for the election set by Section 1 of this Ordinance to qualify for the position described in Section 2 of this Ordinance shall be open on Monday, February 14, 2022 and will continue day-to-day through Wednesday, February 16, 2022. The hours of qualifying each day shall be during the regular business hours of the City of Flowery Branch, Georgia. The place of qualifying shall be the office of the City Clerk of the City of Flowery Branch, Georgia, being the office of the Election Superintendent, and being located at City Hall, 5410 W. Pine Street, Flowery Branch, Georgia.

Section 4. Qualifying Fee.

(a) The qualifying fee for the Council Member Post 2 position, which is open for election as provided by Section 2 of the Ordinance, shall be \$144.00. Such fee shall be paid to the Election Superintendent at the time a candidate files the candidate's notice of candidacy.

(b) A pauper's affidavit may be filed in lieu of paying the qualifying fee otherwise required by Section 4(a) of this Ordinance. A candidate filing a pauper's affidavit instead of paying a qualifying fee shall under oath affirm the candidate's poverty and the candidate's resulting inability to pay the qualifying fee otherwise required. The form of the affidavit shall be as prescribed by the Georgia Secretary of State and shall include a financial statement which lists the total income, assets, liabilities, and other relevant financial information of the candidate.

The affidavit shall contain an oath that such candidate has neither the assets nor the income to pay the qualifying fee otherwise required. The following warning shall be printed on the affidavit form as prepared by the Georgia Secretary of State, to wit: "WARNING: Any person knowingly making any false statement on this affidavit commits the offense of false swearing and shall be guilty of a felony."

The Election Superintendent shall place on the ballot the name of any candidate who subscribes and swears to an oath that such candidate has neither the assets nor the income to pay the qualifying fee otherwise required.

Section 5. Qualifying Affidavit and Financial Disclosure Statement.

(a) Each candidate qualifying for the position described in Section 2 of this Ordinance shall accompany the candidate's notice with an affidavit stating:

- (1) The candidate's residence, with street and number, if any, and the candidate's post office address;
- (2) The candidate's profession, business or occupation, if any;
- (3) The name of post or office sought for election and precinct, if applicable;
- (4) That the candidate is an elector of the municipality of the candidate's residence and is eligible to vote in the election in which the candidate is running for office;
- (5) The name of the position that the candidate is seeking;
- (6) That the candidate is eligible to hold such position;
- (7) That the candidate has never been convicted and sentenced in any court of competent jurisdiction for fraudulent violation of primary or election laws, malfeasance in office or a felony involving moral turpitude under the laws of this state or any other state or of the United States, of that the candidate's civil rights have been restored and that at least ten years have elapsed from the date of the completion of the sentence without a subsequent conviction of another felony involving moral turpitude; and
- (8) That the candidate will not knowingly violate any provisions of the "Georgia Municipal Election Code" or any rules and regulations adopted under the "Georgia Municipal Election Code."

(b) Each person qualifying as a candidate will file a financial disclosure statement prescribed by the laws of the State of Georgia in the form as prescribed therein, no later than the fifteenth (15th) day following the qualifying with the Election Superintendent of the City of Flowery Branch, Georgia.

Section 6. Write-In Candidates.

(a) In this special election, no person elected on a write-in vote shall be eligible to hold office unless notice of the person's intention of candidacy was given twenty (20) or more days prior to the election by the person to be a write-in candidate or by some other person or group of persons qualified to vote in the election, to the Mayor or the Election Superintendent and by publication in the official newspaper of the City of Flowery Branch, Georgia, said publication currently being "The Times."

(b) In addition to the requirements contained in Section 6(a) of this Ordinance, the person or persons giving notice of intention of candidacy for a write-in candidate shall also file with the Mayor or the Election Superintendent, a copy of the notice as published with an affidavit stating that the notice has been published, with the name of the newspaper and the date of publication, not later than the fifth (5th) day after the deadline for filing and publishing of such notice. The affidavit may be made by the person giving notice or intention of candidacy or by the publisher of the newspaper in which the notice was published or by an employee of the newspaper designated by the publisher.

Section 7. Election Appointments.

(a) The following persons are hereby appointed to act as election officials for the March 15, 2022 Special Election:

Election Superintendent	Shelia Cooper
Chief Registrar	To be announced
Absentee Ballot Clerk	Hall County Elections
Poll Manager	Hall County Elections
Poll Worker	Hall County Elections
Poll Worker	Hall County Elections

(b) The office of the City Clerk of the City of Flowery Branch, Georgia is hereby declared to be the office of the Election Superintendent for candidates qualifying for the office open for election as provided by Section 3 of this Ordinance, and also as the office of the Absentee Ballot Clerk.

Section 8. Last Day for Voter Registration.

The last day that an elector/voter may register to vote in the 2022 Special Election shall be Monday, February 14, 2022, by 5:00 p.m. at the Hall County Board of Elections and Registration located at 2875 Browns Bridge Road, Gainesville, Georgia, unless said date is a Georgia legal holiday, and then the last day for voter/elector registration shall be the next day by 5:00 p.m.

Section 9. Repealer.

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

Section 10. 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.

Dated this 16th day of December 2021.

James M. Miller, Mayor

ATTEST:

Shelia Cooper, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney