City of Flowery Branch
City Council Meeting
Thursday, December 16, 2021, 6:00 PM
City of Flowery Branch City Hall
5410 West Pine Street, Flowery Branch, GA 30542

CALL WORK SESSION TO ORDER:

PLEDGE OF ALLEGIANCE:

SPECIAL RECOGNITION:

FY2021 AUDIT PRESENTATION BY WAYNE TUCK, CPA, CFE (WALKER, PIERCE AND TUCK)

- FY2021 Audit Presentation by Wayne Tuck, CPA, CFE (Walker, Pierce, and Tuck)

UNFINISHED BUSINESS - WORK SESSION:

- Consider - Second Reading of Ordinance 658 - Call for Special Election
  Ordinanace 658 Call for Special Election.pdf
- 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.
  Zoning Text Amendments_TrackChanges_12.16.21.pdf
  Zoning Text Amendments_CLEAN_12.16.21.pdf
  ZO Update Ordinance 2021.pdf

NEW BUSINESS -WORK SESSION:

- Consider Resolution 21-021 - To Change Signor on All Bank Accounts with the Appointment of New City Manager
  Executive Summary Resolution 21-021.pdf
  Resolution 21-021.pdf
- Public Hearing and First Reading of a rezoning request submitted by Mr. Bill Stark. Request is to rezone six parcels totaling 118 +/- acres from M-1 (Light Industrial) to R-3 (Multi-Family) with the intention to construct a residential community consisting of single family detached homes and townhomes. The request includes six (6) parcels and therefore requires six (6) corresponding ordinances.

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 November 4, 2021 Council Meeting Minutes
  Council Meeting Minutes November 4, 2021.pdf
- Consider November 18, 2021 Council Meeting Minutes
  Council Meeting Minutes November 18, 2021.pdf
- Consider December 2, 2021 Council Meeting Minutes
  Council Meeting Minutes December 2, 2021.pdf
- Consider Mayor Mike Miller Per Diem
  Mayor Miller Per Diem December 16, 2021.pdf

UNFINISHED BUSINESS - VOTING SESSION:

- Consider - Second Reading of Ordinance 658 - Call for Special Election
  Ordinanace 658 Call for Special Election.pdf
- 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.
  Zoning Text Amendments_TrackChanges_12.16.21.pdf
  Zoning Text Amendments_CLEAN_12.16.21.pdf
  ZO Update Ordinance 2021.pdf

NEW BUSINESS - VOTING SESSION:

- Consider Resolution 21-021 - To Change Signor on All Bank Accounts with the Appointment of New City Manager
  Executive Summary Resolution 21-021.pdf
  Resolution 21-021.pdf
- Public Hearing and First Reading of a rezoning request submitted by Mr. Bill Stark. Request is to rezone six parcels totaling 118 +/- acres from M-1 (Light Industrial) to R-3 (Multi-Family) with the intention to construct a residential community consisting of single family detached homes and townhomes. The request includes six (6) parcels and therefore requires six (6) corresponding ordinances.

EXECUTIVE SESSION:

ADJOURNMENT:

If you have a disability or impairment and need special assistance please contact the City Clerk prior to the

meeting at 770-967-6371 - Meeting agenda is subject to change

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: FY2021 Audit Presentation by Wayne Tuck, CPA, CFE (Walker, Pierce, and Tuck)

COUNCIL MEETING DATE: December 16, 2021

HISTORY:

FACTS AND ISSUES:
Finance will deliver copies of the report to Mayor and Council at the meeting. The Finance Department will upload the report to the City's website after the presentation for public viewing.

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:
No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Finance

Prepared by: Shelia Cooper

ATTACHMENTS

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FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Consider - Second Reading of Ordinance 658 - Call for Special Election

COUNCIL MEETING DATE: December 16, 2021

HISTORY:
Edward Asbridge resigned Post 2 to run for Mayor of Flowery Branch. This special election will fill the balance of his unexpired term which ends December 31, 2023.

FACTS AND ISSUES:

OPTIONS:

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

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- Ordinanace 658 Call for Special Election.pdf

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

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: 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.

COUNCIL MEETING DATE: December 16, 2021

HISTORY:
The zoning oridinance needs to be updated to coincide with the recently adopted comprehensive plan. Additionally, the building and design standards are updated to better reflect the city's vision.

FACTS AND ISSUES:
This is the second read of the ordinance.

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:
No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:
Approve

SAMPLE MOTION:
I make a motion to approve ordinance 657.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

- Zoning Text Amendments_TrackChanges_12.16.21.pdf
- Zoning Text Amendments_CLEAN_12.16.21.pdf
- ZO Update Ordinance 2021.pdf

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~~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 ~~communities~~community" character area established in the comprehensive plan. The regulations that apply to the R-3 district are designed to encourage the formation and continuance of a stable, healthy, and attractive living environment for its residents.

~~(b) *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 areas.~~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. ~~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 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.

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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	X	X	P	P	P	P	P
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~~The development requirements and guidelines are intended to apply to all land uses unless the context clearly indicates otherwise as specifically provided in this Article, and with the exception that Sec. 10.7. – Architectural Design, Sec. 10.8, - Pedestrian Retail and Sec. 10.10. – Office, Institutional, Business, and Industrial Parks and Campuses do not apply to townhouses, ~~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~~ shall be designed to create a cohesive visual relationship between the buildings.

(e) Long or continuous wall planes shall be avoided, particularly in pedestrian activity areas, where buildings should exhibit more detail and elements appropriate for close range pedestrian view. Recesses and projections should be used along the front facade to break up long expanses of wall planes.

(f) Façade articulation.

1. ~~The walls of buildings for *office*~~*Office, institutional, commercial, and industrial use*s. The walls of buildings shall not extend more than 200 linear feet parallel to a street unless the front facade of the building is designed in a way that breaks up the building face into discrete architectural elements, which can be accomplished through the following:

Facade modulation: stepping back or extending forward a portion of the facade; and/or

Providing bay windows or repeating window patterns at regular intervals; and/or

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

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

Changing materials with the change in building plane~~;~~.

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

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

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

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

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

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

(h) All sides of a building may impact on its surroundings and ~~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 cementious siding including lap siding and board and batten, and wood or cementious shakes and shingles.~~), unless other materials demonstrating equal or greater quality are used~~. ~~As a general rule,~~ ~~f~~Front facades ~~should~~ shall be at least ~~fifty percent~~50% real brick and/or unpainted natural stone. Side facades ~~should~~ shall 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~~. E~~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~~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~~ shall be low reflectance, subtle, neutral, or earth tone colors. High-intensity colors, metallic colors, black, or fluorescent colors ~~should~~ shall not be used. Building trim and accent areas on non-residential buildings may feature brighter colors, including primary colors, provided that the width of the trim shall not exceed four (4) feet.

(m) Building colors should be carefully chosen so that each building complements that of its neighbors. Colors can be classified as the "base" color (used on the majority of the building surface), "trim" color (used on the window trim, fascia, balustrades, and posts), and "accent" color (used on signs, awnings, and doors). The base color ~~should~~ shall consist of more subdued earth tones or brick shades. Trim colors ~~should~~ shall have contrasting lighter or darker shade than the base color. If natural brick is used, it ~~should~~ shall not be painted.

(n) The use of awnings on buildings are recommended so as to provide much needed protection from sun, wind, and rain, and to improve aesthetics of the building exterior.

(o) Awnings are recommended to be constructed with a durable frame covered by a canvas material. Awnings that are backlit through translucent materials may be acceptable but are not particularly encouraged. Aluminum and other metal canopies are acceptable in most instances, particularly when integrated into shopping center designs. Flameproof vinyl, canvas or metal awnings and canopies may be used.

(p) Solid colors are preferred over striped awnings, but striping is permitted if colors compliment the character of the structure or group of buildings.

(q) Awnings are encouraged for first floor retail uses to provide architectural interest and to encourage pedestrian activity. Where awnings are used, they should be designed to coordinate with the design of the building and any other awnings along the same block face.

(r) The design of fences and walls shall be compatible with the architecture of the main building(s) and should use similar materials. All walls or fences fifty feet in length or longer, and four feet in height or taller, should be designed to minimize visual monotony though 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~~façade, rear façade, and the roof of each attached unit distinct from the other through separation, staggering, or offsets in design. A minimum of two (2) exterior colors shall be used on buildings containing up to four (4) units, and a minimum of three (3) exterior colors shall be used on buildings containing five (5) or six (6) units; however, when all exteriors are unpainted brick, they shall not be required to vary in color. See also Sec. 12.6.(k)1.

(h) *Rear Access ~~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 or by Subsection (n) below, ~~may and is encouraged to~~shall be be accomplished by alleys.

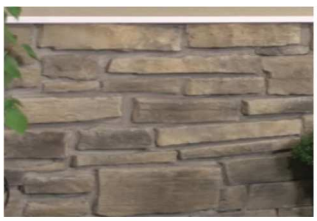
(i) *Parking.* Two enclosed parking spaces minimum per unit shall be provided.

(j) *Subdivision Plat Approval.* Each townhouse development or phase thereof shall require preliminary and final subdivision plat approval in accordance the City of Flowery Branch Subdivision and Land Development Ordinance.

(k) *Wall Finishes.*

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

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



Faux Stone Veneer

Faux Brick Veneer

Vinyl Siding

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

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

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

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

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

Faux Brick Foundation Panel

Foundation wall missing / insufficient height on the side

Foundation wall is only located on the front façade

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

(n) *Garage Placement and Materials.*

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 12.7. – Single-Family Detached Dwellings.

Detached single-family dwellings shall meet the following requirements.

(a) *Wall Finishes.*

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

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

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

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

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

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

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

a. Sec. 12.7.(a) 2. shall apply to rear facades that are visible from a public street.

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

(b) *Entrance Features.*

1. The primary entrance to a residence must be emphasized through the use of an unenclosed roofed porch, veranda or terrace that is a minimum of: six (6) feet deep (not including the steps); and, 40% of the width of the front façade or 11 feet, whichever is greater.

2. A stoop or gable may be used in lieu of a porch, veranda or terrace when the front façade finish is brick. A stoop shall not be more than six (6) feet deep (not including the steps) and cannot be fully enclosed.

~~1.~~3. Entry steps shall have enclosed risers.

~~2.~~ 4. Columns shall be a minimum width of eight (8) inches and shall be wood or durable material that resembles wood from top to bottom or atop stone or masonry bases

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

(d) *Garage Placement and Materials.*

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

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

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

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

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

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

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

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

(f) Design Review. See Article 40.

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

Duplexes shall meet the requirements of Sec. 12.7.

ARTICLE 14. - SPECIFIC PROVISIONS FOR PRINCIPAL NONRESIDENTIAL

Sec. 14.13. - Industrial Uses.

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

(a) 20% open space requirement - landscaping and/or natural areas excluding any detention ponds unless they are built as an amenity.

(b) Landscape and buffer plan must be submitted and approved by the Zoning Administrator.

1. A significant amount of landscaping will be required to ensure proper screening.

2. Plans will be approved on a case by case basis taking into account the location of the project and the topography of the site.

(c) Minimum 75% of required parking shall be located in the rear of the primary structure(s). If on a corner lot parking shall be adequately screened from the right-of-way.

(d) All loading/unloading bays shall be located in the rear of the primary structure(s).

(e) Master sign plan must be submitted and approved by the Zoning Administrator.

(f) Architectural renderings of the project must be submitted and approved by the Zoning Administrator prior to the issuance of any permits.

(g) See also Article 10 *Development Requirements and Guidelines* of this Zoning Ordinance.

Sec. 14.14. – Package Stores.

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

(a) No new package store shall be allowed to operate within 2,640 feet (.5 miles) of an existing, legally established, package store. Distance shall be calculated from the store front and shall extend in every direction. It is the responsibility of the property owner or business owner to provide proof that this condition is being met at the time of occupational tax license application submittal.

(b) No package store may operate within one hundred (100) yards of a legally established church or religious institution. It is the responsibility of the property owner or business owner to provide proof that this condition is being met at the time of occupational tax license application submittal.

(c) No package store may operate within two hundred (200) yards of any legally established school building, educational building, school grounds, or college campus. It is the responsibility of the property owner or business owner to provide proof that this condition is being met at the time of occupational tax license application submittal.

Sec. 14.~~14~~15. - Application Requirements for Uses Specified in this Article.

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

(a) *Plat*. A copy of the recorded plat for the subject property.

(b) *Site Plan.* The site plan required by this Zoning Ordinance, which must show areas proposed for the handling and storage of overburden, by-products, and/or excavated materials including the estimated type and volume of extraction.

(c) *Operations Plan.* An operations plan, which shall include: the date of commencement of operation and its expected duration and the proposed hours of operation.

(d) *State or Federal Permit Documents.* A copy of all documents submitted or prepared for submission to the Georgia Department of Natural Resources or any other state or federal regulatory agency, as may be required, for the purpose of obtaining a state permit or federal authorization.

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

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

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.

ARTICLE 3. - ESTABLISHMENT OF DISTRICTS AND OFFICIAL ZONING MAP

Sec. 3.5. - Character Areas Established.

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

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

ARTICLE 6. - AGRICULTURAL AND CONVENTIONAL RESIDENTIAL ZONING DISTRICTS

Sec. 6.1. - A, Agricultural District.

(a) *Purpose and Description.* The Agricultural District is established to maintain those areas within the City of Flowery Branch that are not intended to convert to urban or suburban development in the short term.

(b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts."

(c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts."

(d) *Design Requirements*. See Articles 10, 12 and 40 of this Zoning Ordinance.

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

(a) *Purpose and Description.* This zoning district is established to accommodate single-family residences and related uses at low suburban densities and to protect the future development of land in accordance with the comprehensive plan. This district consists predominantly of detached single-family dwellings (site built or modular) and is intended to implement the “suburban residential” character area established in the comprehensive plan. The regulations that apply to the R-1 district are designed to encourage the formation and continuance of a stable, healthy, and attractive living environment for its residents.

(b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts."

(c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts."

(d) *Design Requirements.* See Articles 10, 12 and 40 of this Zoning Ordinance.

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

(a) *Purpose and Description.* This zoning district is established to accommodate single-family residences and related uses at moderate suburban densities and to protect the future development of land in accordance with the comprehensive plan. This district consists predominantly of detached single-family dwellings (site built or modular) and is intended to implement the "suburban residential" character area established in the comprehensive plan. The regulations that apply to the R-2 district are designed to encourage the formation and continuance of a stable, healthy, and attractive living environment for its residents.

(b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts."

(c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts."

(d) *Design Requirements*. See Articles 10, 12 and 40 of this Zoning Ordinance.

Sec. 6.4. - R-3, Residential Multi-Family District.

(a) *Purpose and Description.* This zoning district is intended to provide for higher density residential development and related uses and to protect the future development of land in accordance with the comprehensive plan. This district consists predominantly of multi-family residences (apartment complexes and townhouses), two-family residences, and detached single-family dwellings (site built or modular) and is intended to implement the "urban density community" character area established in the comprehensive plan. The regulations that apply to the R-3 district are designed to encourage the formation and continuance of a stable, healthy, and attractive living environment for its residents.

(b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts."

(c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts."

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

(a) *Purpose and Description.* This zoning district is intended exclusively for the placement of manufactured homes and related uses in manufactured home parks and for the development of land in accordance with the comprehensive plan. This district is also intended to implement the implement the "urban density community" character area established in the comprehensive plan, as it pertains to existing manufactured home park use. The regulations that apply to the MHP district are designed to encourage the formation and continuance of a stable, healthy, and attractive living environment for its residents.

(b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts."

(c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts." Dimensional requirements such as specifications for manufactured home spaces shall be as designated on an approved site plan.

(d) *Limitations on Rezoning.* There shall be no rezoning to the MHP zoning district, unless it is contiguous to an existing MHP zoning district, or unless it is designated MHP at the time of annexation into the city limits.

(e) *Design Requirements*. See Articles 10 and 40 of this Zoning Ordinance.

ARTICLE 7. - TND, TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT

Sec. 7.1. - Purpose and Description.

This zoning district is intended to provide for neighborhoods that are designed according to the principles of "new urbanism" with a grid or modified-grid street network, pedestrian scale and orientation, shallow front yards, relatively narrow local streets planted with shade trees and provided with wide sidewalks, and with automobile garages located to the rear or side of residential lots. TND districts are further distinguished from conventional suburban subdivision developments in their provision of public greens or common areas, when new neighborhoods are created.

Sec. 7.2. - Character.

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

Sec. 7.3. - Permitted and Conditional Uses.

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

Sec. 7.4. - Dimensional Requirements.

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

Sec. 7.5. - Additional Development Requirements.

(a) Maximum Block Width and Block Length. When a new subdivision is created within this district, the lots shall be designed in a grid-like pattern of blocks and interconnecting streets, where no new block created shall have a length or width exceeding 800 feet in length without an alley or intervening (mid-block) pedestrian footpaths.

(b) Front Porches. Any new, detached dwelling shall have a front porch no less than sixteen feet in width as measured along the street frontage and no less than six feet in depth measured from the front property line to the interior of the lot.

(c) On-site Parking. A two-car garage or carport located in the rear or side yard is required.

Sec. 7.6. - Design Requirements.

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

ARTICLE 8. - PUD, PLANNED UNIT DEVELOPMENT DISTRICT

Sec. 8.1. - Description and Intent.

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

Sec. 8.2. - Objectives.

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

(a) Allow and encourage more unique, flexible, creative, and imaginative arrangements and mixes of land uses in site planning and development than are permitted through conventional land use requirements.

(b) Encourage a broader mix of residential housing types, including detached and attached dwellings, than would normally be constructed in conventional subdivisions.

(c) Allow and encourage the development of tracts of land as single developments that are planned neighborhoods or communities, including civic and semi-public uses (e.g., schools, playgrounds, meeting halls, etc.) that help to make up a community.

(d) Preserve the natural amenities of the land through maintenance of conservation areas and open spaces within developments.

(e) Provide for the more efficient use of land through clustering and other flexible, innovative development arrangements that will result in smaller networks of utilities and streets and thereby lower development and housing costs.

(f) Provide a more desirable living environment than would be possible through the strict application of conventional residential zoning requirements.

(g) Establish application requirements that are more rigorous than rezoning applications and conditional use permits but no more onerous than necessary to enable thorough analyses.

(h) Ensure that the design of building forms is interrelated and architecturally harmonious.

Sec. 8.3. - Character.

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

Sec. 8.4. - Permitted Uses.

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

(a) At least twenty (20) percent of the total area of the planned unit development shall be conservation, open space, and/or landscaped area.

(b) At least seventy (70) percent of the units proposed and approved as part of the planned community development shall be detached, single-family dwellings.

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

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

Sec. 8.5. - Dimensional Requirements.

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

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

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

Sec. 8.6. - Design Review.

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

(a) For uses that have been lawfully established on a lot of record that existed on the effective date of this zoning ordinance, no design review shall be required.

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

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

Sec. 8.7. - Design Guidelines.

The following provisions are not requirements per se, but may be made requirements as a part of rezoning approval. Substantial deviation from, or inconsistency with, the guidelines in this Section shall be grounds for denial of a rezoning to the PUD district.

(a) Open spaces. Open spaces such as town greens and public squares, within developed portions of the development, should be located and designed to add to the visual amenities of the development. Greens and squares should be spatially defined and distributed throughout the development so that no lot is more than a walking distance of 1,350 feet from a green, square, park or open space. Greens and squares should not be less than 8,000 square feet in area. A mix of peripheral as well as internal green space should be provided. If two PUDs are developed next to each other, there should be contiguous open space between the two PUDs.

(b) Greenspace. Preserve patches of high-quality habitat, as large and circular as possible, feathered at the edges, and connected by wildlife corridors. When continuous greenspace corridors cannot be provided or must be broken up for road access or other valid reasons, patches should be retained as "stepping stones" for wildlife corridors.

(c) See also Article 10 of this Zoning Ordinance.

ARTICLE 9. - NONRESIDENTIAL ZONING DISTRICTS

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

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

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

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

(e) *Design Requirements*. See Articles 10 and 40 of this Zoning Ordinance.

Sec. 9.2. - INST, Institutional District.

(a) *Purpose and Description*. This zoning district is intended to implement the "Institutional Campus" character area established in the comprehensive plan. The Institutional zoning district is intended to encourage and provide suitable areas for single-function institutional campuses including the Atlanta Falcons Training Facility, schools, and large churches.

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

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

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

Sec. 9.3. - NS, Neighborhood Shopping District.

(a) *Purpose and Description*. This zoning district is intended to primarily implement the "neighborhood commercial" character area established in the comprehensive plan but may also be used to implement the “mixed use – downtown” and “mixed use – neighborhood” character areas. The NS district is intended to provide areas for limited, small-scale commercial uses of a convenience nature serving nearby residential neighborhoods as opposed to a regional market. This district provides for attractive, non-auto related neighborhood businesses and services within enclosed buildings that have a scale compatible with pedestrians and that are connected to adjacent residential neighborhoods and do not generate adverse impacts which would detract from the desirability of adjacent properties for residential use.

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

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

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

Sec. 9.4. - HB, Highway Business District.

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

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

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

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

Sec. 9.5. - CBD, Central Business District.

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

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

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

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

(d) *Construction Approval*.

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

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

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

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

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

8. Facility impact analyses, including the following:

   a. Proof of water and sewer availability from the Public Works Director and Wastewater Treatment Plant Superintendent.

   b. Analysis of the adequacy of drainage for the site (description and assessment of adequacy of stormwater facilities on-site and off-site).

9. A written development agreement, if the developer requests city participation in the provision of on-site or off-site facilities, such as the sharing of costs for facilities, shared parking, etc. which may or may not be available from the city. If accepted by the city, the development agreement may become a condition of project approval or it may be considered and approved separately from redevelopment project approval;

10. If any variances or administrative variances are required, the applicant will file a separate application following submission requirements and processes for the type of variance sought.

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

(a) *Purpose and Description*. This zoning district is intended to accommodate light industrial uses and to implement the "industrial employment" character area established in the comprehensive plan. The M-1 district provides for various types of industrial, manufacturing or warehousing operations that generally require storage of materials or goods, but are of low noise or nuisance level. Land for the M-1 district should be located in relation to the local road network due to frequent truck traffic and designated so as to not disrupt normal traffic flow. This district provides a concentration of employment and job activity, contributing substantially to the economic base of the city.

(b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts." Light industries are the primary permitted uses.

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

(d) *Design Requirements*. Please see Article 14 sec. 14.13 and Article 40 of this ordinance.

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

(a) *Purpose and Description*. This zoning district is intended to accommodate heavy industrial uses and to implement the "industrial employment" character area established in the comprehensive plan. The M-2 district provides for industrial, manufacturing and warehousing operations which require buildings and open areas for fabricating, processing, extracting or repairing equipment, raw materials, manufactured products or wastes and which require adequate separation and screening from residential and commercial uses. Land for the M-2 district should be located in relation to the local road network so as to not disrupt normal traffic flow. This district provides a concentration of employment and job activity, contributing substantially to the economic base of the city.

(c) *Permitted and Conditional Uses*. Permitted and conditional uses shall be as provided in Table 9.1 , "Permitted and Conditional Uses in Nonresidential Zoning Districts." Light and heavy industries are the primary permitted uses.

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

(e) *Design Requirements*. Please see Article 14 sec. 14.13 and Article 40 of this ordinance.

Table 9.1

Permitted and Conditional Uses in Nonresidential Zoning Districts

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

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

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Automobile service establishment without sales	X	X	X	P	X	P	P
Bank or financial institution	P	P	P	P	P	X	X
Batching plant	X	X	X	X	X	X	C
Bed and breakfast inn	P	P	P	P	P	X	X
Big box commercial building	X	X	X	C	X	C	C
Borrow site	X	C	X	C	X	X	P
Botanical garden	P	P	P	C	X	X	X
Bottling or canning plant	X	X	X	X	X	C	P
Brewery or distillery	X	X	X	X	X	P	P
Broadcasting studio	P	P	P	P	X	P	P
Building material sales	X	X	X	C	X	P	P
Building sales establishment	X	X	X	C	X	P	P
Bulk storage	X	X	X	X	X	X	P
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

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Clinic	P	P	P	P	X	X	X
Club or lodge, nonprofit, sponsored by a civic or similar organization	P	P	C	P	X	C	C
Club, private	X	C	X	C	X	X	X
Cold storage plant or frozen food locker	X	X	X	X	X	P	P
Co-generation facility	X	X	X	X	X	C	C
College or university	C	P	X	C	X	C	C
Commercial recreational facility, indoor	X	X	C	P	X	C	C
Commercial recreational facility, outdoor	X	X	X	C	C	C	C
Communication tower and antenna	P	P	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

Use	O-P	INST	NS	HB	CBD	M-1	M-2
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	X	X	X	X	P	X	X
Dwelling, townhome (single-family attached fee-simple)	X	X	X	X	P	X	X
Dwelling, multi-family	X	X	X	X	C	X	X
Dwelling, located within a building containing a nonresidential principal use	X	X	X	X	X	X	X
Explosives storage	X	X	X	X	X	X	C
Exterminating and pest control business or disinfecting service	X	X	C	P	X	P	P
Extraction and removal of sand, gravel, top soil, clay, dirt, precious metals, gems, and minerals	X	X	X	X	X	X	C
Fairgrounds	X	P	X	X	C	P	P
Finance, insurance, and real estate establishment, 2,500 square feet or less of gross floor area per establishment	P	P	P	P	P	P	P
Finance, insurance, and real estate establishment, more than 2,500 square feet of gross floor area per establishment	P	P	P	P	P	X	X

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Food processing plant	X	X	X	X	X	X	P
Fuel oil distributor	X	X	X	X	X	P	P
Funeral home or mortuary	X	X	X	C	X	P	P
Gas tank sales	X	X	X	C	X	X	P
Greenhouse (commercial)	X	X	X	P	X	P	P
Group home	C	P	X	P	X	X	X
Growler	X	X	P	P	P	P	P
Gym or exercise facility, not open 24 hours a day	P	P	P	P	P	P	P
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

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Landfill (sanitary, construction/demolition, inert waste)	X	X	X	X	X	X	C
Landscaping company	X	X	X	P	X	P	P
Live/work unit	C	X	C	C	P	P	P
Lodging service (hotel, motel, motor hotel, inn)	X	C	X	P	P	X	X
Logging yard	X	X	X	X	X	X	P
Lumber yard	X	X	X	C	X	P	P
Machine shop	X	X	X	P	X	P	P
Manufactured home, "Class A"	X	X	X	X	X	X	X
Manufactured home other than "Class A"	X	X	X	X	X	X	X
Manufactured home park	X	X	X	X	X	X	X
Manufacturing, ceramics	X	X	X	X	X	C	P
Manufacturing, cosmetics or toiletries	X	X	X	X	X	P	P
Manufacturing, coating of cans, coils, fabrics, vinyl, metal furniture, appliance surfaces, wire, paper, and flat wood paneling	X	X	X	X	X	C	C
Manufacturing, electronics, camera, or photographic or communication equipment	X	X	X	X	X	P	P
Manufacturing, instrument assembly	X	X	X	X	X	P	P
Manufacturing, metal products	X	X	X	X	X	C	P
Manufacturing, pharmaceuticals and medical supplies	X	X	X	X	X	P	P
Manufacturing, textiles	X	X	X	X	X	P	P

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Manufacturing, wood products	X	X	X	X	X	P	P
Manufacturing, processing, and assembling, within buildings, not otherwise specified	X	X	X	X	X	C	C
Marina	X	C	X	P	X	X	X
Materials recovery facility	X	X	X	X	X	X	C
Micro brewery	X	X	X	X	P	P	P
Mixed use building or development	C	X	P	X	P	C	X
Museum	P	P	P	P	P	P	P
Office	P	P	P	P	P	P	P
Office-warehouse	X	X	X	C	X	P	P
Open air business	X	X	X	P	C	C	C
Open storage yard (principal use)	X	X	X	C	X	P	P
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

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Railroad freight terminal	X	C	X	X	X	X	P
Recreational vehicle park	X	X	X	C	X	X	X
Recovered materials processing facility	X	X	X	X	X	X	C
Recycling center	X	X	X	X	X	C	C
Restaurant, excluding drive-ins or drive through facilities and fast-food restaurants as defined	X	C	P	P	P	P	P
Restaurant, including drive-ins or drive through facilities and fast-food restaurants as defined	X	X	X	P	X	C	C
Retail trade establishment, enclosed	X	X	P	P	P	P	P
Retreat center	P	P	X	P	X	X	X
Riding academy or equestrian center	X	X	X	P	X	C	C
Rooming or boarding house	C	X	X	C	X	X	X
Sawmill	X	X	X	C	X	X	P
School for the arts	P	P	C	P	C	C	C
School, private, elementary, middle, or high	P	P	C	P	X	C	C
School, public	P	P	X	X	X	X	X
School, professional	P	P	C	P	X	C	C
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

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

Use	O-P	INST	NS	HB	CBD	M-1	M-2
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) The development requirements and guidelines are intended to apply to all land uses unless the context clearly indicates otherwise as specifically provided in this Article, and with the exception that Sec. 10.7. – Architectural Design, Sec. 10.8, - Pedestrian Retail and Sec. 10.10. – Office, Institutional, Business, and Industrial Parks and Campuses do not apply to townhouses, single-family detached dwellings, and duplexes.

(b) See Article 12, Sec. 12.6, Sec. 12.7, and 12.8 in this Zoning Ordinance for additional requirements that pertain to townhouses, single-family detached dwellings, and duplexes.

(c) See also Article 40. *Design Review*.

Sec. 10.7. - Architectural Design.

(a) Architectural design should be compatible with the developing character of the neighboring area. Design compatibility includes complementary building style, form, size, color, materials, and detailing. The designer should consider each of the following contexts as part of the design process:

1. Size (the relationship of the project to its site).
2. Scale (the relationship of the building to those around it).
3. Massing (the relationship of the building's various parts to each other).
4. Fenestration (the placement of windows and doors).
5. Rhythm (the relationship of fenestration, recesses and projections).
6. Setback (in relation to setback of immediate surroundings).
7. Materials (their compatibility with the historic district).
8. Context (the overall relationship of the project to its surroundings).

(b) Efforts to coordinate the height of buildings and adjacent structures are encouraged. This is especially applicable where buildings are located very close to each other. It is often possible to adjust the height of a wall, cornice or parapet line to match that of an adjacent building. Similar design linkages such as window lines should be placed in a pattern that reflects the same elements on neighboring buildings.

(c) Diversity of architectural design should be encouraged. "Theme" or stylized architecture which is characteristic of a particular historic period or trend is not encouraged, unless the existing building or site is historically important to the district or necessary for architectural harmony.

(d) Multiple buildings on the same site shall be designed to create a cohesive visual relationship between the buildings.

(e) Long or continuous wall planes shall be avoided, particularly in pedestrian activity areas, where buildings should exhibit more detail and elements appropriate for close range pedestrian view. Recesses and projections should be used along the front facade to break up long expanses of wall planes.

(f) Façade articulation.

1. *Office, institutional, commercial, and industrial uses*. The walls of buildings shall not extend more than 200 linear feet parallel to a street unless the front facade of the building is designed in a way that breaks up the building face into discrete architectural elements, which can be accomplished through the following:

Facade modulation: stepping back or extending forward a portion of the facade; and/or

Providing bay windows or repeating window patterns at regular intervals; and/or

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

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

Changing materials with the change in building plane.

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

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

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

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

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

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

(h) All sides of a building may impact on its surroundings and shall utilize an architectural finish of primary materials consisting of real brick (full-depth or thin brick), unpainted natural stone, unpainted cast stone, true three-coat cement stucco, natural wood or cementious siding including lap siding and board and batten, and wood or cementious shakes and shingles. Front facades shall be at least 50% real brick and/or unpainted natural stone. Side facades shall be at least 50% real brick and/or unpainted natural stone. Rear facades that are visible from a public right-of-way shall be at least 50% real brick and/or unpainted natural stone. Requirements for brick or stone may be modified to accommodate creatively designed structures as determined by the Community Development Director.

(i) Exterior building materials on the primary structure shall not include smooth-faced concrete block, tilt-up concrete panels, or prefabricated steel panels, with the exception that exterior building materials on industrial buildings may be split face (integrated block) and/or tilt-up concrete panels accented with steel panels. However, elevations visible from the public right-of-way must be permanent, non-metal construction.

(j) The following types of building materials shall not be used: highly reflective, shiny, or mirror-like materials; mill-finish (non-colored) aluminum metal windows or door frames; exposed, unfinished foundation walls; exposed plywood or particle board; and unplastered, exposed concrete masonry blocks.

(k) Piecemeal embellishment and frequent changes in material shall be avoided. Material or color changes generally 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 shall be low reflectance, subtle, neutral, or earth tone colors. High-intensity colors, metallic colors, black, or fluorescent colors shall not be used. Building trim and accent areas on non-

residential buildings may feature brighter colors, including primary colors, provided that the width of the trim shall not exceed four (4) feet.

(m) Building colors should be carefully chosen so that each building complements that of its neighbors. Colors can be classified as the "base" color (used on the majority of the building surface), "trim" color (used on the window trim, fascia, balustrades, and posts), and "accent" color (used on signs, awnings, and doors). The base color shall consist of more subdued earth tones or brick shades. Trim colors shall have contrasting lighter or darker shade than the base color. If natural brick is used, it shall not be painted.

(n) The use of awnings on buildings are recommended so as to provide much needed protection from sun, wind, and rain, and to improve aesthetics of the building exterior.

(o) Awnings are recommended to be constructed with a durable frame covered by a canvas material. Awnings that are backlit through translucent materials may be acceptable but are not particularly encouraged. Aluminum and other metal canopies are acceptable in most instances, particularly when integrated into shopping center designs. Flameproof vinyl, canvas or metal awnings and canopies may be used.

(p) Solid colors are preferred over striped awnings, but striping is permitted if colors compliment the character of the structure or group of buildings.

(q) Awnings are encouraged for first floor retail uses to provide architectural interest and to encourage pedestrian activity. Where awnings are used, they should be designed to coordinate with the design of the building and any other awnings along the same block face.

(r) The design of fences and walls shall be compatible with the architecture of the main building(s) and should use similar materials. All walls or fences fifty feet in length or longer, and four feet in height or taller, should be designed to minimize visual monotony though changes in plane, height, material or material texture or significant landscape massing. Chain link fencing is discouraged. Use of special fencing design or materials should be discussed in cases where site security is paramount. If used, chain link fences should be vinyl coated (black or green colored vinyl encouraged).

(s) All commercial, industrial, large multifamily residential and institutional sites must provide appropriate refuse dumpsters and other similar areas devoted to the storage of waste materials and grease or oil containers. The minimum area for said requirement shall be 36 square feet. All garbage dumpsters and other similar areas devoted to the storage of waste materials and grease or oil containers should be screened on three (3) sides of said dumpster or area with a minimum six (6) foot high solid wooden fence, or a wall constructed of materials substantially similar in appearance to the building on site. In addition, said dumpster areas should be gated on the fourth side with a material that provides opaque screening, should be screened on three (3) sides of said dumpster or area with a minimum six (6) foot high solid wooden fence, or a wall constructed of materials substantially similar in appearance to the building on site. In addition, said dumpster areas should be gated on the fourth side with a material that provides opaque screening.

(t) Rooftop mechanical and electrical equipment shall be screened from public view by building elements that are designed as an integral part of the building architecture, or by a parapet wall.

(u) Where roof shingles are used, architectural shingles shall be required.

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

Sec. 12.1. - Commercial Recreation Facility.

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

(a) *Exterior lighting.* If lighted, exterior lighting shall require a lighting plan to be submitted and approved prior to installation. See Article 23 of this Zoning Ordinance.

(b) *Swimming Pools and Tennis Courts.* Swimming pools and tennis courts shall be setback a minimum of twenty-five (25) feet from all property lines of the tract of land devoted to community recreation, with a minimum ten (10) foot wide landscape strip along all property lines of said tract. See Article 19 of this Zoning Ordinance for landscape strip specifications.

(c) *Buildings.* Buildings (excluding accessory structures) shall be setback a minimum of twenty-five (25) feet from the property line of the tract. If outdoor patios or decks are provided, they shall be located no closer than twenty-five (25) feet from the property line of the tract and a minimum ten (10) foot wide landscape strip shall be provided between said outdoor patio or deck and the property line or boundary of said tract. See Article 19 of this Zoning Ordinance for landscape strip specifications.

(d) *Parking.* Parking shall be provided per the requirements of Article 21 of this Zoning Ordinance.

Sec. 12.2. - Model Home.

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

(a) *Time of Construction.* The model home is typically constructed before approval of a final plat, and hence the model home is the principal use of the entire unsubdivided parcel until the final plat is approved.

(b) *Location on a Lot.* The model home shall be placed on a lot designated on the approved preliminary plat and shall be placed in a manner that meets the applicable zoning district dimensional requirements so that it complies at the time it is erected and when it is sold and/or converted for single-family residential use.

(c) *Sales.* Sales shall be limited to the lots and buildings within the subdivision where the model home is located.

(d) *Certain Buildings Prohibited.* A manufactured home or portable building shall not be used as a model home or temporary sales office.

(e) *Duration and Discontinuance.* The use of the model home for a sales office shall be discontinued within 30 days after Certificates of Occupancy have been issued on 90 percent of the lots in the subdivision.

(f) *Parking and Accessibility.* The model home shall comply with off-street parking and applicable accessibility standards.

Sec. 12.3. - Multi-family Development.

(a) *Condominiums.* If a condominium form of ownership is proposed, the development shall meet all current applicable state laws including the Georgia Condominium Act (O.C.G.A. § 44-3-70 et seq.). Proposed bylaws and the articles of incorporation for the condominium association shall be submitted with the application for development approval.

(b) *Laundry facilities.* On-site accessory laundry facilities are permitted accessory uses for developments with 25 or more units.

(c) *Setbacks.* Buildings within multi-family developments shall be subject to the setbacks for the entire lot as established in applicable zoning district dimensional requirements. There shall be no requirements for setbacks from private driveways within the multi-family development, except as may be determined by the Zoning Administrator to be essential to meet building or accessibility codes, to meet sight accessibility requirements for motorists and pedestrians, or other essential public safety considerations during the site plan review process.

(d) *Site Plan Approval.* Site plan approval by the Zoning Administrator shall be required. The Zoning Administrator may place conditions of development approval on any multiple-family site plan approval, which such conditions are specifically related to compliance with a requirement of this Zoning Ordinance or other applicable regulation. Furthermore, reasonable conditions may be placed on the development through site plan approval by the Zoning Administrator in order to (1) ensure compliance with design and development standards specified in this Zoning Ordinance for said use or (2) ensure consistency with development guidelines or policies of the comprehensive plan.

(e) *Design Standards.* See Section 10.7 of this Zoning Ordinance.

Sec. 12.4. - Relocated Residence.

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

(a) *Picture.* A photograph of the structure at its present location.

(b) *Existing Location.* The current location (address and tax parcel number) where the structure is now located.

(c) *Proposed Location in City.* If the structure is to be relocated inside the city limits, the proposed location (address and tax parcel number) of the structure. To ensure compliance with the applicable zoning district dimensional requirements, when the relocated residential structure is proposed to be located within the city limits, the Zoning Administrator shall require submission of the proposed location (address and tax parcel number) and a copy of the recorded plat of the lot on which the structure will be placed (if none exists the applicant shall be required to comply with subdivision requirements of the city's Subdivision and Land Development Ordinance).

(d) *Floor Area.* The total heated floor area of the existing structure and, if to be located within the city, the renovated structure.

(e) *Building Permit.* A building permit shall be required.

(f) *Exterior Improvements.* All exterior improvements to the structure once relocated shall be completed within six months of relocation.

(g) *Historic Preservation.* If located or proposed to be located within a historic district as recognized in this Zoning Ordinance or other historic preservation ordinance of the city, there must be a copy of the approved Certificate of Appropriateness from the Historic Preservation Commission prior to relocating the residential structure.

(h) *Inspection.* The Zoning Administrator shall inspect or arrange for the inspection of the structure for compliance with the minimum standards of the zoning district proposed for location and other applicable regulations and codes.

Sec. 12.5. - Subdivision Entrance Monuments.

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

(a) *Design.* The subdivision entrance monument and the landscape surrounding the monument shall be designed by a registered landscape architect.

(b) *Design Review.* Design plan review and approval is required. See Article 40 of this zoning ordinance.

Sec. 12.6. - Townhouses.

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

(a) *Lot Frontage and Lot Width.* Each platted lot shall have a minimum of twenty (20) feet of frontage on a public street or private road that meets public street standards, and each lot shall have a minimum lot width of twenty (20) feet.

(b) *Lot Size.* The minimum size of a lot for each fee-simple townhouse lot (i.e., the extent of land owned by the owner of the unit) shall be 2,000 square feet in lot area.

(c) *Front Building Setbacks.* There shall be a minimum twenty (20) foot front setback from any perimeter boundary of the fee-simple townhouse subdivision and a 30 foot front setback from any public or private street exterior to or within the subdivision.

(d) *Side Setbacks and Zero Lot Line.* Zero lot line between units within the same building shall be permitted, subject to applicable fire and building codes.

(e) *Rear Setbacks.* There shall be a minimum twenty (20) foot rear setback from townhouse lot boundaries for all buildings and structures, except when the rear property line abuts an alley, in which case no setback shall be required.

(f) *Building Separation.* There shall be a minimum building separation of twenty (20) feet between townhouse buildings.

(g) *Building Unit Offsets.* To avoid a monotonous appearance, for any given building, no more than six (6) units may have common walls. Any building containing more than three (3) units with common walls must have the front façade, rear façade, and the roof of each attached unit distinct from the other through separation, staggering, or offsets in design. A minimum of two (2) exterior colors shall be used on buildings containing up to four (4) units, and a minimum of three (3) exterior colors shall be used on buildings containing five (5) or six (6) units; however, when all exteriors are unpainted brick, they shall not be required to vary in color. See also Sec. 12.6.(k)1.

(h) *Rear Access.* Townhouse developments shall be designed to provide proper access to all dwelling units for firefighting purposes, as may be determined by applicable codes. Rear access, if required for firefighting purposes or by Subsection (n) below, shall be accomplished by alleys.

(i) *Parking.* Two enclosed parking spaces minimum per unit shall be provided.

(j) *Subdivision Plat Approval.* Each townhouse development or phase thereof shall require preliminary and final subdivision plat approval in accordance the City of Flowery Branch Subdivision and Land Development Ordinance.

(k) *Wall Finishes*.

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

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

Faux Stone Veneer

Faux Brick Veneer

Vinyl Siding

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

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

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

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

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

Faux Brick Foundation Panel

Foundation wall missing / insufficient height on the side

Foundation wall is only located on the front façade

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

(n) *Garage Placement and Materials.*

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 12.7. – Single-Family Detached Dwellings.

Detached single-family dwellings shall meet the following requirements.

(a) *Wall Finishes.*

1. See Sec. 12.6.(k)1.
2. Facades facing a side yard shall meet the following requirements:
   a. Each applicable façade shall have: a minimum of 5% transparency (defined as the minimum percentage of windows and doors that must cover a ground or upper story façade) of the total wall area; and, a maximum of 20 feet of blank wall area (defined as the portion of the exterior façade of a building that does not include windows or doors; pilasters or other articulation greater than 12 inches in depth; or a substantial change in material) in either a vertical or horizontal direction.
   b. False windows may count toward the transparency requirement where they are similar in size, shape, and materials to other windows on that building and consist of trim with closed shutters that have the appearance of a shuttered window or windows. A single louvered panel with trim may also count toward this requirement. False windows shall

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

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

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

a. Sec. 12.7.(a) 2. shall apply to rear facades that are visible from a public street.

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

(b) *Entrance Features.*

1. The primary entrance to a residence must be emphasized through the use of an unenclosed roofed porch, veranda or terrace that is a minimum of: six (6) feet deep (not including the steps); and, 40% of the width of the front façade or 11 feet, whichever is greater.

2. A stoop or gable may be used in lieu of a porch, veranda or terrace when the front façade finish is brick. A stoop shall not be more than six (6) feet deep (not including the steps) and cannot be fully enclosed.

3. Entry steps shall have enclosed risers.

4. Columns shall be a minimum width of eight (8) inches and shall be wood or durable material that resembles wood from top to bottom or atop stone or masonry bases.

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

(d) *Garage Placement and Materials.*

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

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

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

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

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

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

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

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

(f) Design Review. See Article 40.

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

Duplexes shall meet the requirements of Sec. 12.7.

ARTICLE 14. - SPECIFIC PROVISIONS FOR PRINCIPAL NONRESIDENTIAL

Sec. 14.13. - Industrial Uses.

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

(a) 20% open space requirement - landscaping and/or natural areas excluding any detention ponds unless they are built as an amenity.

(b) Landscape and buffer plan must be submitted and approved by the Zoning Administrator.

1. A significant amount of landscaping will be required to ensure proper screening.

2. Plans will be approved on a case by case basis taking into account the location of the project and the topography of the site.

(c) Minimum 75% of required parking shall be located in the rear of the primary structure(s). If on a corner lot parking shall be adequately screened from the right-of-way.

(d) All loading/unloading bays shall be located in the rear of the primary structure(s).

(e) Master sign plan must be submitted and approved by the Zoning Administrator.

(f) Architectural renderings of the project must be submitted and approved by the Zoning Administrator prior to the issuance of any permits.

(g) See also Article 10 *Development Requirements and Guidelines* of this Zoning Ordinance.

Sec. 14.14. – Package Stores.

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

(a) No new package store shall be allowed to operate within 2,640 feet (.5 miles) of an existing, legally established, package store. Distance shall be calculated from the store front and shall extend in every direction. It is the responsibility of the property owner or business owner to provide proof that this condition is being met at the time of occupational tax license application submittal.

(b) No package store may operate within one hundred (100) yards of a legally established church or religious institution. It is the responsibility of the property owner or business owner to provide proof that this condition is being met at the time of occupational tax license application submittal.

(c) No package store may operate within two hundred (200) yards of any legally established school building, educational building, school grounds, or college campus. It is the responsibility of the property owner or business owner to provide proof that this condition is being met at the time of occupational tax license application submittal.

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

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

(a) *Plat*. A copy of the recorded plat for the subject property.

(b) *Site Plan.* The site plan required by this Zoning Ordinance, which must show areas proposed for the handling and storage of overburden, by-products, and/or excavated materials including the estimated type and volume of extraction.

(c) *Operations Plan.* An operations plan, which shall include: the date of commencement of operation and its expected duration and the proposed hours of operation.

(d) *State or Federal Permit Documents.* A copy of all documents submitted or prepared for submission to the Georgia Department of Natural Resources or any other state or federal regulatory agency, as may be required, for the purpose of obtaining a state permit or federal authorization.

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

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

ARTICLE 40. - DESIGN REVIEW

Sec. 40.1. - Purposes.

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

Sec. 40.2. - Applicability.

(a) This Article shall apply to all development within the city limits of Flowery Branch, unless otherwise specifically exempted from compliance.

(b) Developments within the CBD, M-1, and M-2 zoning districts shall meet all requirements as shown in Article 9 of this ordinance.

(c) See also Article 10 of this Zoning Ordinance for design requirements pertaining to all uses within the City.

Sec. 40.3. - Exemptions.

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

(a) All applications for land development or building permits are required to meet the requirements of this Article and are therefore exempt from making a formal request unless the applicant chooses to do so independently, concurrently, or in advance of the building or land development permit application.

(b) The re-occupation of vacant office, commercial, institutional, or light industrial space within a single-tenant or multi-tenant building that received prior approval, where no new changes to the external features of the building or site inconsistent with prior approval will take place, except for a change in signage.

(c) Changes of ownership but which do not involve any changes to external features of the building or site inconsistent with prior approval, including signage.

(d) Repainting of an existing building to a similar color.

(e) Revisions of window or door placement.

(f) An increase or decrease in the number of parking spaces of ten percent (10%) from the number originally approved.

(g) Repair or reconstruction of existing freestanding retaining walls, decorative walls, and fences, when repaired or replaced with materials that are the same or substantially similar to those originally approved.

(h) Modifications to outdoor lighting fixtures involving the replacement of light fixtures, and which may involve an increase in the number of light fixtures at the same or lesser height, provided that the type of lighting and materials used for such light fixtures shall be of the same as or similar to those originally approved, and subject to the provisions of Article 23 of this zoning ordinance.

(i) The relocation of an access driveway or curb cut which does not affect or interfere with the approved placement of buildings or structures.

(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.

ORDINANCE 657

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

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

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

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

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

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

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

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

SECTION 1. AMENDMENT.

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

SECTION 2. SEVERABILITY.

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

SECTION 3. EFFECTIVE DATE.

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

SECTION 4. REPEALER.

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

Approved this 16th day of December 2021.

_____
James M. Miller, Mayor

ATTEST:

_____
Vickie Short, City Clerk

APPROVED AS TO FORM:

_____
E. Ronald Bennett, Jr., City Attorney

Exhibit "A"

ARTICLE 3. - ESTABLISHMENT OF DISTRICTS AND OFFICIAL ZONING MAP

Sec. 3.5. - Character Areas Established.

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

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

ARTICLE 6. - AGRICULTURAL AND CONVENTIONAL RESIDENTIAL ZONING DISTRICTS

Sec. 6.1. - A, Agricultural District.

(a) *Purpose and Description.* The Agricultural District is established to maintain those areas within the City of Flowery Branch that are not intended to convert to urban or suburban development in the short term.

(b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts."

(c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts."

(d) *Design Requirements*. See Articles 10, 12 and 40 of this Zoning Ordinance.

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

(a) *Purpose and Description.* This zoning district is established to accommodate single-family residences and related uses at low suburban densities and to protect the future development of land in accordance with the comprehensive plan. This district consists predominantly of detached single-family dwellings (site built or modular) and is intended to implement the "suburban residential" character area established in the comprehensive plan. The regulations that apply to the R-1 district are designed to encourage the formation and continuance of a stable, healthy, and attractive living environment for its residents.

(b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts."

(c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts."

(d) *Design Requirements.* See Articles 10, 12 and 40 of this Zoning Ordinance.

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

(a) *Purpose and Description.* This zoning district is established to accommodate single-family residences and related uses at moderate suburban densities and to protect the future development of land in accordance with the comprehensive plan. This district consists predominantly of detached single-family dwellings (site built or modular) and is intended to implement the "suburban residential" character area established in the comprehensive plan. The regulations that apply to the R-2 district

are designed to encourage the formation and continuance of a stable, healthy, and attractive living environment for its residents.

(b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts."

(c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts."

(d) *Design Requirements*. See Articles 10, 12 and 40 of this Zoning Ordinance.

Sec. 6.4. - R-3, Residential Multi-Family District.

(a) *Purpose and Description.* This zoning district is intended to provide for higher density residential development and related uses and to protect the future development of land in accordance with the comprehensive plan. This district consists predominantly of multi-family residences (apartment complexes and townhouses), two-family residences, and detached single-family dwellings (site built or modular) and is intended to implement the "urban density community" character area established in the comprehensive plan. The regulations that apply to the R-3 district are designed to encourage the formation and continuance of a stable, healthy, and attractive living environment for its residents.

(b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts."

(c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts."

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

(a) *Purpose and Description.* This zoning district is intended exclusively for the placement of manufactured homes and related uses in manufactured home parks and for the development of land in accordance with the comprehensive plan. This district is also intended to implement the implement the "urban density community" character area established in the comprehensive plan, as it pertains to existing manufactured home park use. The regulations that apply to the MHP district are designed to encourage the formation and continuance of a stable, healthy, and attractive living environment for its residents.

(b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts."

(c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts." Dimensional requirements such as specifications for manufactured home spaces shall be as designated on an approved site plan.

(d) *Limitations on Rezoning.* There shall be no rezoning to the MHP zoning district, unless it is contiguous to an existing MHP zoning district, or unless it is designated MHP at the time of annexation into the city limits.

(e) *Design Requirements*. See Articles 10 and 40 of this Zoning Ordinance.

ARTICLE 7. - TND, TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT

Sec. 7.1. - Purpose and Description.

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

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

Sec. 7.2. - Character.

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

Sec. 7.3. - Permitted and Conditional Uses.

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

Sec. 7.4. - Dimensional Requirements.

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

Sec. 7.5. - Additional Development Requirements.

(a) Maximum Block Width and Block Length. When a new subdivision is created within this district, the lots shall be designed in a grid-like pattern of blocks and interconnecting streets, where no new block created shall have a length or width exceeding 800 feet in length without an alley or intervening (mid-block) pedestrian footpaths.

(b) Front Porches. Any new, detached dwelling shall have a front porch no less than sixteen feet in width as measured along the street frontage and no less than six feet in depth measured from the front property line to the interior of the lot.

(c) On-site Parking. A two-car garage or carport located in the rear or side yard is required.

Sec. 7.6. - Design Requirements.

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

ARTICLE 8. - PUD, PLANNED UNIT DEVELOPMENT DISTRICT

Sec. 8.1. - Description and Intent.

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

Sec. 8.2. - Objectives.

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

(a) Allow and encourage more unique, flexible, creative, and imaginative arrangements and mixes of land uses in site planning and development than are permitted through conventional land use requirements.

(b) Encourage a broader mix of residential housing types, including detached and attached dwellings, than would normally be constructed in conventional subdivisions.

(c) Allow and encourage the development of tracts of land as single developments that are planned neighborhoods or communities, including civic and semi-public uses (e.g., schools, playgrounds, meeting halls, etc.) that help to make up a community.

(d) Preserve the natural amenities of the land through maintenance of conservation areas and open spaces within developments.

(e) Provide for the more efficient use of land through clustering and other flexible, innovative development arrangements that will result in smaller networks of utilities and streets and thereby lower development and housing costs.

(f) Provide a more desirable living environment than would be possible through the strict application of conventional residential zoning requirements.

(g) Establish application requirements that are more rigorous than rezoning applications and conditional use permits but no more onerous than necessary to enable thorough analyses.

(h) Ensure that the design of building forms is interrelated and architecturally harmonious.

Sec. 8.3. - Character.

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

Sec. 8.4. - Permitted Uses.

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

(a) At least twenty (20) percent of the total area of the planned unit development shall be conservation, open space, and/or landscaped area.

(b) At least seventy (70) percent of the units proposed and approved as part of the planned community development shall be detached, single-family dwellings.

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

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

Sec. 8.5. - Dimensional Requirements.

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

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

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

Sec. 8.6. - Design Review.

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

(a) For uses that have been lawfully established on a lot of record that existed on the effective date of this zoning ordinance, no design review shall be required.

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

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

Sec. 8.7. - Design Guidelines.

The following provisions are not requirements per se, but may be made requirements as a part of rezoning approval. Substantial deviation from, or inconsistency with, the guidelines in this Section shall be grounds for denial of a rezoning to the PUD district.

(a) Open spaces. Open spaces such as town greens and public squares, within developed portions of the development, should be located and designed to add to the visual amenities of the development. Greens and squares should be spatially defined and distributed throughout the development so that no lot is more than a walking distance of 1,350 feet from a green, square, park or open space. Greens and squares should not be less than 8,000 square feet in area. A mix of peripheral as well as internal green space should be provided. If two PUDs are developed next to each other, there should be contiguous open space between the two PUDs.

(b) Greenspace. Preserve patches of high-quality habitat, as large and circular as possible, feathered at the edges, and connected by wildlife corridors. When continuous greenspace corridors cannot be provided or must be broken up for road access or other valid reasons, patches should be retained as "stepping stones" for wildlife corridors.

(c) See also Article 10 of this Zoning Ordinance.

ARTICLE 9. - NONRESIDENTIAL ZONING DISTRICTS

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

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

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

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

(e) *Design Requirements*. See Articles 10 and 40 of this Zoning Ordinance.

Sec. 9.2. - INST, Institutional District.

(a) *Purpose and Description*. This zoning district is intended to implement the "Institutional Campus" character area established in the comprehensive plan. The Institutional zoning district is intended to encourage and provide suitable areas for single-function institutional campuses including the Atlanta Falcons Training Facility, schools, and large churches.

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

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

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

Sec. 9.3. - NS, Neighborhood Shopping District.

(a) *Purpose and Description*. This zoning district is intended to primarily implement the "neighborhood commercial" character area established in the comprehensive plan but may also be used to implement the “mixed use – downtown” and “mixed use – neighborhood” character areas. The NS district is intended to provide areas for limited, small-scale commercial uses of a convenience nature serving nearby residential neighborhoods as opposed to a regional market. This district provides for attractive, non-auto related neighborhood businesses and services within enclosed buildings that have a scale compatible with pedestrians and that are connected to adjacent residential neighborhoods and do not generate adverse impacts which would detract from the desirability of adjacent properties for residential use.

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

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

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

Sec. 9.4. - HB, Highway Business District.

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

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

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

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

Sec. 9.5. - CBD, Central Business District.

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

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

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

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

(d) *Construction Approval*.

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

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

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

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

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

8. Facility impact analyses, including the following:

   a. Proof of water and sewer availability from the Public Works Director and Wastewater Treatment Plant Superintendent.

   b. Analysis of the adequacy of drainage for the site (description and assessment of adequacy of stormwater facilities on-site and off-site).

9. A written development agreement, if the developer requests city participation in the provision of on-site or off-site facilities, such as the sharing of costs for facilities, shared parking, etc. which may or may not be available from the city. If accepted by the city, the development agreement may become a condition of project approval or it may be considered and approved separately from redevelopment project approval;

10. If any variances or administrative variances are required, the applicant will file a separate application following submission requirements and processes for the type of variance sought.

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

(a) *Purpose and Description*. This zoning district is intended to accommodate light industrial uses and to implement the "industrial employment" character area established in the comprehensive plan. The M-1 district provides for various types of industrial, manufacturing or warehousing operations that generally require storage of materials or goods, but are of low noise or nuisance level. Land for the M-1 district should be located in relation to the local road network due to frequent truck traffic and designated so as to not disrupt normal traffic flow. This district provides a concentration of employment and job activity, contributing substantially to the economic base of the city.

(b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts." Light industries are the primary permitted uses.

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

(d) *Design Requirements*. Please see Article 14 sec. 14.13 and Article 40 of this ordinance.

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

(a) *Purpose and Description*. This zoning district is intended to accommodate heavy industrial uses and to implement the "industrial employment" character area established in the comprehensive plan. The M-2 district provides for industrial, manufacturing and warehousing operations which require buildings and open areas for fabricating, processing, extracting or repairing equipment, raw materials, manufactured products or wastes and which require adequate separation and screening from residential and commercial uses. Land for the M-2 district should be located in relation to the local road network so as to not disrupt normal traffic flow. This district provides a concentration of employment and job activity, contributing substantially to the economic base of the city.

(c) *Permitted and Conditional Uses*. Permitted and conditional uses shall be as provided in Table 9.1 , "Permitted and Conditional Uses in Nonresidential Zoning Districts." Light and heavy industries are the primary permitted uses.

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

(e) *Design Requirements*. Please see Article 14 sec. 14.13 and Article 40 of this ordinance.

Table 9.1

Permitted and Conditional Uses in Nonresidential Zoning Districts

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

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

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

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

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

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

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

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

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

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

Table 9.2

Dimensional Requirements for Nonresidential Zoning Districts

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

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

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

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

ARTICLE 10. - DEVELOPMENT REQUIREMENTS AND GUIDELINES

Sec. 10.1. - Applicability.

(a) The development requirements and guidelines are intended to apply to all land uses unless the context clearly indicates otherwise as specifically provided in this Article, and with the exception that Sec. 10.7. – Architectural Design, Sec. 10.8, - Pedestrian Retail and Sec. 10.10. – Office, Institutional, Business, and Industrial Parks and Campuses do not apply to townhouses, single-family detached dwellings, and duplexes.

(b) See Article 12, Sec. 12.6, Sec. 12.7, and 12.8 in this Zoning Ordinance for additional requirements that pertain to townhouses, single-family detached dwellings, and duplexes.

(c) See also Article 40. *Design Review*.

Sec. 10.7. - Architectural Design.

(a) Architectural design should be compatible with the developing character of the neighboring area. Design compatibility includes complementary building style, form, size, color, materials, and detailing. The designer should consider each of the following contexts as part of the design process:

1. Size (the relationship of the project to its site).
2. Scale (the relationship of the building to those around it).
3. Massing (the relationship of the building's various parts to each other).
4. Fenestration (the placement of windows and doors).
5. Rhythm (the relationship of fenestration, recesses and projections).
6. Setback (in relation to setback of immediate surroundings).
7. Materials (their compatibility with the historic district).
8. Context (the overall relationship of the project to its surroundings).

(b) Efforts to coordinate the height of buildings and adjacent structures are encouraged. This is especially applicable where buildings are located very close to each other. It is often possible to adjust the height of a wall, cornice or parapet line to match that of an adjacent building. Similar design linkages such as window lines should be placed in a pattern that reflects the same elements on neighboring buildings.

(c) Diversity of architectural design should be encouraged. "Theme" or stylized architecture which is characteristic of a particular historic period or trend is not encouraged, unless the existing building or site is historically important to the district or necessary for architectural harmony.

(d) Multiple buildings on the same site shall be designed to create a cohesive visual relationship between the buildings.

(e) Long or continuous wall planes shall be avoided, particularly in pedestrian activity areas, where buildings should exhibit more detail and elements appropriate for close range pedestrian view. Recesses and projections should be used along the front facade to break up long expanses of wall planes.

(f) Façade articulation.

1. *Office, institutional, commercial, and industrial uses*. The walls of buildings shall not extend more than 200 linear feet parallel to a street unless the front facade of the building is designed in a way that breaks up the building face into discrete architectural elements, which can be accomplished through the following:

Facade modulation: stepping back or extending forward a portion of the facade; and/or

Providing bay windows or repeating window patterns at regular intervals; and/or

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

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

Changing materials with the change in building plane.

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

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

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

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

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

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

(h) All sides of a building may impact on its surroundings and shall utilize an architectural finish of primary materials consisting of real brick (full-depth or thin brick), unpainted natural stone, unpainted cast stone, true three-coat cement stucco, natural wood or cementious siding including lap siding and board and batten, and wood or cementious shakes and shingles. Front facades shall be at least 50% real brick and/or unpainted natural stone. Side facades shall be at least 50% real brick and/or unpainted natural stone. Rear facades that are visible from a public right-of-way shall be at least 50% real brick and/or unpainted natural stone. Requirements for brick or stone may be modified to accommodate creatively designed structures as determined by the Community Development Director.

(i) Exterior building materials on the primary structure shall not include smooth-faced concrete block, tilt-up concrete panels, or prefabricated steel panels, with the exception that exterior building materials on industrial buildings may be split face (integrated block) and/or tilt-up concrete panels accented with steel panels. However, elevations visible from the public right-of-way must be permanent, non-metal construction.

(j) The following types of building materials shall not be used: highly reflective, shiny, or mirror-like materials; mill-finish (non-colored) aluminum metal windows or door frames; exposed, unfinished foundation walls; exposed plywood or particle board; and unplastered, exposed concrete masonry blocks.

(k) Piecemeal embellishment and frequent changes in material shall be avoided. Material or color changes generally 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 shall be low reflectance, subtle, neutral, or earth tone colors. High-intensity colors, metallic colors, black, or fluorescent colors shall not be used. Building trim and accent areas on non-residential buildings may feature brighter colors, including primary colors, provided that the width of the trim shall not exceed four (4) feet.

(m) Building colors should be carefully chosen so that each building complements that of its neighbors. Colors can be classified as the "base" color (used on the majority of the building surface), "trim" color (used on the window trim, fascia, balustrades, and posts), and "accent" color (used on signs, awnings, and doors). The base color shall consist of more subdued earth tones or brick shades. Trim colors shall have contrasting lighter or darker shade than the base color. If natural brick is used, it shall not be painted.

(n) The use of awnings on buildings are recommended so as to provide much needed protection from sun, wind, and rain, and to improve aesthetics of the building exterior.

(o) Awnings are recommended to be constructed with a durable frame covered by a canvas material. Awnings that are backlit through translucent materials may be acceptable but are not particularly encouraged. Aluminum and other metal canopies are acceptable in most instances, particularly when integrated into shopping center designs. Flameproof vinyl, canvas or metal awnings and canopies may be used.

(p) Solid colors are preferred over striped awnings, but striping is permitted if colors compliment the character of the structure or group of buildings.

(q) Awnings are encouraged for first floor retail uses to provide architectural interest and to encourage pedestrian activity. Where awnings are used, they should be designed to coordinate with the design of the building and any other awnings along the same block face.

(r) The design of fences and walls shall be compatible with the architecture of the main building(s) and should use similar materials. All walls or fences fifty feet in length or longer, and four feet in height or taller, should be designed to minimize visual monotony though changes in plane, height, material or material texture or significant landscape massing. Chain link fencing is discouraged. Use of special fencing design or materials should be discussed in cases where site security is paramount. If used, chain link fences should be vinyl coated (black or green colored vinyl encouraged).

(s) All commercial, industrial, large multifamily residential and institutional sites must provide appropriate refuse dumpsters and other similar areas devoted to the storage of waste materials and grease or oil containers. The minimum area for said requirement shall be 36 square feet. All garbage dumpsters and other similar areas devoted to the storage of waste materials and grease or oil containers should be screened on three (3) sides of said dumpster or area with a minimum six (6) foot high solid wooden fence, or a wall constructed of materials substantially similar in appearance to the building on site. In addition, said dumpster areas should be gated on the fourth side with a material that provides opaque screening, should be screened on three (3) sides of said dumpster or area with a minimum six (6) foot high solid wooden fence, or a wall constructed of materials substantially similar in appearance to the building on site. In addition, said dumpster areas should be gated on the fourth side with a material that provides opaque screening.

(t) Rooftop mechanical and electrical equipment shall be screened from public view by building elements that are designed as an integral part of the building architecture, or by a parapet wall.

(u) Where roof shingles are used, architectural shingles shall be required.

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

Sec. 12.1. - Commercial Recreation Facility.

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

(a) *Exterior lighting.* If lighted, exterior lighting shall require a lighting plan to be submitted and approved prior to installation. See Article 23 of this Zoning Ordinance.

(b) *Swimming Pools and Tennis Courts.* Swimming pools and tennis courts shall be setback a minimum of twenty-five (25) feet from all property lines of the tract of land devoted to community recreation, with a minimum ten (10) foot wide landscape strip along all property lines of said tract. See Article 19 of this Zoning Ordinance for landscape strip specifications.

(c) *Buildings.* Buildings (excluding accessory structures) shall be setback a minimum of twenty-five (25) feet from the property line of the tract. If outdoor patios or decks are provided, they shall be located no closer than twenty-five (25) feet from the property line of the tract and a minimum ten (10) foot wide landscape strip shall be provided between said outdoor patio or deck and the property line or boundary of said tract. See Article 19 of this Zoning Ordinance for landscape strip specifications.

(d) *Parking.* Parking shall be provided per the requirements of Article 21 of this Zoning Ordinance.

Sec. 12.2. - Model Home.

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

(a) *Time of Construction.* The model home is typically constructed before approval of a final plat, and hence the model home is the principal use of the entire unsubdivided parcel until the final plat is approved.

(b) *Location on a Lot.* The model home shall be placed on a lot designated on the approved preliminary plat and shall be placed in a manner that meets the applicable zoning district dimensional requirements so that it complies at the time it is erected and when it is sold and/or converted for single-family residential use.

(c) *Sales.* Sales shall be limited to the lots and buildings within the subdivision where the model home is located.

(d) *Certain Buildings Prohibited.* A manufactured home or portable building shall not be used as a model home or temporary sales office.

(e) *Duration and Discontinuance.* The use of the model home for a sales office shall be discontinued within 30 days after Certificates of Occupancy have been issued on 90 percent of the lots in the subdivision.

(f) *Parking and Accessibility.* The model home shall comply with off-street parking and applicable accessibility standards.

Sec. 12.3. - Multi-family Development.

(a) *Condominiums.* If a condominium form of ownership is proposed, the development shall meet all current applicable state laws including the Georgia Condominium Act (O.C.G.A. § 44-3-70 et seq.). Proposed bylaws and the articles of incorporation for the condominium association shall be submitted with the application for development approval.

(b) *Laundry facilities.* On-site accessory laundry facilities are permitted accessory uses for developments with 25 or more units.

(c) *Setbacks.* Buildings within multi-family developments shall be subject to the setbacks for the entire lot as established in applicable zoning district dimensional requirements. There shall be no requirements for setbacks from private driveways within the multi-family development, except as may be determined by the Zoning Administrator to be essential to meet building or accessibility codes, to meet sight accessibility requirements for motorists and pedestrians, or other essential public safety considerations during the site plan review process.

(d) *Site Plan Approval.* Site plan approval by the Zoning Administrator shall be required. The Zoning Administrator may place conditions of development approval on any multiple-family site plan approval, which such conditions are specifically related to compliance with a requirement of this Zoning Ordinance or other applicable regulation. Furthermore, reasonable conditions may be placed on the development through site plan approval by the Zoning Administrator in order to (1) ensure compliance with design and development standards specified in this Zoning Ordinance for said use or (2) ensure consistency with development guidelines or policies of the comprehensive plan.

(e) *Design Standards.* See Section 10.7 of this Zoning Ordinance.

Sec. 12.4. - Relocated Residence.

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

(a) *Picture.* A photograph of the structure at its present location.

(b) *Existing Location.* The current location (address and tax parcel number) where the structure is now located.

(c) *Proposed Location in City.* If the structure is to be relocated inside the city limits, the proposed location (address and tax parcel number) of the structure. To ensure compliance with the applicable zoning district dimensional requirements, when the relocated residential structure is proposed to be located within the city limits, the Zoning Administrator shall require submission of the proposed location (address and tax parcel number) and a copy of the recorded plat of the lot on which the structure will be placed (if none exists the applicant shall be required to comply with subdivision requirements of the city's Subdivision and Land Development Ordinance).

(d) *Floor Area.* The total heated floor area of the existing structure and, if to be located within the city, the renovated structure.

(e) *Building Permit.* A building permit shall be required.

(f) *Exterior Improvements.* All exterior improvements to the structure once relocated shall be completed within six months of relocation.

(g) *Historic Preservation.* If located or proposed to be located within a historic district as recognized in this Zoning Ordinance or other historic preservation ordinance of the city, there must be a copy of the approved Certificate of Appropriateness from the Historic Preservation Commission prior to relocating the residential structure.

(h) *Inspection.* The Zoning Administrator shall inspect or arrange for the inspection of the structure for compliance with the minimum standards of the zoning district proposed for location and other applicable regulations and codes.

Sec. 12.5. - Subdivision Entrance Monuments.

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

(a) *Design.* The subdivision entrance monument and the landscape surrounding the monument shall be designed by a registered landscape architect.

(b) *Design Review.* Design plan review and approval is required. See Article 40 of this zoning ordinance.

Sec. 12.6. - Townhouses.

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

(a) *Lot Frontage and Lot Width.* Each platted lot shall have a minimum of twenty (20) feet of frontage on a public street or private road that meets public street standards, and each lot shall have a minimum lot width of twenty (20) feet.

(b) *Lot Size.* The minimum size of a lot for each fee-simple townhouse lot (i.e., the extent of land owned by the owner of the unit) shall be 2,000 square feet in lot area.

(c) *Front Building Setbacks.* There shall be a minimum twenty (20) foot front setback from any perimeter boundary of the fee-simple townhouse subdivision and a 30 foot front setback from any public or private street exterior to or within the subdivision.

(d) *Side Setbacks and Zero Lot Line.* Zero lot line between units within the same building shall be permitted, subject to applicable fire and building codes.

(e) *Rear Setbacks.* There shall be a minimum twenty (20) foot rear setback from townhouse lot boundaries for all buildings and structures, except when the rear property line abuts an alley, in which case no setback shall be required.

(f) *Building Separation.* There shall be a minimum building separation of twenty (20) feet between townhouse buildings.

(g) *Building Unit Offsets.* To avoid a monotonous appearance, for any given building, no more than six (6) units may have common walls. Any building containing more than three (3) units with common walls must have the front façade, rear façade, and the roof of each attached unit distinct from the other through separation, staggering, or offsets in design. A minimum of two (2) exterior colors shall be used on buildings containing up to four (4) units, and a minimum of three (3) exterior colors shall be used on buildings containing five (5) or six (6) units; however, when all exteriors are unpainted brick, they shall not be required to vary in color. See also Sec. 12.6.(k)1.

(h) *Rear Access.* Townhouse developments shall be designed to provide proper access to all dwelling units for firefighting purposes, as may be determined by applicable codes. Rear access, if required for firefighting purposes or by Subsection (n) below, shall be accomplished by alleys.

(i) *Parking.* Two enclosed parking spaces minimum per unit shall be provided.

(j) *Subdivision Plat Approval.* Each townhouse development or phase thereof shall require preliminary and final subdivision plat approval in accordance the City of Flowery Branch Subdivision and Land Development Ordinance.

(k) *Wall Finishes*.

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

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

Faux Stone Veneer

Faux Brick Veneer

Vinyl Siding

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

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

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

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

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

Faux Brick Foundation Panel

Foundation wall missing / insufficient height on the side

Foundation wall is only located on the front façade

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

(n) *Garage Placement and Materials.*

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 12.7. – Single-Family Detached Dwellings.

Detached single-family dwellings shall meet the following requirements.

(a) *Wall Finishes.*

1. See Sec. 12.6.(k)1.
2. Facades facing a side yard shall meet the following requirements:
   a. Each applicable façade shall have: a minimum of 5% transparency (defined as the minimum percentage of windows and doors that must cover a ground or upper story façade) of the total wall area; and, a maximum of 20 feet of blank wall area (defined as the portion of the exterior façade of a building that does not include windows or doors; pilasters or other articulation greater than 12 inches in depth; or a substantial change in material) in either a vertical or horizontal direction.
   b. False windows may count toward the transparency requirement where they are similar in size, shape, and materials to other windows on that building and consist of trim with closed shutters that have the appearance of a shuttered window or windows. A single louvered panel with trim may also count toward this requirement. False windows shall

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

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

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

a. Sec. 12.7.(a) 2. shall apply to rear facades that are visible from a public street.

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

(b) *Entrance Features.*

1. The primary entrance to a residence must be emphasized through the use of an unenclosed roofed porch, veranda or terrace that is a minimum of: six (6) feet deep (not including the steps); and, 40% of the width of the front façade or 11 feet, whichever is greater.

2. A stoop or gable may be used in lieu of a porch, veranda or terrace when the front façade finish is brick. A stoop shall not be more than six (6) feet deep (not including the steps) and cannot be fully enclosed.

3. Entry steps shall have enclosed risers.

4. Columns shall be a minimum width of eight (8) inches and shall be wood or durable material that resembles wood from top to bottom or atop stone or masonry bases.

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

(d) *Garage Placement and Materials.*

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

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

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

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

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

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

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

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

(f) Design Review. See Article 40.

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

Duplexes shall meet the requirements of Sec. 12.7.

ARTICLE 14. - SPECIFIC PROVISIONS FOR PRINCIPAL NONRESIDENTIAL

Sec. 14.13. - Industrial Uses.

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

(a) 20% open space requirement - landscaping and/or natural areas excluding any detention ponds unless they are built as an amenity.

(b) Landscape and buffer plan must be submitted and approved by the Zoning Administrator.

1. A significant amount of landscaping will be required to ensure proper screening.

2. Plans will be approved on a case by case basis taking into account the location of the project and the topography of the site.

(c) Minimum 75% of required parking shall be located in the rear of the primary structure(s). If on a corner lot parking shall be adequately screened from the right-of-way.

(d) All loading/unloading bays shall be located in the rear of the primary structure(s).

(e) Master sign plan must be submitted and approved by the Zoning Administrator.

(f) Architectural renderings of the project must be submitted and approved by the Zoning Administrator prior to the issuance of any permits.

(g) See also Article 10 *Development Requirements and Guidelines* of this Zoning Ordinance.

Sec. 14.14. – Package Stores.

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

(a) No new package store shall be allowed to operate within 2,640 feet (.5 miles) of an existing, legally established, package store. Distance shall be calculated from the store front and shall extend in every direction. It is the responsibility of the property owner or business owner to provide proof that this condition is being met at the time of occupational tax license application submittal.

(b) No package store may operate within one hundred (100) yards of a legally established church or religious institution. It is the responsibility of the property owner or business owner to provide proof that this condition is being met at the time of occupational tax license application submittal.

(c) No package store may operate within two hundred (200) yards of any legally established school building, educational building, school grounds, or college campus. It is the responsibility of the property owner or business owner to provide proof that this condition is being met at the time of occupational tax license application submittal.

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

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

(a) *Plat*. A copy of the recorded plat for the subject property.

(b) *Site Plan.* The site plan required by this Zoning Ordinance, which must show areas proposed for the handling and storage of overburden, by-products, and/or excavated materials including the estimated type and volume of extraction.

(c) *Operations Plan.* An operations plan, which shall include: the date of commencement of operation and its expected duration and the proposed hours of operation.

(d) *State or Federal Permit Documents.* A copy of all documents submitted or prepared for submission to the Georgia Department of Natural Resources or any other state or federal

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

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

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

ARTICLE 40. - DESIGN REVIEW

Sec. 40.1. - Purposes.

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

Sec. 40.2. - Applicability.

(a) This Article shall apply to all development within the city limits of Flowery Branch, unless otherwise specifically exempted from compliance.

(b) Developments within the CBD, M-1, and M-2 zoning districts shall meet all requirements as shown in Article 9 of this ordinance.

(c) See also Article 10 of this Zoning Ordinance for design requirements pertaining to all uses within the City.

Sec. 40.3. - Exemptions.

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

(a) All applications for land development or building permits are required to meet the requirements of this Article and are therefore exempt from making a formal request unless the applicant chooses to do so independently, concurrently, or in advance of the building or land development permit application.

(b) The re-occupation of vacant office, commercial, institutional, or light industrial space within a single-tenant or multi-tenant building that received prior approval, where no new changes to the external features of the building or site inconsistent with prior approval will take place, except for a change in signage.

(c) Changes of ownership but which do not involve any changes to external features of the building or site inconsistent with prior approval, including signage.

(d) Repainting of an existing building to a similar color.

(e) Revisions of window or door placement.

(f) An increase or decrease in the number of parking spaces of ten percent (10%) from the number originally approved.

(g) Repair or reconstruction of existing freestanding retaining walls, decorative walls, and fences, when repaired or replaced with materials that are the same or substantially similar to those originally approved.

(h) Modifications to outdoor lighting fixtures involving the replacement of light fixtures, and which may involve an increase in the number of light fixtures at the same or lesser height, provided that the type of lighting and materials used for such light fixtures shall be of the same as or similar to those originally approved, and subject to the provisions of Article 23 of this zoning ordinance.

(i) The relocation of an access driveway or curb cut which does not affect or interfere with the approved placement of buildings or structures.

(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.

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Consider Resolution 21-021 - To Change Signor on All Bank Accounts with the Appointment of New City Manager

COUNCIL MEETING DATE: December 16, 2021

HISTORY:
Per code section 8.1(8), the City Manager shall act as purchasing agent for the City of Flowery Branch.

FACTS AND ISSUES:
With the appointment of Tonya Parrish as City Manager, management is requesting signature changes on all bank accounts effective December 20, 2021.

OPTIONS:
Approve Resolution 21-021 as presented.

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:
No

AMOUNT AND SOURCE OF FUNDS:
Not applicable

RECOMMENDATION:
Approve Resolution 21-021 - To Change Signor on All Bank Accounts with the Appointment of New City Manager

SAMPLE MOTION:
I make a motion to approve Resolution 21-021, updating signor on all bank accounts by removing Vickie Short and adding Tonya Parrish.

COLLABORATING DEPARTMENT:
Administration

DEPARTMENT: Finance

Prepared by: Shelia Cooper

ATTACHMENTS

- Executive Summary Resolution 21-021.pdf
- Resolution 21-021.pdf

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Consider Resolution 21-021; To Change Signor on All Bank Accounts with the Appointment of New City Manager

DATE: December 9, 2021

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

BUDGET INFORMATION:
ANNUAL-
CAPITAL-

COUNCIL ACTION REQUESTED ON: December 16, 2021

PURPOSE: Update signor on all bank accounts with the appointment of Tonya Parrish.

HISTORY: City code section 8.1(8) states the City Manager shall be the purchasing agent for the City of Flowery Branch.

FACTS AND ISSUES: This resolution is needed to provide official approval documentation to the bank to change signor on all bank accounts.

OPTIONS: Approve Resolution 21-021; To Change Signor on All Bank Accounts with the Appointment of New City Manager

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RECOMMENDED SAMPLE MOTION: I make a motion to approve Resolution 21-021, updating the signor on all bank accounts by removing Vickie Short and adding Tonya Parrish, effective December 20, 2021.

DEPARTMENT: Finance

Prepared by: Alisha Gamble

RESOLUTION NO.: 21-021

TO CHANGE SIGNATURE ON ALL RENASANT BANK ACCOUNTS WITH THE RESIGNATION OF THE INTERIM CITY MANAGER AND APPOINTMENT OF CITY MANAGER

WHEREAS, Interim City Manager Vickie Short has resigned her position effective December ___, 2021; and

WHEREAS, the City Council appointed Tonya D. Parrish as the City Manager effective December 2, 2021, with a start date of December 20, 2021; and

WHEREAS, the City of Flowery Branch Code Section 8.1(8) states the City Manager shall act as purchasing agent for the city.

NOW, THEREFORE, BE IT RESOLVED by the governing body for the City of Flowery Branch as follows with respect to all Renasant bank accounts:

(1) Vickie Short shall be removed as signor; and
(2) Tonya Parrish shall be added as signor.

RESOLVED this 16th day of December 2021.

_____
James M. Miller, Mayor

ATTEST:

_____
Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

_____
E. Ronald Bennett, Jr., City Attorney

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Public Hearing and First Reading of a rezoning request submitted by Mr. Bill Stark. Request is to rezone six parcels totaling 118 +/- acres from M-1 (Light Industrial) to R-3 (Multi-Family) with the intention to construct a residential community consisting of single family detached homes and townhomes. The request includes six (6) parcels and therefore requires six (6) corresponding ordinances.

COUNCIL MEETING DATE: December 16, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:
No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:
Applicant has requested to table the public hearing and first read to the January 6, 2022 City Council meeting. Staff supports this request.

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

-

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Consider November 4, 2021 Council Meeting Minutes

COUNCIL MEETING DATE: December 16, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- Council Meeting Minutes November 4, 2021.pdf

City of Flowery Branch
City Council Meeting
Thursday, November 4, 2021 at 6:00 PM
City of Flowery Branch City Hall
5410 W. Pine Street, Flowery Branch, GA 30542

CALL WORK SESSION TO ORDER:

Mayor Mike Miller called the meeting to order at 6:08 pm.

Present: Mayor Miller and Council Members Joe Anglin, Amy Farah, Leslie Jarchow and Chris Mundy.

Also present were Vickie Short, Interim City Manager, Shelia Cooper, Assistant City Clerk, Ron Bennett, City Attorney, Rich Atkinson, City Planner, Alisha Gamble, Finance Director, Bill Whidden, Public Works Director.

PLEDGE OF ALLEGIANCE:

Mayor Miller led the Pledge of Allegiance.

ENNIS ROBERTS' COUNCIL CHAMBERS DEDICATION

UNFINISHED BUSINESS - WORK SESSION:

Consider a Rezoning Request submitted by South Hall, LLC. to rezone three parcels of land from Traditional Neighborhood Development District (TND) to Central Business District (CBD).

Mr. Atkinson presented a request submitted by South Hall, LLC to rezone three parcels of land from Traditional Neighborhood Development District to Central Business District. The three parcels are located at 5611, 5615 and 5621 Church Street. Staff recommends approval of the request to rezone the subject properties from Traditional Neighborhood Development District (TND) to conditional Central Business District (CBD) as conditioned.

Mrs. Farah questioned the number of bedrooms and received the answer of three bedrooms.

Mr. Anglin asked if the sidewalks would extend the entire length of the project on Church Street and was advised that was correct. He also stated that all the units will have rear entry garages and the sides of the units will be brick with no exposed concrete.

Mr. Atkinson advised there will be a set of conditions to be finalized by the second read date.

Consider a request submitted by Hines Acquisitions, LLC. to rezone a portion of 0 Thurmon Tanner Parkway (FKA The "Forbes" Property) from Highway Business (HB) to Light Industrial (M1).

Mr. Atkinson presented a request submitted by Hines Acquisitions, LLC to rezone a portion of 0 Thurmon Tanner Parkway from Highway Business to Light Industrial. Mr. Atkison stated the buffer along Thurmon Tanner will keep as much of the tree line as possible.

The applicant spoke on the landscape plan regarding the buffer between Highway Business and M1 but stated that they have maintained about an eight-acre undistributed natural buffer between I-985, which included not disturbing any of the steams. They plan to add more plantings and a tree line along Thurmon Tanner.

The applicant spoke on the traffic study which they have they have worked with a traffic engineer that has knowledge of the traffic in the city. The data reveals during peak hours four trucks coming to the warehouse and four trucks leaving the warehouse. During the afternoon the data shows six trucks coming and leaving the warehouse. The traffic study shows most trucks work through the night and off-peak hours and the data shows a net increase to traffic of 3.4%. Retail would have a 10-12 times higher traffic count and single family would have a 9-10 times higher traffic count compared to the logistics use. The traffic study was done by MV5 and Clark Patterson Lee reviewed the study.

Mr. Anglin asked about the median breaks and if there has been a solution. The applicant stated that it has been a collective effort and one median cut will need to be realigned and moved down. This may limit the outbound traffic but CPL is reviewing this median cut to make sure it has the right flow.

Mr. Anglin inquired about the detention basin. The applicant stated the detention basin would be at the back of the site and that the topography works with the natural grade of the site. There is a natural buffer between I-985 and the detention pond.

Mr. Wayne spoke on behalf of the applicant and stated that the applicant is willing to contribute $200,000 to help with traffic control improvements.

A variance request submitted by Blessing Trader, Inc. to allow fuel pumps to be located in front of the proposed principal structure located at 6477 McEver Road.

Mr. Atkinson presented a request submitted by Blessing Trader, Inc. to allow fuel pumps to be in front of the proposed principal structure located at 6477 McEver Road. The request is relief from the zoning ordinance requiring gas pumps to be located behind the principal structure. Convenience stores shall locate gas pumps behind the principal structure to effectively screen the pumps from view of the street. Vehicles under repair shall be kept either inside a structure or in an area which is screened from views from the street.

Tyler Lassiter, representative for the applicant, stated that per Georgia Power requirement that a fully mature tree cannot be more than 15 feet under a power easement. There are only a few trees that will be encroaching, will be moved to elevate this problem. The right in and right out and turn lanes are concerns for the applicant and would like to have conditions 5 and 6 removed from the zoning process.

There was a lengthy conversation regarding the conditions and clarification on if this request. If the request is denied at this meeting, the applicant will need to wait one year before reapplying. But in the development review process and the conditions are not needed then the applicant will go back before Mayor and Council to have those conditions removed.

DEPARTMENT REPORTS:

Mayor Miller congratulated the newly elected Council Members and thanked each candidate for applying and going through the election process. He enjoyed the 50th anniversary celebration at the Mars/Wrigley Plant. He acknowledged a Flowery Branch resident, Eric Bowman, who has written a children's book titled The Sleepy Seal.

Council Member Mundy thanked all the volunteers that supported the Flowery Branch clean up in the City. He welcomed the newly elected Council Members.

ADJOURNMENT WORK SESSION:

Mayor Miller adjourned the work session at 7:01 pm.

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

Mayor Miller called the voting session to order at 7:01 pm.

PUBLIC COMMENTS:

Ed Lezaj, 5612 Newberry Point Drive, Flowery Branch, GA 30542

Mr. Lezaj wanted to thank the Mayor for his years of service. He is opposed to the rezoning in the city.

Debra Harkrider, 4433 Martin Road, Flowery Branch, GA 30542

Mrs. Harkrider is in favor of the Hines development.

Doug Harkrider, 4433 Martin Road, Flowery Branch, GA 30542

Mr. Harkrider is in favor of the Hines development.

Angela White, 6963 Woodtrail Run, Flowery Branch, GA 30542

Ms. White opposes the Hines development.

Duane Sudderth, 5313 Mulberry Street, Flowery Branch, GA 30542

Mr. Sudderth wanted to remind Council that the residents have freedom of rights.

Kelly McLincha, 5628 Church Street, Flowery Branch, GA 30542

Mr. McLincha expressed his concerns with the sewer plant.

Meg McLincha, 5628 Church Street, Flowery Branch, GA 30542

Mrs. McLincha expressed her concerns with the sewer plant.

Carole Ann Rand, 5620 Newberry Point Drive, Flowery Branch, GA 30542

Ms. Rand would like orderly development and opposes the Hines development.

Ken Rand, 5620 Newberry Point Drive, Flowery Branch, GA 30542

Mr. Rand expressed his concerns with the sewer plant.

Mark Weber, 6114 Stella Light Drive, Flowery Branch, GA 30542

Mr. Weber opposes the Hines development.

Tammy Duckworth, 5422 Long Branch Way, Flowery Branch, GA 30542

Ms. Duckworth opposes the Hines development and has sewer plant concerns.

Alan Wayne, 5763 Wayne Crest Drive, Flowery Branch, GA 30542

Mr. Wayne is in favor of the Hines development.

Ray Stanjevich, 5627 Church Street, Flowery Branch, GA 30542

Mr. Stanjevich opposes the South Hall development and has sewer plant concerns.

Rob Morgan, 5731 Newberry Point Drive, Flowery Branch, GA 30542

Mr. Morgan opposes the Hines development.

Ryan Hotz, 5404 Mountain Mint Road, Flowery Branch, GA 30542

Mr. Hotz opposes the Hines development, has sewer plant concerns, and would like a town hall meeting.

David Wu, 5465 Trillium Way, Flowery Branch, GA 30542

Mr. Wu is opposed to the Hines development.

Morgan Brick, 6052 Seminole Drive, Flowery Branch, GA 30542

Mr. Brick is in favor of the South Hall development.

Jack Leathers, 7059 Valley Forge Drive, Flowery Branch, GA 30542

Mr. Leathers is not against growth but wants the growth done in a logical fashion. He is concerned about traffic on Spout Springs Road.

Suzanne Cartwright, 5627 Church Street, Flowery Branch, GA 30542

Ms. Cartwright opposes the South Hall development.

Jack Rafferty, 5413 Falling Branch Drive, Flowery Branch, GA30542

Mr. Rafferty opposes the Hines development.

Jerry Crow, 5490 E. Main Street, Flowery Branch, GA 30542

Mr. Crow is in favor of the Hines development.

Darren Wayne, 5731 Wayne Crest Drive, Flowery Branch, GA 30542

Mr. Wayne is in favor of the Hines development.

Dean Bryant, 7899 Brass Lantern Drive, Flowery Branch, GA 30542

Mr. Bryant opposes the Hines development and has sewer plant concerns.

Paige Evans, 5316 Railroad Avenue, Flowery Branch, GA 30542

Ms. Evans is in favor of the South Hall development and supports the Farmer's Market.

Jannell Jones, 5572 Garens Way, Flowery Branch, GA 30542

Ms. Jones opposes the Hines development.

Rachel Gates, 5643 Parkview Lane, Flowery Branch, GA 30542

Ms. Gates opposes the Hines development.

Judith McConnell, 5731 Mitchell Street, Flowery Branch, GA 30542

Ms. McConnell opposes the South Hall development.

Janet Upchurch, 5644 Nags Head Circle, Gainesville, GA 30504

Mrs. Upchurch opposes the Hines development.

Jennifer Shannon, 5631 Parkview Lane, Flowery Branch, GA 30542

Ms. Shannon opposes the Hines development.

CONSENT AGENDA:

Resolution 21-019: 1st Quarter Amendment to the Budget for FY2022 as Previously Adopted on June 17, 2021.

There was a motion made to approve the Consent Agenda.

MOTION: Chris Mundy
SECOND: Leslie Jarchow
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

UNFINISHED BUSINESS - VOTING SESSION:

Consider Resolution 21-018 for Water Sewer Rate Changes effective January 1, 2022 (January 2022 billing, billed on 2/20/2022)

Mr. Bennett read the caption of Resolution 21-018.

There was a motion made to approve Resolution 21-018 for water sewer rate changes effective January 1, 2022, as presented.

MOTION: Leslie Jarchow
SECOND: Chris Mundy
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

Consider a Rezoning Request submitted by South Hall, LLC. to rezone three parcels of land from Traditional Neighborhood Development District (TND) to Central Business District (CBD).

Mr. Bennett read the caption to Ordinance 641.

There was a motion made to approve Ordinance 641 for South Hall, LLC to rezone 5611 Church Street from Traditional Neighborhood Development District to Central Business District.

MOTION: Joe Anglin
SECOND: Amy Farah
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

Consider a Rezoning Request submitted by South Hall, LLC. to rezone three parcels of land from Traditional Neighborhood Development District (TND) to Central Business District (CBD).

Mr. Bennett read the caption to Ordinance 642.

There was a motion made to approve Ordinance 642 for South Hall, LLC to rezone 5615 Church Street from Traditional Neighborhood Development District to Central Business District.

MOTION: Amy Farah
SECOND: Leslie Jarchow
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

Consider a Rezoning Request submitted by South Hall, LLC. to rezone three parcels of land from Traditional Neighborhood Development District (TND) to Central Business District (CBD).

Mr. Bennett read the caption to Ordinance 643.

There was a motion made to approve Ordinance 643 for South Hall, LLC to rezone 5621 Church Street from Traditional Neighborhood Development District to Central Business District.

MOTION: Chris Mundy
SECOND: Leslie Jarchow
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

Consider a request submitted by Hines Acquisitions, LLC. to rezone a portion of 0 Thurmon Tanner Parkway (FKA The "Forbes" Property) from Highway Business (HB) to Light Industrial (M1).

Mr. Bennett read the caption to Ordinance 652.

There was a motion made to approve Ordinance 652 for Hines Acquisitions, LLC to rezone a portion of 0 Thurmon Tanner Parkway from Highway Business to Light Industrial.

MOTION: Joe Anglin
SECOND: Chris Mundy
AYES: Joe Anglin, Amy Farah, Chris Mundy
NAYS: Leslie Jarchow
Motion carried

Mr. Anglin led a discussion regarding the $200,000 contribution that the applicant made to road improvement for traffic improvements. Mr. Bennett advised there would need to be a condition added to the Ordinance for a development agreement for the contribution of $200,000 between the applicant and the City.

There was a motion made to Amend Ordinance 652 for Hines Acquisitions which reads: In the event Atlanta One Limited Partnership closes the sale of the subject property, Atlanta One Limited Partnership shall enter into a development agreement with the City of Flowery Branch agreeing to contribute $200,000 toward transportation improvements as recommended by the City engineer to mitigate traffic impacts of the development and or improve the operation and safety of Thurmon Tanner Parkway and or Phil Niekro.

MOTION: Joe Anglin
SECOND: Chris Mundy
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

A variance request submitted by Blessing Trader, Inc. to allow fuel pumps to be located in front of the proposed principal structure located at 6477 McEver Road.

Mr. Bennett read the caption to Ordinance 653.

There was a motion made to approve Ordinance 653 for Blessing Trader, Inc. to allow fuel pumps to located in front of the proposed principal structure located at 6477 McEver Road.

MOTION: Joe Anglin
SECOND: Chris Mundy
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

EXECUTIVE SESSION:

There was a motion made to enter executive session for matters related to certain personnel issues and for matters related to pending or potential litigation at 8:49 pm.

MOTION: Leslie Jarchow
SECOND: Amy Farah
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

There was a motion made to reconvene open session at 9:50 pm.

MOTION: Chris Mundy
SECOND: Joe Anglin
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

ADJOURNMENT:

There was a motion made to adjourn at 9:50 pm.

MOTION: Chris Mundy
SECOND: Joe Anglin
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

_____ _____ _____
Mayor – Mike Miller Date City Clerk – Shelia R. Cooper

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Consider November 18, 2021 Council Meeting Minutes

COUNCIL MEETING DATE: December 16, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- Council Meeting Minutes November 18, 2021.pdf

City of Flowery Branch
City Council Meeting
Thursday, November 18, 2021, 6:00 PM
City of Flowery Branch City Hall
5410 W. Pine Street, Flowery Branch, GA 30542

CALL WORK SESSION TO ORDER:

Mayor Miller called the meeting to order at 6:04 pm.

Present: Mayor Mike Miller and Council Members Joe Anglin, Amy Farah, Leslie Jarchow and Chris Mundy.

Also present were Renee Carden, Assistant City Clerk, Alisha Gamble, Finance Director, Rich Atkinson, Planning Director, Ron Bennett, City Attorney

PLEDGE OF ALLEGIANCE:

Mayor Miller led the Pledge of Allegiance.

NEW BUSINESS - VOTING SESSION:

Naming of sole finalist for City Manager

There was a motion made to name Tonya Duncan Parrish as sole finalist for City Manager.

MOTION: Chris Mundy
SECOND: Leslie Jarchow
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

UNFINISHED BUSINESS - WORK SESSION:

Consider a Rezoning Request submitted by South Hall, LLC. to rezone three parcels of land from Traditional Neighborhood Development District (TND) to Central Business District (CBD).

Mr. Atkinson presented the rezoning request submitted by South Hall, LLC to rezone three parcels of land from Traditional Neighborhood Development District to Central Business District. Staff recommends approval.

There were no questions.

Consider a rezoning request submitted by Keystone Development Services, LLC to rezone a .60 +/- acre tract of land identified as 5415 Mulberry Street, tax parcel number 08113 001009, from TND (Traditional Neighborhood District) to HB (Highway Business).

Mr. Atkinson presented the rezoning request submitted by Keystone Development Services, LLC to rezone 5415 Mulberry Street from Traditional Neighborhood to Highway Business. Staff recommends approval.

There were no questions.

DEPARTMENT REPORTS:

There were no reports.

ADJOURNMENT WORK SESSION:

Mayor Miller adjourned the work session at 6:19 pm.

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

Mayor Miller called the voting session to order at 6:19 pm.

PUBLIC COMMENTS:

Dr. Sue LaFave, 5510 Chestnut Street, Flowery Branch, GA 30542

Dr. LaFave expressed concerns with the City's comprehensive plan.

Judi McConnell, 57361 Mitchell Street, Flowery Branch, GA 30542

Ms. McConnell is concerned about the downtown development.

Kelly McLincha, 5628 Church Street, Flowery Branch, GA 30542

Mr. McLincha opposes the downtown development and the Hines development.

Mark Weber, 6114 Stella Light Drive, Flowery Branch, GA 30542

Mr. Weber is concerned with infrastructure in the City.

Ray Stanjevich, 5627 Church Street, Flowery Branch, GA 30542

Mr. Stanjevich is against all rezoning in the City.

Meg McLincha, 5628 Church Street, Flowery Branch, GA 30542

Mrs. McLincha feels there is a lack of communication with the City.

Charles Mall, 5918 Mitchell Street, Flowery Branch, GA 30542

Mr. Mall wanted a status update on the Mitchell Street project.

CONSENT AGENDA:

Consider October 21, 2021 Meeting Minutes
Consider Canon Lease Agreement
Consider Mayor Mike Miller Per Diem

There was a motion made to approve the Consent Agenda.

MOTION: Leslie Jarchow
SECOND: Amy Farah
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

UNFINISHED BUSINESS - VOTING SESSION:

Consider a Rezoning Request submitted by South Hall, LLC. to rezone three parcels of land from Traditional Neighborhood Development District (TND) to Central Business District (CBD).

Mr. Bennett read the caption for Ordinance 641.

There was a motion made to approve Ordinance 641 for South Hall, LLC to rezone 5611 Church Street from Traditional Neighborhood Development to Central Business District.

MOTION: Joe Anglin
SECOND: Amy Farah
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

There was a motion made to amend the Condition 15 to add board and batten on Ordinance 641.

MOTION: Joe Anglin
SECOND: Chris Mundy
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

Consider a Rezoning Request submitted by South Hall, LLC. to rezone three parcels of land from Traditional Neighborhood Development District (TND) to Central Business District (CBD).

Mr. Bennett read the caption for Ordinance 642.

There was a motion made to approve Ordinance 642 for South Hall, LLC to rezone 5615 Church Street from Traditional Neighborhood Development to Central Business District.

MOTION: Joe Anglin
SECOND: Chris Mundy
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

There was a motion made to amend the Condition 15 to add board and batten on Ordinance 642.

MOTION: Joe Anglin
SECOND: Chris Mundy
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

Consider a Rezoning Request submitted by South Hall, LLC. to rezone three parcels of land from Traditional Neighborhood Development District (TND) to Central Business District (CBD).

Mr. Bennett read the caption for Ordinance 643.

There was a motion made to approve Ordinance 643 for South Hall, LLC to rezone 5621 Church Street from Traditional Neighborhood Development to Central Business District.

MOTION: Joe Anglin
SECOND: Chris Mundy
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

There was a motion made to amend the Condition 15 to add board and batten on Ordinance 643.

MOTION: Joe Anglin
SECOND: Chris Mundy
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

Consider a rezoning request submitted by Keystone Development Services, LLC to rezone a .60 +/- acre tract of land identified as 5415 Mulberry Street, tax parcel number 08113 001009, from TND (Traditional Neighborhood District) to HB (Highway Business).

Mr. Bennett read the caption to Ordinance 656.

MOTION: Amy Farah
SECOND: Chris Mundy
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

EXECUTIVE SESSION:

There was no executive session.

ADJOURNMENT:

There was a motion to adjourn at 6:38 pm.

MOTION: Joe Anglin
SECOND: Chris Mundy
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

_____ _____ _____
Mayor – Mike Miller Date Assistant City Clerk – Renee Carden

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Consider December 2, 2021 Council Meeting Minutes

COUNCIL MEETING DATE: December 16, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- Council Meeting Minutes December 2, 2021.pdf

City of Flowery Branch
City Council Meeting
Thursday, December 2, 2021, 6:00 PM
City of Flowery Branch City Hall
5410 W. Pine Street, Flowery Branch, GA 30542

CALL MEETING TO ORDER:

Mayor Mike Miller called the meeting to order at 6:06 pm.

PRESENT: Mayor Mike Miller and Council Members Joe Anglin, Amy Farah, Leslie Jarchow, and Chris Mundy.

Also present were Vickie Short, Interim City Manager, Shelia Cooper, City Clerk, Ron Bennett, City Attorney, Rich Atkinson, City Planner, Alisha Gamble, Finance Director, Bill Whidden, Public Works Director, and Chris Hulsey, Interim Police Chief.

PLEDGE OF ALLEGIANCE:

Mayor Miller led the Pledge of Allegiance.

NEW BUSINESS - VOTING SESSION:

Appointment of Shelia Cooper as City Clerk.

There was a motion made to approve Appointment of Shelia Cooper as City Clerk.

MOTION: Leslie Jarchow
SECOND: Joe Anglin
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

SWEARING IN OF SHELIA COOPER AS CITY CLERK:

Mayor Miller swore in Shelia Cooper as City Clerk.

Resolution 21-020 to Approve Graham McKinnon as Judge.

There was a motion made to approve Resolution 21-020 to Approve Graham McKinnon as Judge.

MOTION: Leslie Jarchow
SECOND: Chris Mundy
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

SWEARING IN OF GRAHAM MCKINNON AS JUDGE:

Mayor Miller swore in 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.

Mr. Atkinson introduced Paige Hatley to present an update on Ordinance 657. The purpose is to improve consistency between zoning ordinance and the 2021 comprehensive plan update and to set the stage for 2022 Unified Development Code. The purpose is to update and streamline zoning district descriptions, remove redundant or outdated text, cross-reference design requirements, and to make preliminary minor adjustments to the Use Table.

There were no questions from Council.

PUBLIC COMMENTS:

Public Comments for and against Ordinance 657 which is an update to the zoing ordinance ensuring the code coincides with the recently adopted comprehensive plant and to increase, clarify and further codify building standards.

For: None

Against:

Mr. Kelly McLincha, 5628 Church Street, Flowery Branch, GA 30542

Mr. Ray Stanjevich, 5627 Church Street, Flowery Branch, GA 30542

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.

Mrs. Farah asked Mr. Atkinson to clarify the changes. Mr. Atkinson advised that there are no changes to boundaries or any character areas. This only changes the code to bring it up to date with what was adopted with the comprehensive plan. This will increase the standards and bring the code up to date. No changes to the comprehensive plan and no zoning changes.

There was a length discussion regarding architectural shingles and other roofing materials.

Consider - First Reading of Ordinance 658 - Call for Special Election

Mrs. Cooper presented Ordinance 658 explained that Edward Asbridge resigned Post 2 to run for Mayor of Flowery Branch. This special election will fill the balance of his unexpired term which ends December 31, 2023.

DEPARTMENT REPORTS:

Finance Director Report - Mrs. Gamble announced that the Audit Report will be presented at the December 16, 2021 meeting.

Council Report - Council Member Mundy asked Interim Chief Hulsey about the Shop with a Cop. Interim Chief Hulsey reported that they have 26 children that they will provide lunch and shop with on Saturday, December 4. This will be the most children that they have taken shopping since it started.

Mayor Miller explained the Shop with a Cop program has grown over the years. The children are identified by school counselors and otherwise would not have Christmas gifts.

Mayor Miller invited the residents to the Christmas Block Party on Saturday, December 18 from 2pm – 8pm.

ADJOURNMENT WORK SESSION:

Mayor Miller adjourned the work session at 6:47 pm.

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

Mayor Miller called the voting session to order at 6:47 pm.

PUBLIC COMMENTS:

Kelly McLincha, 5628 Church Street, Flowery Branch, GA 30542

Mr. McLincha wanted to express his gratitude to the wastewater treatment plant and that he has not smelled the sewer for a few weeks.

Ray Stanjevich, 5624 Church Street, Flowery Branch, GA 30542

Mr. Stanjevich is thankful for not being able to smell the sewer plant.

CONSENT AGENDA:

Consider 2022 Council Meeting Dates
Black and Veatch WWTP Interim Improvements Proposal

There was a motion made to approve the consent agenda.

MOTION: Chris Mundy
SECOND: Leslie Jarchow
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

UNFINISHED BUSINESS - VOTING SESSION:

Appointment of Tonya Parrish as City Manager

There was a motion made to approve the appointment of Tonya Parrish as City Manager and authorize Mayor Miller to execute the agreement.

MOTION: Amy Farah
SECOND: Joe Anglin
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

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.

Mr. Bennett read the caption to Ordinance 657.

There was a motion made to approve Ordinance 657 which is 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.

MOTION: Chris Mundy
SECOND: Leslie Jarchow
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

Consider - First Reading of Ordinance 658 - Call for Special Election

Mr. Bennett read the caption for Ordinance 658.

There was a motion made to approve the First Reading of Ordinance 658 - Call for Special Election.

MOTION: Joe Anglin
SECOND: Amy Farah
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

EXECUTIVE SESSION:

There was a motion made to enter executive session for matters relating to pending or potential litigation at 6:56 pm.

MOTION: Amy Farah
SECOND: Leslie Jarchow
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

There was a motion made to exit executive session and reconvene open session at 7:44 pm.

MOTION: Amy Farah
SECOND: Joe Anglin
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

ADJOURNMENT:

There was a motion made to adjourn at 7:44 pm.

MOTION: Joe Anglin
SECOND: Amy Farah
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

_____ _____ _____
Mayor – Mike Miller Date City Clerk – Shelia R. Cooper

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Consider Mayor Mike Miller Per Diem

COUNCIL MEETING DATE: December 16, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- Mayor Miller Per Diem December 16, 2021.pdf

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

NAME Mike Miller MONTH/YEAR December 2021

MEETING DATE	DESCRIPTION OF MEETING
12/9/2021	Eggs and Issues
12/16/2021	FBHS Band Visit

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

Signature

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Consider - Second Reading of Ordinance 658 - Call for Special Election

COUNCIL MEETING DATE: December 16, 2021

HISTORY:
Edward Asbridge resigned Post 2 to run for Mayor of Flowery Branch. This special election will fill the balance of his unexpired term which ends December 31, 2023.

FACTS AND ISSUES:

OPTIONS:

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

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- Ordinanace 658 Call for Special Election.pdf

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

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: 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.

COUNCIL MEETING DATE: December 16, 2021

HISTORY:
The zoning oridinance needs to be updated to coincide with the recently adopted comprehensive plan. Additionally, the building and design standards are updated to better reflect the city's vision.

FACTS AND ISSUES:
This is the second read of the ordinance.

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:
No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:
Approve

SAMPLE MOTION:
I make a motion to approve ordinance 657.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

- Zoning Text Amendments_TrackChanges_12.16.21.pdf
- Zoning Text Amendments_CLEAN_12.16.21.pdf
- ZO Update Ordinance 2021.pdf

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~~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 ~~communities~~community" character area established in the comprehensive plan. The regulations that apply to the R-3 district are designed to encourage the formation and continuance of a stable, healthy, and attractive living environment for its residents.

~~(b) *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 areas.~~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. ~~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 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.

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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	X	X	P	P	P	P	P
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~~The development requirements and guidelines are intended to apply to all land uses unless the context clearly indicates otherwise as specifically provided in this Article, and with the exception that Sec. 10.7. – Architectural Design, Sec. 10.8, - Pedestrian Retail and Sec. 10.10. – Office, Institutional, Business, and Industrial Parks and Campuses do not apply to townhouses, ~~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~~ shall be designed to create a cohesive visual relationship between the buildings.

(e) Long or continuous wall planes shall be avoided, particularly in pedestrian activity areas, where buildings should exhibit more detail and elements appropriate for close range pedestrian view. Recesses and projections should be used along the front facade to break up long expanses of wall planes.

(f) Façade articulation.

1. ~~The walls of buildings for *office*~~*Office, institutional, commercial, and industrial use*s. The walls of buildings shall not extend more than 200 linear feet parallel to a street unless the front facade of the building is designed in a way that breaks up the building face into discrete architectural elements, which can be accomplished through the following:

Facade modulation: stepping back or extending forward a portion of the facade; and/or

Providing bay windows or repeating window patterns at regular intervals; and/or

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

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

Changing materials with the change in building plane~~;~~.

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

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

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

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

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

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

(h) All sides of a building may impact on its surroundings and ~~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 cementious siding including lap siding and board and batten, and wood or cementious shakes and shingles.~~), unless other materials demonstrating equal or greater quality are used~~. ~~As a general rule,~~ ~~f~~Front facades ~~should~~ shall be at least ~~fifty percent~~50% real brick and/or unpainted natural stone. Side facades ~~should~~ shall 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~~. E~~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~~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~~ shall be low reflectance, subtle, neutral, or earth tone colors. High-intensity colors, metallic colors, black, or fluorescent colors ~~should~~ shall not be used. Building trim and accent areas on non-residential buildings may feature brighter colors, including primary colors, provided that the width of the trim shall not exceed four (4) feet.

(m) Building colors should be carefully chosen so that each building complements that of its neighbors. Colors can be classified as the "base" color (used on the majority of the building surface), "trim" color (used on the window trim, fascia, balustrades, and posts), and "accent" color (used on signs, awnings, and doors). The base color ~~should~~ shall consist of more subdued earth tones or brick shades. Trim colors ~~should~~ shall have contrasting lighter or darker shade than the base color. If natural brick is used, it ~~should~~ shall not be painted.

(n) The use of awnings on buildings are recommended so as to provide much needed protection from sun, wind, and rain, and to improve aesthetics of the building exterior.

(o) Awnings are recommended to be constructed with a durable frame covered by a canvas material. Awnings that are backlit through translucent materials may be acceptable but are not particularly encouraged. Aluminum and other metal canopies are acceptable in most instances, particularly when integrated into shopping center designs. Flameproof vinyl, canvas or metal awnings and canopies may be used.

(p) Solid colors are preferred over striped awnings, but striping is permitted if colors compliment the character of the structure or group of buildings.

(q) Awnings are encouraged for first floor retail uses to provide architectural interest and to encourage pedestrian activity. Where awnings are used, they should be designed to coordinate with the design of the building and any other awnings along the same block face.

(r) The design of fences and walls shall be compatible with the architecture of the main building(s) and should use similar materials. All walls or fences fifty feet in length or longer, and four feet in height or taller, should be designed to minimize visual monotony though 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~~façade, rear façade, and the roof of each attached unit distinct from the other through separation, staggering, or offsets in design. A minimum of two (2) exterior colors shall be used on buildings containing up to four (4) units, and a minimum of three (3) exterior colors shall be used on buildings containing five (5) or six (6) units; however, when all exteriors are unpainted brick, they shall not be required to vary in color. See also Sec. 12.6.(k)1.

(h) *Rear Access ~~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 or by Subsection (n) below, ~~may and is encouraged to~~shall be be accomplished by alleys.

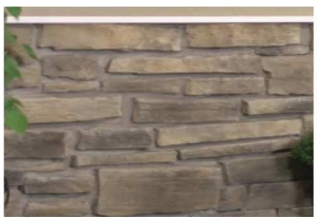
(i) *Parking.* Two enclosed parking spaces minimum per unit shall be provided.

(j) *Subdivision Plat Approval.* Each townhouse development or phase thereof shall require preliminary and final subdivision plat approval in accordance the City of Flowery Branch Subdivision and Land Development Ordinance.

(k) *Wall Finishes.*

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

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



Faux Stone Veneer

Faux Brick Veneer

Vinyl Siding

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

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

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

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

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

Faux Brick Foundation Panel

Foundation wall missing / insufficient height on the side

Foundation wall is only located on the front façade

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

(n) *Garage Placement and Materials.*

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 12.7. – Single-Family Detached Dwellings.

Detached single-family dwellings shall meet the following requirements.

(a) *Wall Finishes.*

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

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

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

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

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

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

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

a. Sec. 12.7.(a) 2. shall apply to rear facades that are visible from a public street.

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

(b) *Entrance Features.*

1. The primary entrance to a residence must be emphasized through the use of an unenclosed roofed porch, veranda or terrace that is a minimum of: six (6) feet deep (not including the steps); and, 40% of the width of the front façade or 11 feet, whichever is greater.

2. A stoop or gable may be used in lieu of a porch, veranda or terrace when the front façade finish is brick. A stoop shall not be more than six (6) feet deep (not including the steps) and cannot be fully enclosed.

~~1.~~3. Entry steps shall have enclosed risers.

~~2.~~ 4. Columns shall be a minimum width of eight (8) inches and shall be wood or durable material that resembles wood from top to bottom or atop stone or masonry bases

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

(d) *Garage Placement and Materials.*

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

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

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

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

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

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

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

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

(f) Design Review. See Article 40.

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

Duplexes shall meet the requirements of Sec. 12.7.

ARTICLE 14. - SPECIFIC PROVISIONS FOR PRINCIPAL NONRESIDENTIAL

Sec. 14.13. - Industrial Uses.

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

(a) 20% open space requirement - landscaping and/or natural areas excluding any detention ponds unless they are built as an amenity.

(b) Landscape and buffer plan must be submitted and approved by the Zoning Administrator.

1. A significant amount of landscaping will be required to ensure proper screening.

2. Plans will be approved on a case by case basis taking into account the location of the project and the topography of the site.

(c) Minimum 75% of required parking shall be located in the rear of the primary structure(s). If on a corner lot parking shall be adequately screened from the right-of-way.

(d) All loading/unloading bays shall be located in the rear of the primary structure(s).

(e) Master sign plan must be submitted and approved by the Zoning Administrator.

(f) Architectural renderings of the project must be submitted and approved by the Zoning Administrator prior to the issuance of any permits.

(g) See also Article 10 *Development Requirements and Guidelines* of this Zoning Ordinance.

Sec. 14.14. – Package Stores.

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

(a) No new package store shall be allowed to operate within 2,640 feet (.5 miles) of an existing, legally established, package store. Distance shall be calculated from the store front and shall extend in every direction. It is the responsibility of the property owner or business owner to provide proof that this condition is being met at the time of occupational tax license application submittal.

(b) No package store may operate within one hundred (100) yards of a legally established church or religious institution. It is the responsibility of the property owner or business owner to provide proof that this condition is being met at the time of occupational tax license application submittal.

(c) No package store may operate within two hundred (200) yards of any legally established school building, educational building, school grounds, or college campus. It is the responsibility of the property owner or business owner to provide proof that this condition is being met at the time of occupational tax license application submittal.

Sec. 14.~~14~~15. - Application Requirements for Uses Specified in this Article.

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

(a) *Plat*. A copy of the recorded plat for the subject property.

(b) *Site Plan.* The site plan required by this Zoning Ordinance, which must show areas proposed for the handling and storage of overburden, by-products, and/or excavated materials including the estimated type and volume of extraction.

(c) *Operations Plan.* An operations plan, which shall include: the date of commencement of operation and its expected duration and the proposed hours of operation.

(d) *State or Federal Permit Documents.* A copy of all documents submitted or prepared for submission to the Georgia Department of Natural Resources or any other state or federal regulatory agency, as may be required, for the purpose of obtaining a state permit or federal authorization.

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

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

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.

ARTICLE 3. - ESTABLISHMENT OF DISTRICTS AND OFFICIAL ZONING MAP

Sec. 3.5. - Character Areas Established.

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

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

ARTICLE 6. - AGRICULTURAL AND CONVENTIONAL RESIDENTIAL ZONING DISTRICTS

Sec. 6.1. - A, Agricultural District.

(a) *Purpose and Description.* The Agricultural District is established to maintain those areas within the City of Flowery Branch that are not intended to convert to urban or suburban development in the short term.

(b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts."

(c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts."

(d) *Design Requirements*. See Articles 10, 12 and 40 of this Zoning Ordinance.

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

(a) *Purpose and Description.* This zoning district is established to accommodate single-family residences and related uses at low suburban densities and to protect the future development of land in accordance with the comprehensive plan. This district consists predominantly of detached single-family dwellings (site built or modular) and is intended to implement the “suburban residential” character area established in the comprehensive plan. The regulations that apply to the R-1 district are designed to encourage the formation and continuance of a stable, healthy, and attractive living environment for its residents.

(b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts."

(c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts."

(d) *Design Requirements.* See Articles 10, 12 and 40 of this Zoning Ordinance.

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

(a) *Purpose and Description.* This zoning district is established to accommodate single-family residences and related uses at moderate suburban densities and to protect the future development of land in accordance with the comprehensive plan. This district consists predominantly of detached single-family dwellings (site built or modular) and is intended to implement the "suburban residential" character area established in the comprehensive plan. The regulations that apply to the R-2 district are designed to encourage the formation and continuance of a stable, healthy, and attractive living environment for its residents.

(b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts."

(c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts."

(d) *Design Requirements*. See Articles 10, 12 and 40 of this Zoning Ordinance.

Sec. 6.4. - R-3, Residential Multi-Family District.

(a) *Purpose and Description.* This zoning district is intended to provide for higher density residential development and related uses and to protect the future development of land in accordance with the comprehensive plan. This district consists predominantly of multi-family residences (apartment complexes and townhouses), two-family residences, and detached single-family dwellings (site built or modular) and is intended to implement the "urban density community" character area established in the comprehensive plan. The regulations that apply to the R-3 district are designed to encourage the formation and continuance of a stable, healthy, and attractive living environment for its residents.

(b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts."

(c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts."

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

(a) *Purpose and Description.* This zoning district is intended exclusively for the placement of manufactured homes and related uses in manufactured home parks and for the development of land in accordance with the comprehensive plan. This district is also intended to implement the implement the "urban density community" character area established in the comprehensive plan, as it pertains to existing manufactured home park use. The regulations that apply to the MHP district are designed to encourage the formation and continuance of a stable, healthy, and attractive living environment for its residents.

(b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts."

(c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts." Dimensional requirements such as specifications for manufactured home spaces shall be as designated on an approved site plan.

(d) *Limitations on Rezoning.* There shall be no rezoning to the MHP zoning district, unless it is contiguous to an existing MHP zoning district, or unless it is designated MHP at the time of annexation into the city limits.

(e) *Design Requirements*. See Articles 10 and 40 of this Zoning Ordinance.

ARTICLE 7. - TND, TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT

Sec. 7.1. - Purpose and Description.

This zoning district is intended to provide for neighborhoods that are designed according to the principles of "new urbanism" with a grid or modified-grid street network, pedestrian scale and orientation, shallow front yards, relatively narrow local streets planted with shade trees and provided with wide sidewalks, and with automobile garages located to the rear or side of residential lots. TND districts are further distinguished from conventional suburban subdivision developments in their provision of public greens or common areas, when new neighborhoods are created.

Sec. 7.2. - Character.

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

Sec. 7.3. - Permitted and Conditional Uses.

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

Sec. 7.4. - Dimensional Requirements.

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

Sec. 7.5. - Additional Development Requirements.

(a) Maximum Block Width and Block Length. When a new subdivision is created within this district, the lots shall be designed in a grid-like pattern of blocks and interconnecting streets, where no new block created shall have a length or width exceeding 800 feet in length without an alley or intervening (mid-block) pedestrian footpaths.

(b) Front Porches. Any new, detached dwelling shall have a front porch no less than sixteen feet in width as measured along the street frontage and no less than six feet in depth measured from the front property line to the interior of the lot.

(c) On-site Parking. A two-car garage or carport located in the rear or side yard is required.

Sec. 7.6. - Design Requirements.

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

ARTICLE 8. - PUD, PLANNED UNIT DEVELOPMENT DISTRICT

Sec. 8.1. - Description and Intent.

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

Sec. 8.2. - Objectives.

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

(a) Allow and encourage more unique, flexible, creative, and imaginative arrangements and mixes of land uses in site planning and development than are permitted through conventional land use requirements.

(b) Encourage a broader mix of residential housing types, including detached and attached dwellings, than would normally be constructed in conventional subdivisions.

(c) Allow and encourage the development of tracts of land as single developments that are planned neighborhoods or communities, including civic and semi-public uses (e.g., schools, playgrounds, meeting halls, etc.) that help to make up a community.

(d) Preserve the natural amenities of the land through maintenance of conservation areas and open spaces within developments.

(e) Provide for the more efficient use of land through clustering and other flexible, innovative development arrangements that will result in smaller networks of utilities and streets and thereby lower development and housing costs.

(f) Provide a more desirable living environment than would be possible through the strict application of conventional residential zoning requirements.

(g) Establish application requirements that are more rigorous than rezoning applications and conditional use permits but no more onerous than necessary to enable thorough analyses.

(h) Ensure that the design of building forms is interrelated and architecturally harmonious.

Sec. 8.3. - Character.

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

Sec. 8.4. - Permitted Uses.

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

(a) At least twenty (20) percent of the total area of the planned unit development shall be conservation, open space, and/or landscaped area.

(b) At least seventy (70) percent of the units proposed and approved as part of the planned community development shall be detached, single-family dwellings.

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

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

Sec. 8.5. - Dimensional Requirements.

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

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

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

Sec. 8.6. - Design Review.

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

(a) For uses that have been lawfully established on a lot of record that existed on the effective date of this zoning ordinance, no design review shall be required.

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

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

Sec. 8.7. - Design Guidelines.

The following provisions are not requirements per se, but may be made requirements as a part of rezoning approval. Substantial deviation from, or inconsistency with, the guidelines in this Section shall be grounds for denial of a rezoning to the PUD district.

(a) Open spaces. Open spaces such as town greens and public squares, within developed portions of the development, should be located and designed to add to the visual amenities of the development. Greens and squares should be spatially defined and distributed throughout the development so that no lot is more than a walking distance of 1,350 feet from a green, square, park or open space. Greens and squares should not be less than 8,000 square feet in area. A mix of peripheral as well as internal green space should be provided. If two PUDs are developed next to each other, there should be contiguous open space between the two PUDs.

(b) Greenspace. Preserve patches of high-quality habitat, as large and circular as possible, feathered at the edges, and connected by wildlife corridors. When continuous greenspace corridors cannot be provided or must be broken up for road access or other valid reasons, patches should be retained as "stepping stones" for wildlife corridors.

(c) See also Article 10 of this Zoning Ordinance.

ARTICLE 9. - NONRESIDENTIAL ZONING DISTRICTS

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

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

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

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

(e) *Design Requirements*. See Articles 10 and 40 of this Zoning Ordinance.

Sec. 9.2. - INST, Institutional District.

(a) *Purpose and Description*. This zoning district is intended to implement the "Institutional Campus" character area established in the comprehensive plan. The Institutional zoning district is intended to encourage and provide suitable areas for single-function institutional campuses including the Atlanta Falcons Training Facility, schools, and large churches.

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

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

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

Sec. 9.3. - NS, Neighborhood Shopping District.

(a) *Purpose and Description*. This zoning district is intended to primarily implement the "neighborhood commercial" character area established in the comprehensive plan but may also be used to implement the “mixed use – downtown” and “mixed use – neighborhood” character areas. The NS district is intended to provide areas for limited, small-scale commercial uses of a convenience nature serving nearby residential neighborhoods as opposed to a regional market. This district provides for attractive, non-auto related neighborhood businesses and services within enclosed buildings that have a scale compatible with pedestrians and that are connected to adjacent residential neighborhoods and do not generate adverse impacts which would detract from the desirability of adjacent properties for residential use.

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

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

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

Sec. 9.4. - HB, Highway Business District.

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

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

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

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

Sec. 9.5. - CBD, Central Business District.

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

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

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

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

(d) *Construction Approval*.

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

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

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

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

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

8. Facility impact analyses, including the following:

   a. Proof of water and sewer availability from the Public Works Director and Wastewater Treatment Plant Superintendent.

   b. Analysis of the adequacy of drainage for the site (description and assessment of adequacy of stormwater facilities on-site and off-site).

9. A written development agreement, if the developer requests city participation in the provision of on-site or off-site facilities, such as the sharing of costs for facilities, shared parking, etc. which may or may not be available from the city. If accepted by the city, the development agreement may become a condition of project approval or it may be considered and approved separately from redevelopment project approval;

10. If any variances or administrative variances are required, the applicant will file a separate application following submission requirements and processes for the type of variance sought.

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

(a) *Purpose and Description*. This zoning district is intended to accommodate light industrial uses and to implement the "industrial employment" character area established in the comprehensive plan. The M-1 district provides for various types of industrial, manufacturing or warehousing operations that generally require storage of materials or goods, but are of low noise or nuisance level. Land for the M-1 district should be located in relation to the local road network due to frequent truck traffic and designated so as to not disrupt normal traffic flow. This district provides a concentration of employment and job activity, contributing substantially to the economic base of the city.

(b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts." Light industries are the primary permitted uses.

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

(d) *Design Requirements*. Please see Article 14 sec. 14.13 and Article 40 of this ordinance.

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

(a) *Purpose and Description*. This zoning district is intended to accommodate heavy industrial uses and to implement the "industrial employment" character area established in the comprehensive plan. The M-2 district provides for industrial, manufacturing and warehousing operations which require buildings and open areas for fabricating, processing, extracting or repairing equipment, raw materials, manufactured products or wastes and which require adequate separation and screening from residential and commercial uses. Land for the M-2 district should be located in relation to the local road network so as to not disrupt normal traffic flow. This district provides a concentration of employment and job activity, contributing substantially to the economic base of the city.

(c) *Permitted and Conditional Uses*. Permitted and conditional uses shall be as provided in Table 9.1 , "Permitted and Conditional Uses in Nonresidential Zoning Districts." Light and heavy industries are the primary permitted uses.

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

(e) *Design Requirements*. Please see Article 14 sec. 14.13 and Article 40 of this ordinance.

Table 9.1

Permitted and Conditional Uses in Nonresidential Zoning Districts

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

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

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Automobile service establishment without sales	X	X	X	P	X	P	P
Bank or financial institution	P	P	P	P	P	X	X
Batching plant	X	X	X	X	X	X	C
Bed and breakfast inn	P	P	P	P	P	X	X
Big box commercial building	X	X	X	C	X	C	C
Borrow site	X	C	X	C	X	X	P
Botanical garden	P	P	P	C	X	X	X
Bottling or canning plant	X	X	X	X	X	C	P
Brewery or distillery	X	X	X	X	X	P	P
Broadcasting studio	P	P	P	P	X	P	P
Building material sales	X	X	X	C	X	P	P
Building sales establishment	X	X	X	C	X	P	P
Bulk storage	X	X	X	X	X	X	P
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

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Clinic	P	P	P	P	X	X	X
Club or lodge, nonprofit, sponsored by a civic or similar organization	P	P	C	P	X	C	C
Club, private	X	C	X	C	X	X	X
Cold storage plant or frozen food locker	X	X	X	X	X	P	P
Co-generation facility	X	X	X	X	X	C	C
College or university	C	P	X	C	X	C	C
Commercial recreational facility, indoor	X	X	C	P	X	C	C
Commercial recreational facility, outdoor	X	X	X	C	C	C	C
Communication tower and antenna	P	P	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

Use	O-P	INST	NS	HB	CBD	M-1	M-2
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	X	X	X	X	P	X	X
Dwelling, townhome (single-family attached fee-simple)	X	X	X	X	P	X	X
Dwelling, multi-family	X	X	X	X	C	X	X
Dwelling, located within a building containing a nonresidential principal use	X	X	X	X	X	X	X
Explosives storage	X	X	X	X	X	X	C
Exterminating and pest control business or disinfecting service	X	X	C	P	X	P	P
Extraction and removal of sand, gravel, top soil, clay, dirt, precious metals, gems, and minerals	X	X	X	X	X	X	C
Fairgrounds	X	P	X	X	C	P	P
Finance, insurance, and real estate establishment, 2,500 square feet or less of gross floor area per establishment	P	P	P	P	P	P	P
Finance, insurance, and real estate establishment, more than 2,500 square feet of gross floor area per establishment	P	P	P	P	P	X	X

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Food processing plant	X	X	X	X	X	X	P
Fuel oil distributor	X	X	X	X	X	P	P
Funeral home or mortuary	X	X	X	C	X	P	P
Gas tank sales	X	X	X	C	X	X	P
Greenhouse (commercial)	X	X	X	P	X	P	P
Group home	C	P	X	P	X	X	X
Growler	X	X	P	P	P	P	P
Gym or exercise facility, not open 24 hours a day	P	P	P	P	P	P	P
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

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Landfill (sanitary, construction/demolition, inert waste)	X	X	X	X	X	X	C
Landscaping company	X	X	X	P	X	P	P
Live/work unit	C	X	C	C	P	P	P
Lodging service (hotel, motel, motor hotel, inn)	X	C	X	P	P	X	X
Logging yard	X	X	X	X	X	X	P
Lumber yard	X	X	X	C	X	P	P
Machine shop	X	X	X	P	X	P	P
Manufactured home, "Class A"	X	X	X	X	X	X	X
Manufactured home other than "Class A"	X	X	X	X	X	X	X
Manufactured home park	X	X	X	X	X	X	X
Manufacturing, ceramics	X	X	X	X	X	C	P
Manufacturing, cosmetics or toiletries	X	X	X	X	X	P	P
Manufacturing, coating of cans, coils, fabrics, vinyl, metal furniture, appliance surfaces, wire, paper, and flat wood paneling	X	X	X	X	X	C	C
Manufacturing, electronics, camera, or photographic or communication equipment	X	X	X	X	X	P	P
Manufacturing, instrument assembly	X	X	X	X	X	P	P
Manufacturing, metal products	X	X	X	X	X	C	P
Manufacturing, pharmaceuticals and medical supplies	X	X	X	X	X	P	P
Manufacturing, textiles	X	X	X	X	X	P	P

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Manufacturing, wood products	X	X	X	X	X	P	P
Manufacturing, processing, and assembling, within buildings, not otherwise specified	X	X	X	X	X	C	C
Marina	X	C	X	P	X	X	X
Materials recovery facility	X	X	X	X	X	X	C
Micro brewery	X	X	X	X	P	P	P
Mixed use building or development	C	X	P	X	P	C	X
Museum	P	P	P	P	P	P	P
Office	P	P	P	P	P	P	P
Office-warehouse	X	X	X	C	X	P	P
Open air business	X	X	X	P	C	C	C
Open storage yard (principal use)	X	X	X	C	X	P	P
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

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Railroad freight terminal	X	C	X	X	X	X	P
Recreational vehicle park	X	X	X	C	X	X	X
Recovered materials processing facility	X	X	X	X	X	X	C
Recycling center	X	X	X	X	X	C	C
Restaurant, excluding drive-ins or drive through facilities and fast-food restaurants as defined	X	C	P	P	P	P	P
Restaurant, including drive-ins or drive through facilities and fast-food restaurants as defined	X	X	X	P	X	C	C
Retail trade establishment, enclosed	X	X	P	P	P	P	P
Retreat center	P	P	X	P	X	X	X
Riding academy or equestrian center	X	X	X	P	X	C	C
Rooming or boarding house	C	X	X	C	X	X	X
Sawmill	X	X	X	C	X	X	P
School for the arts	P	P	C	P	C	C	C
School, private, elementary, middle, or high	P	P	C	P	X	C	C
School, public	P	P	X	X	X	X	X
School, professional	P	P	C	P	X	C	C
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

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

Use	O-P	INST	NS	HB	CBD	M-1	M-2
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) The development requirements and guidelines are intended to apply to all land uses unless the context clearly indicates otherwise as specifically provided in this Article, and with the exception that Sec. 10.7. – Architectural Design, Sec. 10.8, - Pedestrian Retail and Sec. 10.10. – Office, Institutional, Business, and Industrial Parks and Campuses do not apply to townhouses, single-family detached dwellings, and duplexes.

(b) See Article 12, Sec. 12.6, Sec. 12.7, and 12.8 in this Zoning Ordinance for additional requirements that pertain to townhouses, single-family detached dwellings, and duplexes.

(c) See also Article 40. *Design Review*.

Sec. 10.7. - Architectural Design.

(a) Architectural design should be compatible with the developing character of the neighboring area. Design compatibility includes complementary building style, form, size, color, materials, and detailing. The designer should consider each of the following contexts as part of the design process:

1. Size (the relationship of the project to its site).
2. Scale (the relationship of the building to those around it).
3. Massing (the relationship of the building's various parts to each other).
4. Fenestration (the placement of windows and doors).
5. Rhythm (the relationship of fenestration, recesses and projections).
6. Setback (in relation to setback of immediate surroundings).
7. Materials (their compatibility with the historic district).
8. Context (the overall relationship of the project to its surroundings).

(b) Efforts to coordinate the height of buildings and adjacent structures are encouraged. This is especially applicable where buildings are located very close to each other. It is often possible to adjust the height of a wall, cornice or parapet line to match that of an adjacent building. Similar design linkages such as window lines should be placed in a pattern that reflects the same elements on neighboring buildings.

(c) Diversity of architectural design should be encouraged. "Theme" or stylized architecture which is characteristic of a particular historic period or trend is not encouraged, unless the existing building or site is historically important to the district or necessary for architectural harmony.

(d) Multiple buildings on the same site shall be designed to create a cohesive visual relationship between the buildings.

(e) Long or continuous wall planes shall be avoided, particularly in pedestrian activity areas, where buildings should exhibit more detail and elements appropriate for close range pedestrian view. Recesses and projections should be used along the front facade to break up long expanses of wall planes.

(f) Façade articulation.

1. *Office, institutional, commercial, and industrial uses*. The walls of buildings shall not extend more than 200 linear feet parallel to a street unless the front facade of the building is designed in a way that breaks up the building face into discrete architectural elements, which can be accomplished through the following:

Facade modulation: stepping back or extending forward a portion of the facade; and/or

Providing bay windows or repeating window patterns at regular intervals; and/or

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

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

Changing materials with the change in building plane.

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

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

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

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

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

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

(h) All sides of a building may impact on its surroundings and shall utilize an architectural finish of primary materials consisting of real brick (full-depth or thin brick), unpainted natural stone, unpainted cast stone, true three-coat cement stucco, natural wood or cementious siding including lap siding and board and batten, and wood or cementious shakes and shingles. Front facades shall be at least 50% real brick and/or unpainted natural stone. Side facades shall be at least 50% real brick and/or unpainted natural stone. Rear facades that are visible from a public right-of-way shall be at least 50% real brick and/or unpainted natural stone. Requirements for brick or stone may be modified to accommodate creatively designed structures as determined by the Community Development Director.

(i) Exterior building materials on the primary structure shall not include smooth-faced concrete block, tilt-up concrete panels, or prefabricated steel panels, with the exception that exterior building materials on industrial buildings may be split face (integrated block) and/or tilt-up concrete panels accented with steel panels. However, elevations visible from the public right-of-way must be permanent, non-metal construction.

(j) The following types of building materials shall not be used: highly reflective, shiny, or mirror-like materials; mill-finish (non-colored) aluminum metal windows or door frames; exposed, unfinished foundation walls; exposed plywood or particle board; and unplastered, exposed concrete masonry blocks.

(k) Piecemeal embellishment and frequent changes in material shall be avoided. Material or color changes generally 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 shall be low reflectance, subtle, neutral, or earth tone colors. High-intensity colors, metallic colors, black, or fluorescent colors shall not be used. Building trim and accent areas on non-

residential buildings may feature brighter colors, including primary colors, provided that the width of the trim shall not exceed four (4) feet.

(m) Building colors should be carefully chosen so that each building complements that of its neighbors. Colors can be classified as the "base" color (used on the majority of the building surface), "trim" color (used on the window trim, fascia, balustrades, and posts), and "accent" color (used on signs, awnings, and doors). The base color shall consist of more subdued earth tones or brick shades. Trim colors shall have contrasting lighter or darker shade than the base color. If natural brick is used, it shall not be painted.

(n) The use of awnings on buildings are recommended so as to provide much needed protection from sun, wind, and rain, and to improve aesthetics of the building exterior.

(o) Awnings are recommended to be constructed with a durable frame covered by a canvas material. Awnings that are backlit through translucent materials may be acceptable but are not particularly encouraged. Aluminum and other metal canopies are acceptable in most instances, particularly when integrated into shopping center designs. Flameproof vinyl, canvas or metal awnings and canopies may be used.

(p) Solid colors are preferred over striped awnings, but striping is permitted if colors compliment the character of the structure or group of buildings.

(q) Awnings are encouraged for first floor retail uses to provide architectural interest and to encourage pedestrian activity. Where awnings are used, they should be designed to coordinate with the design of the building and any other awnings along the same block face.

(r) The design of fences and walls shall be compatible with the architecture of the main building(s) and should use similar materials. All walls or fences fifty feet in length or longer, and four feet in height or taller, should be designed to minimize visual monotony though changes in plane, height, material or material texture or significant landscape massing. Chain link fencing is discouraged. Use of special fencing design or materials should be discussed in cases where site security is paramount. If used, chain link fences should be vinyl coated (black or green colored vinyl encouraged).

(s) All commercial, industrial, large multifamily residential and institutional sites must provide appropriate refuse dumpsters and other similar areas devoted to the storage of waste materials and grease or oil containers. The minimum area for said requirement shall be 36 square feet. All garbage dumpsters and other similar areas devoted to the storage of waste materials and grease or oil containers should be screened on three (3) sides of said dumpster or area with a minimum six (6) foot high solid wooden fence, or a wall constructed of materials substantially similar in appearance to the building on site. In addition, said dumpster areas should be gated on the fourth side with a material that provides opaque screening, should be screened on three (3) sides of said dumpster or area with a minimum six (6) foot high solid wooden fence, or a wall constructed of materials substantially similar in appearance to the building on site. In addition, said dumpster areas should be gated on the fourth side with a material that provides opaque screening.

(t) Rooftop mechanical and electrical equipment shall be screened from public view by building elements that are designed as an integral part of the building architecture, or by a parapet wall.

(u) Where roof shingles are used, architectural shingles shall be required.

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

Sec. 12.1. - Commercial Recreation Facility.

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

(a) *Exterior lighting.* If lighted, exterior lighting shall require a lighting plan to be submitted and approved prior to installation. See Article 23 of this Zoning Ordinance.

(b) *Swimming Pools and Tennis Courts.* Swimming pools and tennis courts shall be setback a minimum of twenty-five (25) feet from all property lines of the tract of land devoted to community recreation, with a minimum ten (10) foot wide landscape strip along all property lines of said tract. See Article 19 of this Zoning Ordinance for landscape strip specifications.

(c) *Buildings.* Buildings (excluding accessory structures) shall be setback a minimum of twenty-five (25) feet from the property line of the tract. If outdoor patios or decks are provided, they shall be located no closer than twenty-five (25) feet from the property line of the tract and a minimum ten (10) foot wide landscape strip shall be provided between said outdoor patio or deck and the property line or boundary of said tract. See Article 19 of this Zoning Ordinance for landscape strip specifications.

(d) *Parking.* Parking shall be provided per the requirements of Article 21 of this Zoning Ordinance.

Sec. 12.2. - Model Home.

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

(a) *Time of Construction.* The model home is typically constructed before approval of a final plat, and hence the model home is the principal use of the entire unsubdivided parcel until the final plat is approved.

(b) *Location on a Lot.* The model home shall be placed on a lot designated on the approved preliminary plat and shall be placed in a manner that meets the applicable zoning district dimensional requirements so that it complies at the time it is erected and when it is sold and/or converted for single-family residential use.

(c) *Sales.* Sales shall be limited to the lots and buildings within the subdivision where the model home is located.

(d) *Certain Buildings Prohibited.* A manufactured home or portable building shall not be used as a model home or temporary sales office.

(e) *Duration and Discontinuance.* The use of the model home for a sales office shall be discontinued within 30 days after Certificates of Occupancy have been issued on 90 percent of the lots in the subdivision.

(f) *Parking and Accessibility.* The model home shall comply with off-street parking and applicable accessibility standards.

Sec. 12.3. - Multi-family Development.

(a) *Condominiums.* If a condominium form of ownership is proposed, the development shall meet all current applicable state laws including the Georgia Condominium Act (O.C.G.A. § 44-3-70 et seq.). Proposed bylaws and the articles of incorporation for the condominium association shall be submitted with the application for development approval.

(b) *Laundry facilities.* On-site accessory laundry facilities are permitted accessory uses for developments with 25 or more units.

(c) *Setbacks.* Buildings within multi-family developments shall be subject to the setbacks for the entire lot as established in applicable zoning district dimensional requirements. There shall be no requirements for setbacks from private driveways within the multi-family development, except as may be determined by the Zoning Administrator to be essential to meet building or accessibility codes, to meet sight accessibility requirements for motorists and pedestrians, or other essential public safety considerations during the site plan review process.

(d) *Site Plan Approval.* Site plan approval by the Zoning Administrator shall be required. The Zoning Administrator may place conditions of development approval on any multiple-family site plan approval, which such conditions are specifically related to compliance with a requirement of this Zoning Ordinance or other applicable regulation. Furthermore, reasonable conditions may be placed on the development through site plan approval by the Zoning Administrator in order to (1) ensure compliance with design and development standards specified in this Zoning Ordinance for said use or (2) ensure consistency with development guidelines or policies of the comprehensive plan.

(e) *Design Standards.* See Section 10.7 of this Zoning Ordinance.

Sec. 12.4. - Relocated Residence.

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

(a) *Picture.* A photograph of the structure at its present location.

(b) *Existing Location.* The current location (address and tax parcel number) where the structure is now located.

(c) *Proposed Location in City.* If the structure is to be relocated inside the city limits, the proposed location (address and tax parcel number) of the structure. To ensure compliance with the applicable zoning district dimensional requirements, when the relocated residential structure is proposed to be located within the city limits, the Zoning Administrator shall require submission of the proposed location (address and tax parcel number) and a copy of the recorded plat of the lot on which the structure will be placed (if none exists the applicant shall be required to comply with subdivision requirements of the city's Subdivision and Land Development Ordinance).

(d) *Floor Area.* The total heated floor area of the existing structure and, if to be located within the city, the renovated structure.

(e) *Building Permit.* A building permit shall be required.

(f) *Exterior Improvements.* All exterior improvements to the structure once relocated shall be completed within six months of relocation.

(g) *Historic Preservation.* If located or proposed to be located within a historic district as recognized in this Zoning Ordinance or other historic preservation ordinance of the city, there must be a copy of the approved Certificate of Appropriateness from the Historic Preservation Commission prior to relocating the residential structure.

(h) *Inspection.* The Zoning Administrator shall inspect or arrange for the inspection of the structure for compliance with the minimum standards of the zoning district proposed for location and other applicable regulations and codes.

Sec. 12.5. - Subdivision Entrance Monuments.

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

(a) *Design.* The subdivision entrance monument and the landscape surrounding the monument shall be designed by a registered landscape architect.

(b) *Design Review.* Design plan review and approval is required. See Article 40 of this zoning ordinance.

Sec. 12.6. - Townhouses.

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

(a) *Lot Frontage and Lot Width.* Each platted lot shall have a minimum of twenty (20) feet of frontage on a public street or private road that meets public street standards, and each lot shall have a minimum lot width of twenty (20) feet.

(b) *Lot Size.* The minimum size of a lot for each fee-simple townhouse lot (i.e., the extent of land owned by the owner of the unit) shall be 2,000 square feet in lot area.

(c) *Front Building Setbacks.* There shall be a minimum twenty (20) foot front setback from any perimeter boundary of the fee-simple townhouse subdivision and a 30 foot front setback from any public or private street exterior to or within the subdivision.

(d) *Side Setbacks and Zero Lot Line.* Zero lot line between units within the same building shall be permitted, subject to applicable fire and building codes.

(e) *Rear Setbacks.* There shall be a minimum twenty (20) foot rear setback from townhouse lot boundaries for all buildings and structures, except when the rear property line abuts an alley, in which case no setback shall be required.

(f) *Building Separation.* There shall be a minimum building separation of twenty (20) feet between townhouse buildings.

(g) *Building Unit Offsets.* To avoid a monotonous appearance, for any given building, no more than six (6) units may have common walls. Any building containing more than three (3) units with common walls must have the front façade, rear façade, and the roof of each attached unit distinct from the other through separation, staggering, or offsets in design. A minimum of two (2) exterior colors shall be used on buildings containing up to four (4) units, and a minimum of three (3) exterior colors shall be used on buildings containing five (5) or six (6) units; however, when all exteriors are unpainted brick, they shall not be required to vary in color. See also Sec. 12.6.(k)1.

(h) *Rear Access.* Townhouse developments shall be designed to provide proper access to all dwelling units for firefighting purposes, as may be determined by applicable codes. Rear access, if required for firefighting purposes or by Subsection (n) below, shall be accomplished by alleys.

(i) *Parking.* Two enclosed parking spaces minimum per unit shall be provided.

(j) *Subdivision Plat Approval.* Each townhouse development or phase thereof shall require preliminary and final subdivision plat approval in accordance the City of Flowery Branch Subdivision and Land Development Ordinance.

(k) *Wall Finishes*.

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

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

Faux Stone Veneer

Faux Brick Veneer

Vinyl Siding

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

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

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

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

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

Faux Brick Foundation Panel

Foundation wall missing / insufficient height on the side

Foundation wall is only located on the front façade

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

(n) *Garage Placement and Materials.*

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 12.7. – Single-Family Detached Dwellings.

Detached single-family dwellings shall meet the following requirements.

(a) *Wall Finishes.*

1. See Sec. 12.6.(k)1.
2. Facades facing a side yard shall meet the following requirements:
   a. Each applicable façade shall have: a minimum of 5% transparency (defined as the minimum percentage of windows and doors that must cover a ground or upper story façade) of the total wall area; and, a maximum of 20 feet of blank wall area (defined as the portion of the exterior façade of a building that does not include windows or doors; pilasters or other articulation greater than 12 inches in depth; or a substantial change in material) in either a vertical or horizontal direction.
   b. False windows may count toward the transparency requirement where they are similar in size, shape, and materials to other windows on that building and consist of trim with closed shutters that have the appearance of a shuttered window or windows. A single louvered panel with trim may also count toward this requirement. False windows shall

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

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

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

a. Sec. 12.7.(a) 2. shall apply to rear facades that are visible from a public street.

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

(b) *Entrance Features.*

1. The primary entrance to a residence must be emphasized through the use of an unenclosed roofed porch, veranda or terrace that is a minimum of: six (6) feet deep (not including the steps); and, 40% of the width of the front façade or 11 feet, whichever is greater.

2. A stoop or gable may be used in lieu of a porch, veranda or terrace when the front façade finish is brick. A stoop shall not be more than six (6) feet deep (not including the steps) and cannot be fully enclosed.

3. Entry steps shall have enclosed risers.

4. Columns shall be a minimum width of eight (8) inches and shall be wood or durable material that resembles wood from top to bottom or atop stone or masonry bases.

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

(d) *Garage Placement and Materials.*

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

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

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

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

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

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

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

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

(f) Design Review. See Article 40.

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

Duplexes shall meet the requirements of Sec. 12.7.

ARTICLE 14. - SPECIFIC PROVISIONS FOR PRINCIPAL NONRESIDENTIAL

Sec. 14.13. - Industrial Uses.

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

(a) 20% open space requirement - landscaping and/or natural areas excluding any detention ponds unless they are built as an amenity.

(b) Landscape and buffer plan must be submitted and approved by the Zoning Administrator.

1. A significant amount of landscaping will be required to ensure proper screening.

2. Plans will be approved on a case by case basis taking into account the location of the project and the topography of the site.

(c) Minimum 75% of required parking shall be located in the rear of the primary structure(s). If on a corner lot parking shall be adequately screened from the right-of-way.

(d) All loading/unloading bays shall be located in the rear of the primary structure(s).

(e) Master sign plan must be submitted and approved by the Zoning Administrator.

(f) Architectural renderings of the project must be submitted and approved by the Zoning Administrator prior to the issuance of any permits.

(g) See also Article 10 *Development Requirements and Guidelines* of this Zoning Ordinance.

Sec. 14.14. – Package Stores.

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

(a) No new package store shall be allowed to operate within 2,640 feet (.5 miles) of an existing, legally established, package store. Distance shall be calculated from the store front and shall extend in every direction. It is the responsibility of the property owner or business owner to provide proof that this condition is being met at the time of occupational tax license application submittal.

(b) No package store may operate within one hundred (100) yards of a legally established church or religious institution. It is the responsibility of the property owner or business owner to provide proof that this condition is being met at the time of occupational tax license application submittal.

(c) No package store may operate within two hundred (200) yards of any legally established school building, educational building, school grounds, or college campus. It is the responsibility of the property owner or business owner to provide proof that this condition is being met at the time of occupational tax license application submittal.

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

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

(a) *Plat*. A copy of the recorded plat for the subject property.

(b) *Site Plan.* The site plan required by this Zoning Ordinance, which must show areas proposed for the handling and storage of overburden, by-products, and/or excavated materials including the estimated type and volume of extraction.

(c) *Operations Plan.* An operations plan, which shall include: the date of commencement of operation and its expected duration and the proposed hours of operation.

(d) *State or Federal Permit Documents.* A copy of all documents submitted or prepared for submission to the Georgia Department of Natural Resources or any other state or federal regulatory agency, as may be required, for the purpose of obtaining a state permit or federal authorization.

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

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

ARTICLE 40. - DESIGN REVIEW

Sec. 40.1. - Purposes.

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

Sec. 40.2. - Applicability.

(a) This Article shall apply to all development within the city limits of Flowery Branch, unless otherwise specifically exempted from compliance.

(b) Developments within the CBD, M-1, and M-2 zoning districts shall meet all requirements as shown in Article 9 of this ordinance.

(c) See also Article 10 of this Zoning Ordinance for design requirements pertaining to all uses within the City.

Sec. 40.3. - Exemptions.

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

(a) All applications for land development or building permits are required to meet the requirements of this Article and are therefore exempt from making a formal request unless the applicant chooses to do so independently, concurrently, or in advance of the building or land development permit application.

(b) The re-occupation of vacant office, commercial, institutional, or light industrial space within a single-tenant or multi-tenant building that received prior approval, where no new changes to the external features of the building or site inconsistent with prior approval will take place, except for a change in signage.

(c) Changes of ownership but which do not involve any changes to external features of the building or site inconsistent with prior approval, including signage.

(d) Repainting of an existing building to a similar color.

(e) Revisions of window or door placement.

(f) An increase or decrease in the number of parking spaces of ten percent (10%) from the number originally approved.

(g) Repair or reconstruction of existing freestanding retaining walls, decorative walls, and fences, when repaired or replaced with materials that are the same or substantially similar to those originally approved.

(h) Modifications to outdoor lighting fixtures involving the replacement of light fixtures, and which may involve an increase in the number of light fixtures at the same or lesser height, provided that the type of lighting and materials used for such light fixtures shall be of the same as or similar to those originally approved, and subject to the provisions of Article 23 of this zoning ordinance.

(i) The relocation of an access driveway or curb cut which does not affect or interfere with the approved placement of buildings or structures.

(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.

ORDINANCE 657

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

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

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

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

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

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

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

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

SECTION 1. AMENDMENT.

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

SECTION 2. SEVERABILITY.

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

SECTION 3. EFFECTIVE DATE.

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

SECTION 4. REPEALER.

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

Approved this 16th day of December 2021.

_____
James M. Miller, Mayor

ATTEST:

_____
Vickie Short, City Clerk

APPROVED AS TO FORM:

_____
E. Ronald Bennett, Jr., City Attorney

Exhibit "A"

ARTICLE 3. - ESTABLISHMENT OF DISTRICTS AND OFFICIAL ZONING MAP

Sec. 3.5. - Character Areas Established.

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

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

ARTICLE 6. - AGRICULTURAL AND CONVENTIONAL RESIDENTIAL ZONING DISTRICTS

Sec. 6.1. - A, Agricultural District.

(a) *Purpose and Description.* The Agricultural District is established to maintain those areas within the City of Flowery Branch that are not intended to convert to urban or suburban development in the short term.

(b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts."

(c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts."

(d) *Design Requirements*. See Articles 10, 12 and 40 of this Zoning Ordinance.

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

(a) *Purpose and Description.* This zoning district is established to accommodate single-family residences and related uses at low suburban densities and to protect the future development of land in accordance with the comprehensive plan. This district consists predominantly of detached single-family dwellings (site built or modular) and is intended to implement the "suburban residential" character area established in the comprehensive plan. The regulations that apply to the R-1 district are designed to encourage the formation and continuance of a stable, healthy, and attractive living environment for its residents.

(b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts."

(c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts."

(d) *Design Requirements.* See Articles 10, 12 and 40 of this Zoning Ordinance.

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

(a) *Purpose and Description.* This zoning district is established to accommodate single-family residences and related uses at moderate suburban densities and to protect the future development of land in accordance with the comprehensive plan. This district consists predominantly of detached single-family dwellings (site built or modular) and is intended to implement the "suburban residential" character area established in the comprehensive plan. The regulations that apply to the R-2 district

are designed to encourage the formation and continuance of a stable, healthy, and attractive living environment for its residents.

(b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts."

(c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts."

(d) *Design Requirements*. See Articles 10, 12 and 40 of this Zoning Ordinance.

Sec. 6.4. - R-3, Residential Multi-Family District.

(a) *Purpose and Description.* This zoning district is intended to provide for higher density residential development and related uses and to protect the future development of land in accordance with the comprehensive plan. This district consists predominantly of multi-family residences (apartment complexes and townhouses), two-family residences, and detached single-family dwellings (site built or modular) and is intended to implement the "urban density community" character area established in the comprehensive plan. The regulations that apply to the R-3 district are designed to encourage the formation and continuance of a stable, healthy, and attractive living environment for its residents.

(b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts."

(c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts."

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

(a) *Purpose and Description.* This zoning district is intended exclusively for the placement of manufactured homes and related uses in manufactured home parks and for the development of land in accordance with the comprehensive plan. This district is also intended to implement the implement the "urban density community" character area established in the comprehensive plan, as it pertains to existing manufactured home park use. The regulations that apply to the MHP district are designed to encourage the formation and continuance of a stable, healthy, and attractive living environment for its residents.

(b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts."

(c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts." Dimensional requirements such as specifications for manufactured home spaces shall be as designated on an approved site plan.

(d) *Limitations on Rezoning.* There shall be no rezoning to the MHP zoning district, unless it is contiguous to an existing MHP zoning district, or unless it is designated MHP at the time of annexation into the city limits.

(e) *Design Requirements*. See Articles 10 and 40 of this Zoning Ordinance.

ARTICLE 7. - TND, TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT

Sec. 7.1. - Purpose and Description.

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

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

Sec. 7.2. - Character.

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

Sec. 7.3. - Permitted and Conditional Uses.

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

Sec. 7.4. - Dimensional Requirements.

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

Sec. 7.5. - Additional Development Requirements.

(a) Maximum Block Width and Block Length. When a new subdivision is created within this district, the lots shall be designed in a grid-like pattern of blocks and interconnecting streets, where no new block created shall have a length or width exceeding 800 feet in length without an alley or intervening (mid-block) pedestrian footpaths.

(b) Front Porches. Any new, detached dwelling shall have a front porch no less than sixteen feet in width as measured along the street frontage and no less than six feet in depth measured from the front property line to the interior of the lot.

(c) On-site Parking. A two-car garage or carport located in the rear or side yard is required.

Sec. 7.6. - Design Requirements.

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

ARTICLE 8. - PUD, PLANNED UNIT DEVELOPMENT DISTRICT

Sec. 8.1. - Description and Intent.

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

Sec. 8.2. - Objectives.

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

(a) Allow and encourage more unique, flexible, creative, and imaginative arrangements and mixes of land uses in site planning and development than are permitted through conventional land use requirements.

(b) Encourage a broader mix of residential housing types, including detached and attached dwellings, than would normally be constructed in conventional subdivisions.

(c) Allow and encourage the development of tracts of land as single developments that are planned neighborhoods or communities, including civic and semi-public uses (e.g., schools, playgrounds, meeting halls, etc.) that help to make up a community.

(d) Preserve the natural amenities of the land through maintenance of conservation areas and open spaces within developments.

(e) Provide for the more efficient use of land through clustering and other flexible, innovative development arrangements that will result in smaller networks of utilities and streets and thereby lower development and housing costs.

(f) Provide a more desirable living environment than would be possible through the strict application of conventional residential zoning requirements.

(g) Establish application requirements that are more rigorous than rezoning applications and conditional use permits but no more onerous than necessary to enable thorough analyses.

(h) Ensure that the design of building forms is interrelated and architecturally harmonious.

Sec. 8.3. - Character.

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

Sec. 8.4. - Permitted Uses.

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

(a) At least twenty (20) percent of the total area of the planned unit development shall be conservation, open space, and/or landscaped area.

(b) At least seventy (70) percent of the units proposed and approved as part of the planned community development shall be detached, single-family dwellings.

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

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

Sec. 8.5. - Dimensional Requirements.

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

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

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

Sec. 8.6. - Design Review.

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

(a) For uses that have been lawfully established on a lot of record that existed on the effective date of this zoning ordinance, no design review shall be required.

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

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

Sec. 8.7. - Design Guidelines.

The following provisions are not requirements per se, but may be made requirements as a part of rezoning approval. Substantial deviation from, or inconsistency with, the guidelines in this Section shall be grounds for denial of a rezoning to the PUD district.

(a) Open spaces. Open spaces such as town greens and public squares, within developed portions of the development, should be located and designed to add to the visual amenities of the development. Greens and squares should be spatially defined and distributed throughout the development so that no lot is more than a walking distance of 1,350 feet from a green, square, park or open space. Greens and squares should not be less than 8,000 square feet in area. A mix of peripheral as well as internal green space should be provided. If two PUDs are developed next to each other, there should be contiguous open space between the two PUDs.

(b) Greenspace. Preserve patches of high-quality habitat, as large and circular as possible, feathered at the edges, and connected by wildlife corridors. When continuous greenspace corridors cannot be provided or must be broken up for road access or other valid reasons, patches should be retained as "stepping stones" for wildlife corridors.

(c) See also Article 10 of this Zoning Ordinance.

ARTICLE 9. - NONRESIDENTIAL ZONING DISTRICTS

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

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

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

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

(e) *Design Requirements*. See Articles 10 and 40 of this Zoning Ordinance.

Sec. 9.2. - INST, Institutional District.

(a) *Purpose and Description*. This zoning district is intended to implement the "Institutional Campus" character area established in the comprehensive plan. The Institutional zoning district is intended to encourage and provide suitable areas for single-function institutional campuses including the Atlanta Falcons Training Facility, schools, and large churches.

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

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

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

Sec. 9.3. - NS, Neighborhood Shopping District.

(a) *Purpose and Description*. This zoning district is intended to primarily implement the "neighborhood commercial" character area established in the comprehensive plan but may also be used to implement the “mixed use – downtown” and “mixed use – neighborhood” character areas. The NS district is intended to provide areas for limited, small-scale commercial uses of a convenience nature serving nearby residential neighborhoods as opposed to a regional market. This district provides for attractive, non-auto related neighborhood businesses and services within enclosed buildings that have a scale compatible with pedestrians and that are connected to adjacent residential neighborhoods and do not generate adverse impacts which would detract from the desirability of adjacent properties for residential use.

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

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

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

Sec. 9.4. - HB, Highway Business District.

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

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

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

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

Sec. 9.5. - CBD, Central Business District.

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

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

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

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

(d) *Construction Approval*.

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

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

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

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

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

8. Facility impact analyses, including the following:

   a. Proof of water and sewer availability from the Public Works Director and Wastewater Treatment Plant Superintendent.

   b. Analysis of the adequacy of drainage for the site (description and assessment of adequacy of stormwater facilities on-site and off-site).

9. A written development agreement, if the developer requests city participation in the provision of on-site or off-site facilities, such as the sharing of costs for facilities, shared parking, etc. which may or may not be available from the city. If accepted by the city, the development agreement may become a condition of project approval or it may be considered and approved separately from redevelopment project approval;

10. If any variances or administrative variances are required, the applicant will file a separate application following submission requirements and processes for the type of variance sought.

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

(a) *Purpose and Description*. This zoning district is intended to accommodate light industrial uses and to implement the "industrial employment" character area established in the comprehensive plan. The M-1 district provides for various types of industrial, manufacturing or warehousing operations that generally require storage of materials or goods, but are of low noise or nuisance level. Land for the M-1 district should be located in relation to the local road network due to frequent truck traffic and designated so as to not disrupt normal traffic flow. This district provides a concentration of employment and job activity, contributing substantially to the economic base of the city.

(b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts." Light industries are the primary permitted uses.

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

(d) *Design Requirements*. Please see Article 14 sec. 14.13 and Article 40 of this ordinance.

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

(a) *Purpose and Description*. This zoning district is intended to accommodate heavy industrial uses and to implement the "industrial employment" character area established in the comprehensive plan. The M-2 district provides for industrial, manufacturing and warehousing operations which require buildings and open areas for fabricating, processing, extracting or repairing equipment, raw materials, manufactured products or wastes and which require adequate separation and screening from residential and commercial uses. Land for the M-2 district should be located in relation to the local road network so as to not disrupt normal traffic flow. This district provides a concentration of employment and job activity, contributing substantially to the economic base of the city.

(c) *Permitted and Conditional Uses*. Permitted and conditional uses shall be as provided in Table 9.1 , "Permitted and Conditional Uses in Nonresidential Zoning Districts." Light and heavy industries are the primary permitted uses.

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

(e) *Design Requirements*. Please see Article 14 sec. 14.13 and Article 40 of this ordinance.

Table 9.1

Permitted and Conditional Uses in Nonresidential Zoning Districts

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

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

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

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

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

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

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

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

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

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

Table 9.2

Dimensional Requirements for Nonresidential Zoning Districts

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

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

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

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

ARTICLE 10. - DEVELOPMENT REQUIREMENTS AND GUIDELINES

Sec. 10.1. - Applicability.

(a) The development requirements and guidelines are intended to apply to all land uses unless the context clearly indicates otherwise as specifically provided in this Article, and with the exception that Sec. 10.7. – Architectural Design, Sec. 10.8, - Pedestrian Retail and Sec. 10.10. – Office, Institutional, Business, and Industrial Parks and Campuses do not apply to townhouses, single-family detached dwellings, and duplexes.

(b) See Article 12, Sec. 12.6, Sec. 12.7, and 12.8 in this Zoning Ordinance for additional requirements that pertain to townhouses, single-family detached dwellings, and duplexes.

(c) See also Article 40. *Design Review*.

Sec. 10.7. - Architectural Design.

(a) Architectural design should be compatible with the developing character of the neighboring area. Design compatibility includes complementary building style, form, size, color, materials, and detailing. The designer should consider each of the following contexts as part of the design process:

1. Size (the relationship of the project to its site).
2. Scale (the relationship of the building to those around it).
3. Massing (the relationship of the building's various parts to each other).
4. Fenestration (the placement of windows and doors).
5. Rhythm (the relationship of fenestration, recesses and projections).
6. Setback (in relation to setback of immediate surroundings).
7. Materials (their compatibility with the historic district).
8. Context (the overall relationship of the project to its surroundings).

(b) Efforts to coordinate the height of buildings and adjacent structures are encouraged. This is especially applicable where buildings are located very close to each other. It is often possible to adjust the height of a wall, cornice or parapet line to match that of an adjacent building. Similar design linkages such as window lines should be placed in a pattern that reflects the same elements on neighboring buildings.

(c) Diversity of architectural design should be encouraged. "Theme" or stylized architecture which is characteristic of a particular historic period or trend is not encouraged, unless the existing building or site is historically important to the district or necessary for architectural harmony.

(d) Multiple buildings on the same site shall be designed to create a cohesive visual relationship between the buildings.

(e) Long or continuous wall planes shall be avoided, particularly in pedestrian activity areas, where buildings should exhibit more detail and elements appropriate for close range pedestrian view. Recesses and projections should be used along the front facade to break up long expanses of wall planes.

(f) Façade articulation.

1. *Office, institutional, commercial, and industrial uses*. The walls of buildings shall not extend more than 200 linear feet parallel to a street unless the front facade of the building is designed in a way that breaks up the building face into discrete architectural elements, which can be accomplished through the following:

Facade modulation: stepping back or extending forward a portion of the facade; and/or

Providing bay windows or repeating window patterns at regular intervals; and/or

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

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

Changing materials with the change in building plane.

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

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

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

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

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

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

(h) All sides of a building may impact on its surroundings and shall utilize an architectural finish of primary materials consisting of real brick (full-depth or thin brick), unpainted natural stone, unpainted cast stone, true three-coat cement stucco, natural wood or cementious siding including lap siding and board and batten, and wood or cementious shakes and shingles. Front facades shall be at least 50% real brick and/or unpainted natural stone. Side facades shall be at least 50% real brick and/or unpainted natural stone. Rear facades that are visible from a public right-of-way shall be at least 50% real brick and/or unpainted natural stone. Requirements for brick or stone may be modified to accommodate creatively designed structures as determined by the Community Development Director.

(i) Exterior building materials on the primary structure shall not include smooth-faced concrete block, tilt-up concrete panels, or prefabricated steel panels, with the exception that exterior building materials on industrial buildings may be split face (integrated block) and/or tilt-up concrete panels accented with steel panels. However, elevations visible from the public right-of-way must be permanent, non-metal construction.

(j) The following types of building materials shall not be used: highly reflective, shiny, or mirror-like materials; mill-finish (non-colored) aluminum metal windows or door frames; exposed, unfinished foundation walls; exposed plywood or particle board; and unplastered, exposed concrete masonry blocks.

(k) Piecemeal embellishment and frequent changes in material shall be avoided. Material or color changes generally 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 shall be low reflectance, subtle, neutral, or earth tone colors. High-intensity colors, metallic colors, black, or fluorescent colors shall not be used. Building trim and accent areas on non-residential buildings may feature brighter colors, including primary colors, provided that the width of the trim shall not exceed four (4) feet.

(m) Building colors should be carefully chosen so that each building complements that of its neighbors. Colors can be classified as the "base" color (used on the majority of the building surface), "trim" color (used on the window trim, fascia, balustrades, and posts), and "accent" color (used on signs, awnings, and doors). The base color shall consist of more subdued earth tones or brick shades. Trim colors shall have contrasting lighter or darker shade than the base color. If natural brick is used, it shall not be painted.

(n) The use of awnings on buildings are recommended so as to provide much needed protection from sun, wind, and rain, and to improve aesthetics of the building exterior.

(o) Awnings are recommended to be constructed with a durable frame covered by a canvas material. Awnings that are backlit through translucent materials may be acceptable but are not particularly encouraged. Aluminum and other metal canopies are acceptable in most instances, particularly when integrated into shopping center designs. Flameproof vinyl, canvas or metal awnings and canopies may be used.

(p) Solid colors are preferred over striped awnings, but striping is permitted if colors compliment the character of the structure or group of buildings.

(q) Awnings are encouraged for first floor retail uses to provide architectural interest and to encourage pedestrian activity. Where awnings are used, they should be designed to coordinate with the design of the building and any other awnings along the same block face.

(r) The design of fences and walls shall be compatible with the architecture of the main building(s) and should use similar materials. All walls or fences fifty feet in length or longer, and four feet in height or taller, should be designed to minimize visual monotony though changes in plane, height, material or material texture or significant landscape massing. Chain link fencing is discouraged. Use of special fencing design or materials should be discussed in cases where site security is paramount. If used, chain link fences should be vinyl coated (black or green colored vinyl encouraged).

(s) All commercial, industrial, large multifamily residential and institutional sites must provide appropriate refuse dumpsters and other similar areas devoted to the storage of waste materials and grease or oil containers. The minimum area for said requirement shall be 36 square feet. All garbage dumpsters and other similar areas devoted to the storage of waste materials and grease or oil containers should be screened on three (3) sides of said dumpster or area with a minimum six (6) foot high solid wooden fence, or a wall constructed of materials substantially similar in appearance to the building on site. In addition, said dumpster areas should be gated on the fourth side with a material that provides opaque screening, should be screened on three (3) sides of said dumpster or area with a minimum six (6) foot high solid wooden fence, or a wall constructed of materials substantially similar in appearance to the building on site. In addition, said dumpster areas should be gated on the fourth side with a material that provides opaque screening.

(t) Rooftop mechanical and electrical equipment shall be screened from public view by building elements that are designed as an integral part of the building architecture, or by a parapet wall.

(u) Where roof shingles are used, architectural shingles shall be required.

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

Sec. 12.1. - Commercial Recreation Facility.

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

(a) *Exterior lighting.* If lighted, exterior lighting shall require a lighting plan to be submitted and approved prior to installation. See Article 23 of this Zoning Ordinance.

(b) *Swimming Pools and Tennis Courts.* Swimming pools and tennis courts shall be setback a minimum of twenty-five (25) feet from all property lines of the tract of land devoted to community recreation, with a minimum ten (10) foot wide landscape strip along all property lines of said tract. See Article 19 of this Zoning Ordinance for landscape strip specifications.

(c) *Buildings.* Buildings (excluding accessory structures) shall be setback a minimum of twenty-five (25) feet from the property line of the tract. If outdoor patios or decks are provided, they shall be located no closer than twenty-five (25) feet from the property line of the tract and a minimum ten (10) foot wide landscape strip shall be provided between said outdoor patio or deck and the property line or boundary of said tract. See Article 19 of this Zoning Ordinance for landscape strip specifications.

(d) *Parking.* Parking shall be provided per the requirements of Article 21 of this Zoning Ordinance.

Sec. 12.2. - Model Home.

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

(a) *Time of Construction.* The model home is typically constructed before approval of a final plat, and hence the model home is the principal use of the entire unsubdivided parcel until the final plat is approved.

(b) *Location on a Lot.* The model home shall be placed on a lot designated on the approved preliminary plat and shall be placed in a manner that meets the applicable zoning district dimensional requirements so that it complies at the time it is erected and when it is sold and/or converted for single-family residential use.

(c) *Sales.* Sales shall be limited to the lots and buildings within the subdivision where the model home is located.

(d) *Certain Buildings Prohibited.* A manufactured home or portable building shall not be used as a model home or temporary sales office.

(e) *Duration and Discontinuance.* The use of the model home for a sales office shall be discontinued within 30 days after Certificates of Occupancy have been issued on 90 percent of the lots in the subdivision.

(f) *Parking and Accessibility.* The model home shall comply with off-street parking and applicable accessibility standards.

Sec. 12.3. - Multi-family Development.

(a) *Condominiums.* If a condominium form of ownership is proposed, the development shall meet all current applicable state laws including the Georgia Condominium Act (O.C.G.A. § 44-3-70 et seq.). Proposed bylaws and the articles of incorporation for the condominium association shall be submitted with the application for development approval.

(b) *Laundry facilities.* On-site accessory laundry facilities are permitted accessory uses for developments with 25 or more units.

(c) *Setbacks.* Buildings within multi-family developments shall be subject to the setbacks for the entire lot as established in applicable zoning district dimensional requirements. There shall be no requirements for setbacks from private driveways within the multi-family development, except as may be determined by the Zoning Administrator to be essential to meet building or accessibility codes, to meet sight accessibility requirements for motorists and pedestrians, or other essential public safety considerations during the site plan review process.

(d) *Site Plan Approval.* Site plan approval by the Zoning Administrator shall be required. The Zoning Administrator may place conditions of development approval on any multiple-family site plan approval, which such conditions are specifically related to compliance with a requirement of this Zoning Ordinance or other applicable regulation. Furthermore, reasonable conditions may be placed on the development through site plan approval by the Zoning Administrator in order to (1) ensure compliance with design and development standards specified in this Zoning Ordinance for said use or (2) ensure consistency with development guidelines or policies of the comprehensive plan.

(e) *Design Standards.* See Section 10.7 of this Zoning Ordinance.

Sec. 12.4. - Relocated Residence.

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

(a) *Picture.* A photograph of the structure at its present location.

(b) *Existing Location.* The current location (address and tax parcel number) where the structure is now located.

(c) *Proposed Location in City.* If the structure is to be relocated inside the city limits, the proposed location (address and tax parcel number) of the structure. To ensure compliance with the applicable zoning district dimensional requirements, when the relocated residential structure is proposed to be located within the city limits, the Zoning Administrator shall require submission of the proposed location (address and tax parcel number) and a copy of the recorded plat of the lot on which the structure will be placed (if none exists the applicant shall be required to comply with subdivision requirements of the city's Subdivision and Land Development Ordinance).

(d) *Floor Area.* The total heated floor area of the existing structure and, if to be located within the city, the renovated structure.

(e) *Building Permit.* A building permit shall be required.

(f) *Exterior Improvements.* All exterior improvements to the structure once relocated shall be completed within six months of relocation.

(g) *Historic Preservation.* If located or proposed to be located within a historic district as recognized in this Zoning Ordinance or other historic preservation ordinance of the city, there must be a copy of the approved Certificate of Appropriateness from the Historic Preservation Commission prior to relocating the residential structure.

(h) *Inspection.* The Zoning Administrator shall inspect or arrange for the inspection of the structure for compliance with the minimum standards of the zoning district proposed for location and other applicable regulations and codes.

Sec. 12.5. - Subdivision Entrance Monuments.

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

(a) *Design.* The subdivision entrance monument and the landscape surrounding the monument shall be designed by a registered landscape architect.

(b) *Design Review.* Design plan review and approval is required. See Article 40 of this zoning ordinance.

Sec. 12.6. - Townhouses.

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

(a) *Lot Frontage and Lot Width.* Each platted lot shall have a minimum of twenty (20) feet of frontage on a public street or private road that meets public street standards, and each lot shall have a minimum lot width of twenty (20) feet.

(b) *Lot Size.* The minimum size of a lot for each fee-simple townhouse lot (i.e., the extent of land owned by the owner of the unit) shall be 2,000 square feet in lot area.

(c) *Front Building Setbacks.* There shall be a minimum twenty (20) foot front setback from any perimeter boundary of the fee-simple townhouse subdivision and a 30 foot front setback from any public or private street exterior to or within the subdivision.

(d) *Side Setbacks and Zero Lot Line.* Zero lot line between units within the same building shall be permitted, subject to applicable fire and building codes.

(e) *Rear Setbacks.* There shall be a minimum twenty (20) foot rear setback from townhouse lot boundaries for all buildings and structures, except when the rear property line abuts an alley, in which case no setback shall be required.

(f) *Building Separation.* There shall be a minimum building separation of twenty (20) feet between townhouse buildings.

(g) *Building Unit Offsets.* To avoid a monotonous appearance, for any given building, no more than six (6) units may have common walls. Any building containing more than three (3) units with common walls must have the front façade, rear façade, and the roof of each attached unit distinct from the other through separation, staggering, or offsets in design. A minimum of two (2) exterior colors shall be used on buildings containing up to four (4) units, and a minimum of three (3) exterior colors shall be used on buildings containing five (5) or six (6) units; however, when all exteriors are unpainted brick, they shall not be required to vary in color. See also Sec. 12.6.(k)1.

(h) *Rear Access.* Townhouse developments shall be designed to provide proper access to all dwelling units for firefighting purposes, as may be determined by applicable codes. Rear access, if required for firefighting purposes or by Subsection (n) below, shall be accomplished by alleys.

(i) *Parking.* Two enclosed parking spaces minimum per unit shall be provided.

(j) *Subdivision Plat Approval.* Each townhouse development or phase thereof shall require preliminary and final subdivision plat approval in accordance the City of Flowery Branch Subdivision and Land Development Ordinance.

(k) *Wall Finishes*.

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

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

Faux Stone Veneer

Faux Brick Veneer

Vinyl Siding

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

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

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

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

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

Faux Brick Foundation Panel

Foundation wall missing / insufficient height on the side

Foundation wall is only located on the front façade

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

(n) *Garage Placement and Materials.*

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 12.7. – Single-Family Detached Dwellings.

Detached single-family dwellings shall meet the following requirements.

(a) *Wall Finishes.*

1. See Sec. 12.6.(k)1.
2. Facades facing a side yard shall meet the following requirements:
   a. Each applicable façade shall have: a minimum of 5% transparency (defined as the minimum percentage of windows and doors that must cover a ground or upper story façade) of the total wall area; and, a maximum of 20 feet of blank wall area (defined as the portion of the exterior façade of a building that does not include windows or doors; pilasters or other articulation greater than 12 inches in depth; or a substantial change in material) in either a vertical or horizontal direction.
   b. False windows may count toward the transparency requirement where they are similar in size, shape, and materials to other windows on that building and consist of trim with closed shutters that have the appearance of a shuttered window or windows. A single louvered panel with trim may also count toward this requirement. False windows shall

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

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

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

a. Sec. 12.7.(a) 2. shall apply to rear facades that are visible from a public street.

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

(b) *Entrance Features.*

1. The primary entrance to a residence must be emphasized through the use of an unenclosed roofed porch, veranda or terrace that is a minimum of: six (6) feet deep (not including the steps); and, 40% of the width of the front façade or 11 feet, whichever is greater.

2. A stoop or gable may be used in lieu of a porch, veranda or terrace when the front façade finish is brick. A stoop shall not be more than six (6) feet deep (not including the steps) and cannot be fully enclosed.

3. Entry steps shall have enclosed risers.

4. Columns shall be a minimum width of eight (8) inches and shall be wood or durable material that resembles wood from top to bottom or atop stone or masonry bases.

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

(d) *Garage Placement and Materials.*

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

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

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

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

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

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

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

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

(f) Design Review. See Article 40.

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

Duplexes shall meet the requirements of Sec. 12.7.

ARTICLE 14. - SPECIFIC PROVISIONS FOR PRINCIPAL NONRESIDENTIAL

Sec. 14.13. - Industrial Uses.

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

(a) 20% open space requirement - landscaping and/or natural areas excluding any detention ponds unless they are built as an amenity.

(b) Landscape and buffer plan must be submitted and approved by the Zoning Administrator.

1. A significant amount of landscaping will be required to ensure proper screening.

2. Plans will be approved on a case by case basis taking into account the location of the project and the topography of the site.

(c) Minimum 75% of required parking shall be located in the rear of the primary structure(s). If on a corner lot parking shall be adequately screened from the right-of-way.

(d) All loading/unloading bays shall be located in the rear of the primary structure(s).

(e) Master sign plan must be submitted and approved by the Zoning Administrator.

(f) Architectural renderings of the project must be submitted and approved by the Zoning Administrator prior to the issuance of any permits.

(g) See also Article 10 *Development Requirements and Guidelines* of this Zoning Ordinance.

Sec. 14.14. – Package Stores.

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

(a) No new package store shall be allowed to operate within 2,640 feet (.5 miles) of an existing, legally established, package store. Distance shall be calculated from the store front and shall extend in every direction. It is the responsibility of the property owner or business owner to provide proof that this condition is being met at the time of occupational tax license application submittal.

(b) No package store may operate within one hundred (100) yards of a legally established church or religious institution. It is the responsibility of the property owner or business owner to provide proof that this condition is being met at the time of occupational tax license application submittal.

(c) No package store may operate within two hundred (200) yards of any legally established school building, educational building, school grounds, or college campus. It is the responsibility of the property owner or business owner to provide proof that this condition is being met at the time of occupational tax license application submittal.

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

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

(a) *Plat*. A copy of the recorded plat for the subject property.

(b) *Site Plan.* The site plan required by this Zoning Ordinance, which must show areas proposed for the handling and storage of overburden, by-products, and/or excavated materials including the estimated type and volume of extraction.

(c) *Operations Plan.* An operations plan, which shall include: the date of commencement of operation and its expected duration and the proposed hours of operation.

(d) *State or Federal Permit Documents.* A copy of all documents submitted or prepared for submission to the Georgia Department of Natural Resources or any other state or federal

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

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

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

ARTICLE 40. - DESIGN REVIEW

Sec. 40.1. - Purposes.

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

Sec. 40.2. - Applicability.

(a) This Article shall apply to all development within the city limits of Flowery Branch, unless otherwise specifically exempted from compliance.

(b) Developments within the CBD, M-1, and M-2 zoning districts shall meet all requirements as shown in Article 9 of this ordinance.

(c) See also Article 10 of this Zoning Ordinance for design requirements pertaining to all uses within the City.

Sec. 40.3. - Exemptions.

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

(a) All applications for land development or building permits are required to meet the requirements of this Article and are therefore exempt from making a formal request unless the applicant chooses to do so independently, concurrently, or in advance of the building or land development permit application.

(b) The re-occupation of vacant office, commercial, institutional, or light industrial space within a single-tenant or multi-tenant building that received prior approval, where no new changes to the external features of the building or site inconsistent with prior approval will take place, except for a change in signage.

(c) Changes of ownership but which do not involve any changes to external features of the building or site inconsistent with prior approval, including signage.

(d) Repainting of an existing building to a similar color.

(e) Revisions of window or door placement.

(f) An increase or decrease in the number of parking spaces of ten percent (10%) from the number originally approved.

(g) Repair or reconstruction of existing freestanding retaining walls, decorative walls, and fences, when repaired or replaced with materials that are the same or substantially similar to those originally approved.

(h) Modifications to outdoor lighting fixtures involving the replacement of light fixtures, and which may involve an increase in the number of light fixtures at the same or lesser height, provided that the type of lighting and materials used for such light fixtures shall be of the same as or similar to those originally approved, and subject to the provisions of Article 23 of this zoning ordinance.

(i) The relocation of an access driveway or curb cut which does not affect or interfere with the approved placement of buildings or structures.

(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.

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Consider Resolution 21-021 - To Change Signor on All Bank Accounts with the Appointment of New City Manager

COUNCIL MEETING DATE: December 16, 2021

HISTORY:
Per code section 8.1(8), the City Manager shall act as purchasing agent for the City of Flowery Branch.

FACTS AND ISSUES:
With the appointment of Tonya Parrish as City Manager, management is requesting signature changes on all bank accounts effective December 20, 2021.

OPTIONS:
Approve Resolution 21-021 as presented.

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:
No

AMOUNT AND SOURCE OF FUNDS:
Not applicable

RECOMMENDATION:
Approve Resolution 21-021 - To Change Signor on All Bank Accounts with the Appointment of New City Manager

SAMPLE MOTION:
I make a motion to approve Resolution 21-021, updating signor on all bank accounts by removing Vickie Short and adding Tonya Parrish.

COLLABORATING DEPARTMENT:
Administration

DEPARTMENT: Finance

Prepared by: Shelia Cooper

ATTACHMENTS

- Executive Summary Resolution 21-021.pdf
- Resolution 21-021.pdf

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Consider Resolution 21-021; To Change Signor on All Bank Accounts with the Appointment of New City Manager

DATE: December 9, 2021

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

BUDGET INFORMATION:
ANNUAL-
CAPITAL-

COUNCIL ACTION REQUESTED ON: December 16, 2021

PURPOSE: Update signor on all bank accounts with the appointment of Tonya Parrish.

HISTORY: City code section 8.1(8) states the City Manager shall be the purchasing agent for the City of Flowery Branch.

FACTS AND ISSUES: This resolution is needed to provide official approval documentation to the bank to change signor on all bank accounts.

OPTIONS: Approve Resolution 21-021; To Change Signor on All Bank Accounts with the Appointment of New City Manager

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RECOMMENDED SAMPLE MOTION: I make a motion to approve Resolution 21-021, updating the signor on all bank accounts by removing Vickie Short and adding Tonya Parrish, effective December 20, 2021.

DEPARTMENT: Finance

Prepared by: Alisha Gamble

RESOLUTION NO.: 21-021

TO CHANGE SIGNATURE ON ALL RENASANT BANK ACCOUNTS WITH THE RESIGNATION OF THE INTERIM CITY MANAGER AND APPOINTMENT OF CITY MANAGER

WHEREAS, Interim City Manager Vickie Short has resigned her position effective December ___, 2021; and

WHEREAS, the City Council appointed Tonya D. Parrish as the City Manager effective December 2, 2021, with a start date of December 20, 2021; and

WHEREAS, the City of Flowery Branch Code Section 8.1(8) states the City Manager shall act as purchasing agent for the city.

NOW, THEREFORE, BE IT RESOLVED by the governing body for the City of Flowery Branch as follows with respect to all Renasant bank accounts:

(1) Vickie Short shall be removed as signor; and
(2) Tonya Parrish shall be added as signor.

RESOLVED this 16th day of December 2021.

_____
James M. Miller, Mayor

ATTEST:

_____
Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

_____
E. Ronald Bennett, Jr., City Attorney

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Public Hearing and First Reading of a rezoning request submitted by Mr. Bill Stark. Request is to rezone six parcels totaling 118 +/- acres from M-1 (Light Industrial) to R-3 (Multi-Family) with the intention to construct a residential community consisting of single family detached homes and townhomes. The request includes six (6) parcels and therefore requires six (6) corresponding ordinances.

COUNCIL MEETING DATE: December 16, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:
No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:
Applicant has requested to table the public hearing and first read to the January 6, 2022 City Council meeting. Staff supports this request.

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

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