



City of Flowery Branch
City Council Meeting
Thursday, August 20, 2026, 6:00 PM
5410 Pine Street
Flowery Branch, GA 30542



Call Work Session to Order:

Pledge of Allegiance:

Adoption of Agenda:

Awards & Recognitions:

Public Hearing:

- a. Consider Millage Rate for Tax Year 2026; Fiscal Year 2027

Unfinished Business - Work Session:

New Business - Work Session:

- a. Presentation of the Unified Development Code progress with Inspire Placemaking Collaborative.

Department Reports:

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

Adjournment Work Session:

Voting Session Agenda

Call Voting Session to Order:

Public Comments:

Please limit to two minutes

Consent Agenda:

- a. Consider Council Member Mezzanotte Per Diem for July 2026
- b. Consider Council Member Vanderbilt Per Diem for July 2026

- c. Consider July 25, 2026 Special Called City Council Meeting Minutes
- d. Consider August 6, 2026 Special Called City Council Meeting Minutes
- e. Consider August 6, 2026 City Council Meeting Minutes

Unfinished Business - Voting Session:

- a. Consider Second Reading of Ordinance 788 that Updates the Municipal Code to Reflect the Transition from Paper-Based Submittals and Processes to a Fully Digital Planning and Development System.
- b. Consider Second Reading of Ordinance 789 to Align the City Code with Recently Passed State-Mandated Requirements Governing Plan Review Procedures, Required Timelines, and Standardized Definitions.
- c. Consider Second Reading of Ordinance 790 – To Establish the Millage Rate for Tax Year 2026; Fiscal Year 2027

New Business - Voting Session:

Executive Session:

As needed for discussion of personnel, litigation, or property.

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.



CITY OF FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY



SUBJECT: Public Hearing to Establish the Millage Rate for Tax Year 2026; Fiscal Year 2027

DATE: August 20, 2026

COUNCIL ACTION REQUESTED ON: 08/20/2026

BUDGET INFORMATION:

PURPOSE: Required Public Hearing to Establish the Millage Rate for Tax Year 2026; Fiscal Year 2027

HISTORY: The Tax Payer's Bill of Rights, Compliance Guide for Advertising Digest History and Public Hearings on Increase in Property tax, and State Law require a Municipality to hold three public hearings to adopt a Millage Rate above the roll-back rate and one public hearing when rolled-back. The City of Flowery Branch has historically held its millage rate the same, which constitutes a tax increase.

FACTS & ISSUES: This is the third of three required public hearings for the establishment of the tax year 2026 millage rate for the FY2027 budget.

OPTIONS:

RECOMMENDED SAMPLE MOTION:

DEPARTMENT: Finance

PREPARED BY: Matthew Hamby, Finance Director



**City of Flowery Branch
Mayor & Council Attendance Sheet Per Diem Pay**

Name: Joseph Mezzanotte Month/Year: 07/2026

	Meeting Date	Description of Meeting
1.	7/1	GHCC - Medical Resource Update
2.	7/14	GHCC - Small Business - leadership
3.	7/15	GHCC - Issues - Olympic Park Update
4.	7/24	F.B. - Ribbon Cutting - Popi Estate + Market
5.		
6.		
7.		
8.		

My signature certifies that I am eligible to be paid for 4 meeting dates, a maximum of 8 per month, in accordance with the Per Diem Pay as described in Ordinance 736, approved on April 3, 2025, and at a rate of \$100.00 per meeting.

Total of \$ \$400.00

Joseph Mezzanotte
Signature



City of Flowery Branch
Mayor & Council Attendance Sheet Per Diem Pay

Name : CHARLES VANDERBILT Month/Year 7/2026

	Meeting Date	Description of Meeting
1	7/1/2026	GHCC - Health and Wellness Seminar.
2	7/10/2026	GHCC - Network over Coffee
3	7/14/2026	GHCC - Small Business Seminar
4		
5		
6		
7		
8		

My signature certifies that I am eligible to be paid for 300.00 meeting dates, a maximum of 8 per month, in accordance with the Per Diem Pay as described in Ordinance 736, approved on April 3, 2025, and at a rate of \$100.00 per meeting.

Total of \$ 300.00

Charles Vanderbilt
Signature



City of Flowery Branch
Special Called City Council Meeting
Saturday, July 25, 2026, 9:00 AM
Flowery Branch Train Depot, 5302 Railroad Ave.
Flowery Branch, GA 30542



Call to Order:

Mayor McClellan called the meeting to order at 9:00 a.m.

Present: Mayor McClellan and Council Members Chris Mundy, Joseph Mezzanotte, and Pete Lena

Absent: Council Member Charles Vanderbilt

Pledge of Allegiance:

Mayor McClellan led the Pledge of Allegiance.

Discussions:

a. The Role of the Council and Staff

Mayor McClellan reviewed the respective roles of the City Council and staff. He explained that the City operates as a municipal corporation, with the City Council serving as the board of directors and the City Manager serving as the chief executive officer. The Council is responsible for setting directions, establishing policies and priorities, approving budget adjustments, and hiring and evaluating the City Manager. The City Manager provides professional guidance, implements Council decisions, oversees staff, manages daily operations, and ensures the city is administered legally and efficiently.

Council held a discussion.

Mayor McClellan clarified that hiring and termination decisions below the City Manager level are the responsibility of City management under the City Manager's authority.

b. The Legal Implications of Posting to Social Media (Personal and City Risks)

Mayor McClellan introduced the legal implications of social media use, including both personal and City-related risks. Council members discussed their personal social media practices and the reasons for limiting engagement, particularly to avoid misinformation and unwanted interactions.

c. The Use of Small Meetings vs. Work Sessions

Council discussed the use of non-quorum and "serial" meetings and agreed that non-quorum meetings would no longer be held. Council Member Mezzanotte expressed concern that small-group meetings can prevent the full Council from receiving the same information and providing feedback.

Mayor McClellan stated that there would not be any non-quorum meetings going forward. This is to ensure that all council members hear the same questions and concerns.

d. Reviewing and Improving Transparency

Council discussed transparency and how eliminating non-quorum meetings would improve transparency. There was a discussion about transparency and the 2027 budget process.

e. Planning for Future Infrastructure Needs

Mayor McClellan opened a discussion about the future of Hog Mountain Road and the upcoming vote to accept the IGA with Hall County. The terms of the agreement were discussed along with the areas of Hog Mountain Road that were currently within the city. There was a question about the ownership of the roundabout at the entrance to Folksong.

Adjournment:

There was a motion made to adjourn the meeting at 11:20 a.m.

Motion:	Chris Mundy
Second:	Pete Lena
Ayes:	Chris Mundy, Joseph Mezzanotte, Pete Lena
Nays:	None
Result:	adjourn

Oliver McClellan
Mayor

Date



**City of Flowery Branch
Special Called City Council Meeting
Thursday, August 6, 2026, 9:00 AM
5410 Pine Street
Flowery Branch, GA 30542**



Call Work Session to Order:

Mayor McClellan called the meeting to order at 9:00 a.m.

Present: Mayor McClellan and Council Members Joseph Mezzanotte, Charles Vanderbilt, and Pete Lena

Also present were City Manager Tonya Parrish, City Clerk Shelia Cooper, Finance Director Matthew Hamby, Human Resources Director Krystle Hightower, and Budget & Purchasing Manager Nancy Rodriguez.

Absent: Council Member Chris Mundy

Pledge of Allegiance:

Mayor McClellan led the Pledge of Allegiance.

Public Hearing:

a. Millage Rate for Tax Year 2026; Fiscal Year 2027

Budget & Purchasing Manager Nancy Rodriguez presented information regarding the proposed millage rate for Tax Year 2026 and Fiscal Year 2027. The FY2027 Budget was developed using a millage rate of 3.247 mills. Based on the tax digest, maintaining the millage rate at 3.247 mills would constitute a 1.82% tax increase and would result in an estimated increase of \$11.02 annually, or approximately \$0.91 per month, for an average homestead property valued at \$475,000. If the millage rate were rolled back to 3.189 mills, the City would lose approximately \$54,000 in revenue. To maintain the same tax revenue received in Tax Year 2025, the millage rate would need to be set at 3.233 mills, which would constitute a 1.38% tax increase.

Executive Session: There was no executive session held.

Adjournment:

There was a motion made to adjourn the meeting at 9:08 a.m.

Motion: Pete Lena

Second: Joe Mezzanotte

Ayes: Joe Mezzanotte, Charles Vanderbilt, Pete Lena

Nays: None

Result: passed

Oliver McClellan
Mayor

Date

Shelia Cooper
City Clerk



**City of Flowery Branch
City Council Meeting
Thursday, August 6, 2026, 6:00 PM
5410 Pine Street
Flowery Branch, GA 30542**



Call Work Session to Order:

Mayor McClellan called the meeting to order at 6:00 p.m.

Present: Mayor McClellan and Council Members Chris Mundy, Joseph Mezzanotte, Charles Vanderbilt and Pete Lena.

Also present were City Manager Tonya Parrish, City Clerk Shelia Cooper, Finance Director Matthew Hamby, Human Resources Director Krystle Hightower, Public Works Director Bill Whidden, Public Utilities Director Peter Woerner, Fun Director Renee Carden, Planning & Community Development Director Chris McCrary, Budget & Purchasing Manager Nancy Rodriguez, Police Chief Chris Hulsey, and City Attorney Ted Baggett.

Absent: None

Pledge of Allegiance:

Mayor McClellan led the Pledge of Allegiance.

Adoption of Agenda:

There was a motion made to adopt the agenda.

Motion: Chris Mundy
Second: Joseph Mezzanotte
Ayes: None
Nays: None
Result: passed

Awards & Recognitions: There were no awards or recognitions.

Public Hearing:

- a. Consider Millage Rate for Tax Year 2026; Fiscal Year 2027

Budget Manager Nancy Rodriguez presented a consideration to the millage rate for tax year 2026 and fiscal year 2027. This is the second of three public hearings, with the first being held earlier this day and the final one scheduled for August 20, 2026, at 6:00 p.m. The city's current millage rate of 3.247 is the lowest compared to surrounding jurisdictions. The proposal is to maintain this rate, which was rolled back last year. A breakdown showed that

for every tax dollar, Hall County Schools receives 58 cents, Hall County receives 30 cents, and Flowery Branch receives 12 cents. Maintaining the 3.247 rate would generate about \$35,000—\$40,000 in additional revenue to support a -3% budget growth, whereas a full roll-back would result in a \$55,000 revenue reduction.

Council held a discussion with Director Hamby.

There being no one in favor or opposition, Mayor McClellan closed the public hearing at 6:08 p.m.

- b. Public Hearing and First Read to Consider Ordinance 788 that Updates the Municipal Code to Reflect the Transition from Paper-Based Submittals and Processes to a Fully Digital Planning and Development System.

City Clerk Cooper read the caption for Ordinance 788.

Director McCrary presented Ordinance 788, which amends the code to replace paper-based requirements with digital processes for submittals, reviews, and permits. Staff recommended advancing the ordinance to August 20, 2026, for a final vote.

Council held a discussion with Director McCrary. Corrections were noted by Council Member Vanderbilt and Director McCrary will make the requested corrections by the next council meeting.

There being no one in favor or opposition, Mayor McClellan closed the public hearing at 6:15 p.m.

- c. Public Hearing and First Read to Consider Ordinance 789 to Align the City Code with Recently Passed State-Mandated Requirements Governing Plan Review Procedures, Required Timelines, and Standardized Definitions.

City Clerk Cooper read the caption for Ordinance 789.

Director McCrary presented Ordinance 789 to align the city code with recently passed state-mandated requirements governing plan review procedures, required timelines, and standardized definitions. This ordinance updates city code to comply with Georgia Senate Bill 447, which mandates specific timelines for plan reviews. Failure to meet these timelines results in automatic approval. The ordinance also updates definitions like "application" and "material changes" to manage the process.

Council held a discussion with Director McCrary. Corrections were noted by Council Member Vanderbilt and Director McCrary will make the requested corrections by the next council meeting.

There being no one in favor or opposition, Mayor McClellan closed the public hearing at 6:22 p.m.

Unfinished Business - Work Session:

- a. Consider an IGA with Hall County and Flowery Branch for Maintenance of Hog Mountain Road

City Attorney presented an Intergovernmental agreement with Hall County and Flowery Branch for the maintenance of sections of Hog Mountain Road. In exchange, Hall County will drop its objection to the city's annexation of properties at 4651 and 4465 Hog Mountain Road. The City would immediately assume responsibility for the section between Spout Springs and the Cash Road roundabout and later for the section from the roundabout to Falcon Parkway after the county completes scheduled repairs.

Council held a discussion with Attorney Baggett and with Public Works Director Bill Whidden regarding the maintenance of the road.

New Business - Work Session:

- a. Presentation Only - Update on the Wastewater Treatment Plant Expansion Project by Archer Western

Addison Shealy, Archer Western Project Manager, presented an update on the Wastewater Treatment Plan expansion. The project has had zero safety or significant quality incidents with over 15,000 work hours. It is currently three days ahead of schedule, with substantial completion expected in September 2026 and final completion by November 11, 2026. The work is far from over as during the time between substantial and final completion, they will begin functional testing of the membrane system owner punch list and final demo. The plant will effectively start treating wastewater in late September or early October of this year. Approximately ninety percent of the project's value has been billed, with \$330,000 remaining in the owner's contingency. A deductive change order is expected to be returned to the city.

- b. Presentation of Draft Masterplan for Public Safety Complex - Phase I

Andrew Swicegood, PE, ESG Engineering, presented a Masterplan for a new Public Safety Complex on land on Thurmon Tanner and East Main Street. Phase 1 will include a fleet maintenance building and a secure impound lot, with an estimated cost of \$2 million. This phase is prioritized to achieve cost savings on vehicle outfitting. Phase 2 will be a new 16,000 sq. ft. police and municipal court building, estimated to cost \$11–15 million. Funding for Phase 2 has not been identified. The new location is more central and avoids potential police response delays caused by stalled trains.

Council held a discussion with Mr. Swicegood.

- c. Consider Change Order #1 to Contract with Sol Construction, LLC for the Groundwater Wells #4 & #5 Reactivation Project.

Budget Manager Rodriguez presented a no-cost change order request to extend the contract duration for reactivating two groundwater wells from 270 days to 365 days. The extension is needed to accommodate the lead time for fabricating a precast chemical feed building.

- d. Consider Awarding Contract for 26-009 Cove Creek Dr & Spring St Sewer Main Replacement Project to Civil Construction & Utilities, LLC.

Budget Manager Rodriguez presented a contract for a sewer replacement project for Cove

Creek Drive and Springs Street to Civil Construction & Utilities. Eight bids were received for the sewer main replacement project. The contract was recommended for award to the lowest bidder, Civil Construction & Utilities, at \$175,000.00. The 30-day completion schedule was deemed feasible by the engineer, and no performance bond is required by state law for a contract of this size.

Council held a discussion with Budget Manager Rodriguez and Mr. Andrew Swicegood, PE, ESG Engineering.

e. Consideration of Memorandum of Agreement - Hog Mountain Road/Falcon Pkwy Stormwater Improvement Project

City Manager Parrish presented a Memorandum of Agreement with Hall County and the Atlanta Falcons Football Club for implementation of the Hog Mountain Road and Falcon Parkway Stormwater Improvement Project. The agreement formalizes project addition, funding commitments, and cost-sharing responsibilities among the participating parties. The city's contribution is capped at \$20,000 representing about 5.5% of the total project cost of \$341,000.

f. Consider Ordinance 790 – To Establish the Millage Rate for Tax Year 2026; Fiscal Year 2027

City Clerk Cooper read the caption for Ordinance 790.

Director Hamby presented Ordinance 790 to establish the millage rate for tax year 2026; fiscal year 2027 and sets the rate at 3.247 mills, the same as the prior year. The potential long-term revenue impact of House Bill 581, which limits homestead valuation increases, was noted as a factor to monitor.

Council held a discussion with Director Hamby.

Department Reports:

City Manager Report

City Manager Parrish presented the city manager's office and highlighted major city accomplishments, including paving projects, the on-schedule wastewater plant expansion, trail development, and railroad crossing improvements. New initiatives include the adoption of Objectives and Key Results (OKRs) for goal setting and the Finance Department receiving a "triple crown" award. City Manager Parrish presented a video produced by ICMA TV showcasing Flowery Branch's growth and community engagement.

City Clerk Report

City Clerk Cooper advised qualifying for City Council Post 3 will run from August 10 to August 12, 2026, with a fee of \$216.00.

Department of Fun Report

Director Carden noted upcoming events.

Police Department Report

Chief Hulsey explained the Police Department's participation in the 287(g) program with ICE, stating the goal is to target criminals while allowing discretion for law-abiding residents, ensuring the community feels safe contacting the police.

Council Report

Council Member Mundy praised the updates on the Wastewater Facility, the video showcased by City Manager Parrish, and the Chief's explanation of the 287(g) program.

Council Member Mezzanotte appreciates everything that happened at the meeting tonight, and he stated that it was a great meeting, great video and great job. He is proud to be in Flowery Branch.

Council Member Vanderbilt shares the same sentiment as the other council members.

Council Member Lena is proud to be a part of Flowery Branch.

Adjournment Work Session:

Mayor McClellan adjourned the work session at 8:04 p.m.

Voting Session Agenda

Call Voting Session to Order:

Mayor McClellan called the voting session to order at 8:04 p.m.

Public Comments: There were no public comments.

Consent Agenda:

- a. Consider June 18, 2026 City Council Meeting Minutes
- b. Consider July 15, 2026 Special Called City Council Meeting Minutes

There was a motion made to approve the consent agenda.

Motion:	Chris Mundy
Second:	Charles Vanderbilt
Ayes:	Chris Mundy, Joseph Mezzanotte, Charles Vanderbilt, Pete Lena
Nays:	None
Result:	passed

Unfinished Business - Voting Session:

- a. Consider an IGA with Hall County and Flowery Branch for Maintenance of Hog Mountain Road

There was a motion made to approve an IGA with Hall County and Flowery Branch for Maintenance of Hog Mountain Road.

Motion: Chris Mundy
Second: Pete Lena
Ayes: Chris Mundy, Joseph Mezzanotte, Pete Lena
Nays: Charles Vanderbilt
Result: passed

New Business - Voting Session:

- a. Consider Change Order #1 to Contract with Sol Construction, LLC for the Groundwater Wells #4 & #5 Reactivation Project.

There was a motion made to approve Change Order #1 to Contract with Sol Construction, LLC for the Groundwater Wells #4 & #5 Reactivation Project.

Motion: Joseph Mezzanotte
Second: Chris Mundy
Ayes: Chris Mundy, Joseph Mezzanotte, Charles Vanderbilt, Pete Lena
Nays: None
Result: passed

- b. Consider Awarding Contract for 26-009 Cove Creek Dr & Spring St Sewer Main Replacement Project to Civil Construction & Utilities, LLC.

There was a motion made to Award Contract for 26-009 Cove Creek Drive & Spring Street Sewer Main Replacement Project to Civil Construction & Utilities, LLC.

Motion: Joseph Mezzanotte
Second: Pete Lena
Ayes: Chris Mundy, Joseph Mezzanotte, Charles Vanderbilt, Pete Lena
Nays: None
Result: passed

- c. Consideration of Memorandum of Agreement - Hog Mountain Road/Falcon Pkwy Stormwater Improvement Project

There was a motion made to approve Memorandum of Agreement - Hog Mountain Road/Falcon Pkwy Stormwater Improvement Project.

Motion: Chris Mundy
Second: Joseph Mezzanotte
Ayes: Chris Mundy, Joseph Mezzanotte, Charles Vanderbilt, Pete Lena
Nays: None
Result: passed

- d. First Read to consider Ordinance 788 that updates the municipal code to reflect the transition from paper-based submittals and processes to a fully digital planning and development system.

City Clerk Cooper read the caption for Ordinance 788.

There was a motion made to advance Ordinance 788 to the Second Reading.

Motion: Chris Mundy
Second: Joseph Mezzanotte
Ayes: Chris Mundy, Joseph Mezzanotte, Charles Vanderbilt, Pete Lena
Nays: None
Result: passed

- e. First Read to consider Ordinance 789 align the city code with recently passed state-mandated requirements governing plan review procedures, required timelines, and standardized definitions.

City Clerk Cooper read the caption for Ordinance 789.

There was a motion made to advance Ordinance 789 to the Second Reading.

Motion: Chris Mundy
Second: Joseph Mezzanotte
Ayes: Chris Mundy, Joseph Mezzanotte, Charles Vanderbilt, Pete Lena
Nays: None
Result: passed

- f. Consider the First Reading of Ordinance 790 – To Establish the Millage Rate for Tax Year 2026; Fiscal Year 2027

Council held a discussion prior to the vote.

City Clerk Cooper read the caption for Ordinance 790.

There was a motion made to advance Ordinance 790 to the next City Council Meeting.

Motion: Pete Lena
Second: Joseph Mezzanotte
Ayes: Chris Mundy, Joseph Mezzanotte, Charles Vanderbilt, Pete Lena
Nays: None
Result: advance

Executive Session:

There was a motion made to enter executive session for matters related to the acquisition/disposition of real estate, for matters related to certain personnel issues, and for matters related to pending or potential litigation at 8:12 p.m.

Motion: Chris Mundy
Second: Charles Vanderbilt
Ayes: Chris Mundy, Joseph Mezzanotte, Charles Vanderbilt, Pete Lena
Nays: None
Result: passed

There was a motion made to exit the executive session at 10:03 p.m.

Motion: Chris Mundy
Second: Pete Lena
Ayes: Chris Mundy, Joseph Mezzanotte, Charles Vanderbilt, Pete Lena
Nays: None
Result: passed

Adjournment:

There was a motion made to adjourn the meeting at 10:03 p.m.

Motion: Chris Mundy
Second: Pete Lena
Ayes: Chris Mundy, Joseph Mezzanotte, Charles Vanderbilt, Pete Lena
Nays: None
Result: passed

Oliver McClellan
Mayor

Date

Shelia Cooper
City Clerk



Memorandum

To: City of Flowery Branch, City Manager, and City Council
From: Chris McCrary, Planning and Community Development Director
Date: August 6th, 2026

Subject / Code Section:

Code of Ordinances – Chapter 17 – Building and Building Regulations

Section 17.74 – Building Permit Application;

and the following sections of Appendix B – Subdivision Ordinance

Section 505 – Preliminary Plat Application Requirements;
Section 604 – Development Permit Application Requirements; and
Section 806 – Final Plat Application Requirements;

And the following sections of Appendix C – Zoning Ordinance as shown on Exhibit C:

Section 33.3 – Text Amendment Application Requirements;
Section 34.4 – Rezoning and Conditional Use Application Requirements;
Section 37.3 – Variance Application Requirements;
Section 38.4 – Administrative Variance Application Requirements;
Section 39.3 – Appeal of Administrative Decision Application; and
Section 44.4 – Annexation Applications and Application Requirements;

Applicant: Planning and Community Development

EXECUTIVE SUMMARY

This proposed text amendment updates the municipal code to reflect the transition from paper-based submittals and processes to a fully digital planning and development system. The Planning and Community Development Department has successfully implemented new software that enables electronic application submission, plan review, inter-departmental coordination, and final approval workflows.



Existing code provisions contain numerous references to physical plans, paper application forms, manual signatures, and in-person submittals. These legacy requirements no longer align with current operational practices and may create confusion, inefficiencies, or unnecessary barriers for applicants and staff.

The purpose of this amendment is to remove or revise outdated language referencing physical documents and replace it with technology-neutral or digitally appropriate terminology. This ensures that the code accurately reflects the Department's modernized processes while maintaining flexibility for future technological advancements.

Overall, this amendment modernizes the code framework, aligns it with current digital practices, and supports a more efficient, accessible, and transparent development review process.

Code of Ordinances – Chapter 17 – Building and Building Regulations

Sec. 17-74. - Permits

f) *Drawings and specifications.*

- 1) *When required by the building official, ~~two or more~~ digital copies of specifications and of drawings drawn to scale, with sufficient clarity and detail to indicate the nature and character of the work, shall ~~accompany the application for a permit.~~ be submitted, processed, and reviewed through the City's designated online digital submittal and review system, in accordance with procedures established by the City. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the construction codes. Such information shall be specific, and the construction codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.*



Appendix B – Subdivision Ordinance

Sec. 505. Preliminary Plat Application Requirements.

Applications for preliminary plat approval shall include the following:

- ~~(a) Application form. A properly completed application form, as furnished by the Zoning Administrator, requesting review for project approval.~~
- ~~(b) Copies of plats. A set number, as fixed from time to time by the Zoning Administrator, of copies of the preliminary subdivision plat meeting preliminary plat specifications of this Article and showing the entire ownership.~~
- (a) All applications shall be submitted, processed, and reviewed through the City's designated online digital submittal and review system, in accordance with procedures established by the City.
- (b) Fees. Payment of all applicable application and review fees, as established by the Governing Body from time to time

Sec. 604. Development Permit Application.

Applications for a development permit shall include the following:

- (a) ~~Application form. A properly completed application form, as furnished by the Zoning Administrator, requesting review for project approval.~~ All applications shall be submitted, processed, and reviewed through the City's designated online digital submittal and review system, in accordance with procedures established by the City.
- (b) Site plan providing information on the property to be developed, based on a boundary survey prepared by a registered land surveyor.
- (c) ~~Copies of plans. A set number, as fixed from time to time by the Zoning Administrator, of copies of the development plans required by this Article and meeting specifications of this Article.~~
- (c) Fees. Payment of all applicable application and review fees, as established by the Governing Body from time to time.
- (d) Plat or plan prior approvals or applications. A copy of the approved preliminary plat, if subdivision is required and preliminary plat approval has been obtained, or an application for preliminary plat approval.
- (e) Standard drawings and construction specifications. When the subdivision or development involves an improvement for which a standard has not been established in this ordinance, or adopted by reference to another set of standards or specifications, the Zoning Administrator may require the application for development include standard drawings and construction specifications.

The application shall be checked for completeness at the time of submission. Incomplete applications will not be processed and ~~will be returned to the applicant~~ considered denied.

Sec. 806. Final Plat Application Requirements.

Applications for final plat approval shall include the following:

- (a) All applications shall be submitted, processed, and reviewed through the City's designated online digital submittal and review system, in accordance with procedures established by the City.



- (b) ~~Copies of plats. A set number, as fixed from time to time by the Zoning Administrator, of copies of the final subdivision plat meeting final plat specifications of this Article.~~ Plats are to be in a digital format uploaded through the City's designated online digital submittal and review system.
- (c) *Fees.* Payment of all applicable application and review fees, as established by the Governing Body from time to time.
- (d) *Financial guarantee of improvements.* A maintenance bond, providing for the maintenance of all public improvements required by this Ordinance in the subdivision, shall be submitted which shall be valid for a period of fifteen (15) months following the date of approval of the final plat. If approved by the City Engineer, an alternative financial guarantee of improvements may be accepted, such as one of the following:
1. An escrow of funds with the City.
 2. An escrow with a bank or savings and loan association upon which the City can draw.
 3. An irrevocable letter of commitment or credit upon which the City can draw.
 4. A performance bond for the benefit of the city upon which the City can collect.
 5. A certificate of deposit with assignment letter.

Appendix C – Zoning Ordinance

Sec. 33.3. Application Requirements.

Applications to amend the text of this zoning ordinance shall require submittal of an application fee, ~~application form,~~ and proposed **text amendment** in a form approved in advance by the Zoning Administrator. The Zoning Administrator shall waive the application fee required by this Section when an application is initiated by the City Council or the Zoning Administrator. All applications shall be submitted, processed, and reviewed through the City's designated online digital submittal and review system, in accordance with procedures established by the City.

Sec. 34.4. Application Requirements.

Applications to **amend the official zoning map** of this zoning ordinance or for **a conditional use** shall require submittal of an application requirements specified in this Section. The Zoning Administrator may waive the application fee and certain application requirements specified in this Section when an application for amendment of the official zoning map is initiated by City Council or authorized by the City Manager. (Ord. 348-11)

- (a) Application fee as specified by this ordinance or established by resolution of the City Council;
- (b) ~~Application form furnished by the Zoning Administrator~~ All applications shall be submitted, processed, and reviewed through the City's designated online digital submittal and review system, in accordance with procedures established by the City. ~~including signed and notarized signature of property owner;~~
- (c) Digital copy of the property owner's authorization affidavit signed and notarized.
- (d) Legal description of the property;
- (e) Survey plat of the property;



- (f) Letter of intent describing the proposed use of the property or other action requested;
- (g) Site plan of the property at an appropriate engineering scale showing the proposed use and relevant information regarding proposed improvements;
- (h) Statistics regarding the proposed development;
- (i) Description of any special conditions voluntarily made a part of the request; and
- (j) Other information as may be required by the Zoning Administrator.

Sec. 38.4. - Application Requirements.

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

- a) Application fee as specified by this ordinance or established by resolution of the City Council;
- b) ~~Application form furnished by the Director of Planning and Community Development,~~ All applications shall be submitted, processed, and reviewed through the City's designated online digital submittal and review system, in accordance with procedures established by the City including a digital copy of the signed and notarized signature of property owner;

Sec. 37.3. Application Requirements.

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

- (a) Application fee as specified by this ordinance or established by resolution of the City Council;
- (b) ~~Application form furnished by the Zoning Administrator, including signed and notarized signature of property owner;~~ All applications shall be submitted, processed, and reviewed through the City's designated online digital submittal and review system, in accordance with procedures established by the City.
- (c) Legal description of the property;
- (d) Survey plat of the property;
- (e) Letter of intent describing the proposed use of the property or other action requested;
- (f) Site plan of the property at an appropriate engineering scale showing the proposed use and relevant information regarding proposed improvements;
- (g) Statistics regarding the proposed development;
- (h) Written analysis of how the proposed action compares to decision criteria specified for deciding on the subject type of application;
- (i) Description of any special conditions voluntarily made a part of the request; and
- (j) Other information as may be required by the Zoning Administrator.



Sec. 38.4. Application Requirements.

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

- (a) Application fee as specified by this ordinance or established by resolution of the City Council;
- (b) ~~Application form furnished by the Director of Planning and Community Development, including signed and notarized signature of property owner;~~ All applications shall be submitted, processed, and reviewed through the City's designated online digital submittal and review system, in accordance with procedures established by the City;
- (c) Legal description of the property;
- (d) Survey plat of the property;
- (e) Letter of intent describing the proposed use of the property or other action requested;
- (f) Site plan of the property at an appropriate engineering scale showing the proposed use and relevant information regarding proposed improvements;
- (g) Statistics regarding the proposed development;
- (h) Written analysis of how the proposed action compares to decision criteria specified for deciding on the subject type of application;
- (i) Description of any special conditions voluntarily made a part of the request;
- (j) A notarized letter of consent for proposed variance from adjoining property owners as required and;
- (k) Other information as may be required by the Director of Planning and Community Development necessary to determine compliance with the City's zoning or land use regulations or the purpose and intent of the City's Comprehensive Plan.

Sec. 39.3. Application Requirements.

No application shall be accepted for processing by the Zoning Administrator unless it meets the requirements of this Article. To initiate an **appeal**, an application must be submitted to the Planning Department which shall include at minimum the following:

- (a) ~~Application Form. A completed application. All applications shall be submitted to the Zoning Administrator on the appropriate application forms.~~ All applications shall be submitted, processed, and reviewed through the City's designated online digital submittal and review system, in accordance with procedures established by the City.
- (b) *Fee.* All applications shall be accompanied by a non-refundable fee as fixed from time to time by City Council. A fee shall not be charged if the City Council initiates the appeal application.
- (c) *Written Narrative.* A written narrative explaining the request and purpose for the appeal.
- (d) *Additional Requirements.* In reviewing an application, the Zoning Administrator shall also be authorized to require any supporting information necessary to review an administrative decision on the record necessary to resolve the request for appeal. These may include but are not limited to plat or boundary survey, architectural renderings, or concept plan or as-built surveys. ~~When the appeal application is referred to the Governing Body, the applicant shall be required to submit a sufficient number of scaled~~



~~and reproducible size copies of such supporting documentation as determined by the Zoning Administrator.~~

Sec. 44.4. Applications and Application Requirements.

Applications for **annexation** shall be filed with the City Clerk **Planning and Community Development** and shall include the following requirements:

- (a) ~~A completed application for annexation;~~ All applications shall be submitted, processed, and reviewed through the City's designated online digital submittal and review system, in accordance with procedures established by the City, and
- (b) Boundary survey of the property or properties proposed to be annexed, or a plat of same with reference to its recording in the Office of the Clerk of Superior Court of Hall County; and
- (c) ~~A written and electronic copy in Microsoft Word-compatible~~ digital format of the Legal description of the property or properties proposed to be annexed, matching the boundary survey or plat submitted; and
- (d) An application for zoning of the property or properties to be annexed by the city, to one or more city zoning districts as described in the City of Flowery Branch Zoning Ordinance (see Sec. 44.5 for details).
- (e) For annexation applications involving property of 100 acres or more, the applicant shall also be required to file an application to amend the comprehensive plan of the city to at minimum indicate the proposed character and future land use plan map designations for the subject property or properties.
- (f) There is no fee associated with filing an application for annexation and, if applicable, an application to amend the comprehensive plan. However, the property owner or property owners shall be responsible for paying a fee for a rezoning application unless waived by the Zoning Administrator and authorized by the City Manager per Section 34.4 of this zoning ordinance.

Recommendation:

Staff recommend **Approval** of the proposed Ordinance 788 to the Mayor and City Council Meeting.

ORDINANCE NO. 788

AN ORDINANCE OF THE CITY OF FLOWERY BRANCH, GEORGIA, TO AMEND , ARTICLE II OF CHAPTER 17 OF THE CODE OF ORDINANCES– BUILDING AND BUILDNG REGULATIONS RELATING TO PERMIT APPLICATIONS, TO AMEND ARTICLES 5, 6, AND 8 OF APPENDIX B – THE SUBDIVISION ORDINANCE RELATING TO APPLICATION REQUIREMENTS, TO AMEND ARTICLES 33, 34, 37, 38, 39, AND 44 OF APPENDIX C – ZONING ORDINANCE RELATING TO APPLICATION SUBMITTAL PROCEDURES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; TO REPEAL CONFLICTING PROVISIONS; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the City of Flowery Branch desires to modernize and standardize application procedures through the implementation of digital submittal requirements; and

WHEREAS, it is in the best interest of the health, safety, and welfare of the public to codify such procedures within the City’s Subdivision and Zoning Ordinances;

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

WHEREAS, the City Council finds that in the interests of the public, the enactment of this ordinance by reasonable means, as allowed under state law, and not unduly oppressive, is necessary to protect the health, safety, morals, and general welfare of the citizens of the city.

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

SECTION 1. AMENDMENT TO ARTICLE II OF CHAPTER 17.

The Code of Ordinances of the City of Flowery Branch is hereby amended by inserting a new provision to be numbered as “(2)” within subsection (a) of Section 17.4 to be worded as follows:

“(2) All applications shall be submitted, processed, and reviewed through the City’s designated online digital submittal and review system, in accordance with procedures established by the City.”

Previously numbered provision (2) of subsection (a) shall be renumbered as “(3)” and all other portions and subsections of Section 17.4 shall remain unaltered.

SECTION 2. AMENDMENTS TO ARTICLES 5, 6, AND 8 OF APPENDIX B – SUBDIVISIONS ORDINANCE

The following sections of Appendix B – Subdivision Ordinance are hereby repealed and replaced so as to read as shown on Exhibit A:

Section 505 – Preliminary Plat Application Requirements;
Section 604 – Development Permit Application Requirements; and
Section 806 – Final Plat Application Requirements.

SECTION 3. AMENDMENTS TO ARTICLES 33, 34, 37, 38, 39, AND 44 OF APPENDIX C -ZONING ORDINANCE

The following sections of Appendix C – Zoning Ordinance are hereby repealed and replaced so as to read as shown on Exhibit B:

Section 33.3 – Text Amendment Application Requirements;
Section 34.4 – Rezoning and Conditional Use Application Requirements;
Section 37.3 – Variance Application Requirements;
Section 38.4 – Administrative Variance Application Requirements;
Section 39.3 – Appeal of Administrative Decision Application; and
Section 44.4 – Annexation Applications and Application Requirements.

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this _____ day of _____, _____.

Oliver McClellan, Mayor

ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

Ted Baggett, City Attorney

Exhibit “A”

Appendix B – Subdivision Ordinance

Sec. 505. Application Requirements.

Applications for preliminary plat approval shall include the following:

- (a) All applications shall be submitted, processed, and reviewed through the City’s designated online digital submittal and review system, in accordance with procedures established by the City.
- (b) Fees. Payment of all applicable application and review fees, as established by the Governing Body from time to time.

Sec. 604. Application.

Applications for a development permit shall include the following:

- (a) All applications shall be submitted, processed, and reviewed through the City’s designated online digital submittal and review system, in accordance with procedures established by the City.
- (b) Site plan providing information on the property to be developed, based on a boundary survey prepared by a registered land surveyor.
- (c) Fees. Payment of all applicable application and review fees, as established by the Governing Body from time to time.
- (d) Plat or plan prior approvals or applications. A copy of the approved preliminary plat, if subdivision is required and preliminary plat approval has been obtained, or an application for preliminary plat approval.
- (e) Standard drawings and construction specifications. When the subdivision or development involves an improvement for which a standard has not been established in this ordinance, or adopted by reference to another set of standards or specifications, the Zoning Administrator may require the application for development include standard drawings and construction specifications.

The application shall be checked for completeness at the time of submission. Incomplete applications will not be processed and considered denied.

Sec. 806. Application Requirements.

Applications for final plat approval shall include the following:

- (a) All applications shall be submitted, processed, and reviewed through the City’s designated online digital submittal and review system, in accordance with procedures established by the City.

- (b) Plats are to be in a digital format upload through the City's designated online digital submittal and review system
- (c) *Fees.* Payment of all applicable application and review fees, as established by the Governing Body from time to time.
- (d) *Financial guarantee of improvements.* A maintenance bond, providing for the maintenance of all public improvements required by this Ordinance in the subdivision, shall be submitted which shall be valid for a period of fifteen (15) months following the date of approval of the final plat. If approved by the City Engineer, an alternative financial guarantee of improvements may be accepted, such as one of the following:
 - 1. An escrow of funds with the City.
 - 2. An escrow with a bank or savings and loan association upon which the City can draw.
 - 3. An irrevocable letter of commitment or credit upon which the City can draw.
 - 4. A performance bond for the benefit of the city upon which the City can collect.
 - 5. A certificate of deposit with assignment letter.

Exhibit “B”

Appendix C – Zoning Ordinance

Sec. 33.3. Application Requirements.

Applications to amend the text of this zoning ordinance shall require submittal of an application fee, and proposed text amendment in a form approved in advance by the Zoning Administrator. The Zoning Administrator shall waive the application fee required by this Section when an application is initiated by the City Council or the Zoning Administrator. All applications shall be submitted, processed, and reviewed through the City’s designated online digital submittal and review system, in accordance with procedures established by the City.

Sec. 34.4. Application Requirements.

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

- (a) Application fee as specified by this ordinance or established by resolution of the City Council;
- (b) All applications shall be submitted, processed, and reviewed through the City’s designated online digital submittal and review system, in accordance with procedures established by the City.
- (c) Digital copy of the property owner’s authorization affidavit signed and notarized.
- (d) Legal description of the property;
- (e) Survey plat of the property;
- (f) Letter of intent describing the proposed use of the property or other action requested;
- (g) Site plan of the property at an appropriate engineering scale showing the proposed use and relevant information regarding proposed improvements;
- (h) Statistics regarding the proposed development;
- (i) Description of any special conditions voluntarily made a part of the request; and
- (j) Other information as may be required by the Zoning Administrator.

Sec. 37.3. Application Requirements.

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

- (a) Application fee as specified by this ordinance or established by resolution of the City Council;
- (b) All applications shall be submitted, processed, and reviewed through the City's designated online digital submittal and review system, in accordance with procedures established by the City.
- (c) Legal description of the property;
- (d) Survey plat of the property;
- (e) Letter of intent describing the proposed use of the property or other action requested;
- (f) Site plan of the property at an appropriate engineering scale showing the proposed use and relevant information regarding proposed improvements;
- (g) Statistics regarding the proposed development;
- (h) Written analysis of how the proposed action compares to decision criteria specified for deciding on the subject type of application;
- (i) Description of any special conditions voluntarily made a part of the request; and
- (j) Other information as may be required by the Zoning Administrator.

Sec. 38.4. Application Requirements.

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

- (a) Application fee as specified by this ordinance or established by resolution of the City Council;
- (b) All applications shall be submitted, processed, and reviewed through the City's designated online digital submittal and review system, in accordance with procedures established by the City including a digital copy of the signed and notarized signature of property owner;
- (c) Legal description of the property;
- (d) Survey plat of the property;
- (e) Letter of intent describing the proposed use of the property or other action requested;
- (f) Site plan of the property at an appropriate engineering scale showing the proposed use and relevant information regarding proposed improvements;
- (g) Statistics regarding the proposed development;

- (h) Written analysis of how the proposed action compares to decision criteria specified for deciding on the subject type of application;
- (i) Description of any special conditions voluntarily made a part of the request;
- (j) A notarized letter of consent for proposed variance from adjoining property owners as required and;
- (k) Other information as may be required by the Director of Planning and Community Development necessary to determine compliance with the City's zoning or land use regulations or the purpose and intent of the City's Comprehensive Plan.

Sec. 39.3. Application Requirements.

No application shall be accepted for processing by the Zoning Administrator unless it meets the requirements of this Article. To initiate an appeal, an application must be submitted to the Planning Department which shall include at minimum the following:

- (a) All applications shall be submitted, processed, and reviewed through the City's designated online digital submittal and review system, in accordance with procedures established by the City.
- (b) *Fee.* All applications shall be accompanied by a non-refundable fee as fixed from time to time by City Council. A fee shall not be charged if the City Council initiates the appeal application.
- (c) *Written Narrative.* A written narrative explaining the request and purpose for the appeal.
- (d) *Additional Requirements.* In reviewing an application, the Zoning Administrator shall also be authorized to require any supporting information necessary to review an administrative decision on the record necessary to resolve the request for appeal. These may include but are not limited to plat or boundary survey, architectural renderings, or concept plan or as-built surveys.

Sec. 44.4. Applications and Application Requirements.

Applications for annexation shall be filed with Planning and Community Development and shall include the following requirements:

- (a) All applications shall be submitted, processed, and reviewed through the City's designated online digital submittal and review system, in accordance with procedures established by the City; and
- (b) Boundary survey of the property or properties proposed to be annexed, or a plat of same with reference to its recording in the Office of the Clerk of Superior Court of Hall County; and

- (c) A digital format of the Legal description of the property or properties proposed to be annexed, matching the boundary survey or plat submitted; and
- (d) An application for zoning of the property or properties to be annexed by the city, to one or more city zoning districts as described in the City of Flowery Branch Zoning Ordinance (see Sec. 44.5 for details).
- (e) For annexation applications involving property of 100 acres or more, the applicant shall also be required to file an application to amend the comprehensive plan of the city to at minimum indicate the proposed character and future land use plan map designations for the subject property or properties.
- (f) There is no fee associated with filing an application for annexation and, if applicable, an application to amend the comprehensive plan. However, the property owner or property owners shall be responsible for paying a fee for a rezoning application unless waived by the Zoning Administrator and authorized by the City Manager per Section 34.4 of this zoning ordinance.



Memorandum

To: City of Flowery Branch, City Manager, and City Council
From: Chris McCrary, Planning and Community Development Director
Date: August 20th, 2026

Subject / Code Section:

Appendix B – Subdivision Ordinance

Section 302 – Definitions;
Section 609 – Review of Development Permit Applications

Appendix C – Zoning Ordinance

Section 2.2 – Design Related Definitions;
Section 41.4 – Review and Issuance of Development Permit;

Applicant: Planning and Community Development

EXECUTIVE SUMMARY

Ordinance 789 establishes the procedural framework for the submission, review, and approval of development plans within the jurisdiction. This revision has been prepared to align the ordinance with state-mandated requirements governing plan review procedures, required timelines, and standardized definitions. The intent of these updates is to ensure consistency with state law, improve transparency in the review process, and provide predictable expectations for applicants and reviewing authorities.

The purpose of the ordinance is to create a clear, efficient, and legally compliant process for evaluating development applications. It is designed to promote timely decision-making, ensure coordination across reviewing departments, and provide applicants with clear guidance regarding submission requirements and review expectations.



Appendix B – Subdivision Ordinance

Article 3. – Definitions

Sec. 302 – Definitions

Application: The formal submittal of all required forms, plans, documents, and supporting materials by an applicant through the City’s designated digital submittal and review software system for the purpose of obtaining a zoning, annexation, variance, administrative variance, text amendment, conditional use application, or other land use authorization under this Code. An application shall be deemed complete only upon successful upload of required materials and confirmation by the City the application is complete within five (5) business days.

Material additions: changes to the plan during the plan review process that are not directly related to a comment or request of the City. If any material additions have been added, the submittal shall be deemed a new application and shall be subject to the review timelines of a new application. Material additions include but are not limited to the following:

1. Site Layout

- Building footprint relocation or size change
- Parking lot reconfiguration or significant expansion
- Roadway alignment or access point changes

2. Grading & Earthwork

- Substantial changes to proposed elevations
- Significant increase in cut/fill quantities
- Addition of large amounts of imported fill

3. Stormwater Management

- Modifications to stormwater management design
- Changes in drainage patterns or discharge points
- Impacts to stormwater calculations or compliance

4. Utilities



- Rerouting of water, sewer, or storm systems
- Changes affecting capacity, connection points, or profiles

5. Environmental & Regulatory Impacts

- Encroachment into buffers, wetlands, or floodplains
- Changes affecting erosion & sediment control design
- Any revision that alters previously approved permits or conditions

Sec. 609. Review of Development Permit Applications.

The Zoning Administrator may forward a copy of the development permit application, including the civil design and construction drawings for the project, to other City departments and government agencies or others as appropriate, for their review and comment. The applicant may be required by the Zoning Administrator to secure development approval from other agencies if they are affected by (or have jurisdiction over) the development. Development approval may be required from but not limited to:

- (a) The Flowery Branch Utilities Department.
- (b) The Hall County Public Works Department.
- (c) The Hall County Soil and Water Conservation District.
- (d) Hall County Environmental Health Department.
- (e) Georgia Department of Transportation.
- (f) Georgia Department of Natural Resources.
- (g) U.S. Army Corps of Engineers.
- (h) U.S. Environmental Protection Agency.

Upon receipt of comments from other City departments and external agencies as appropriate, the Zoning Administrator shall provide all comments to the applicant for resolution and as appropriate shall indicate on a copy of the civil design and construction drawings or in writing all comments related to compliance with this Article or the Flowery Branch Zoning Ordinance, conditions of zoning or prior plat approval, and other city regulations, as appropriate.

~~Upon receipt of the completed development plan by the Zoning Administrator, he shall review them for compliance with this Ordinance and any other applicable local laws and regulations. The Zoning Administrator shall have thirty (30) calendar days to accomplish the interagency review, if appropriate, and to certify compliance of the development plans with subdivision and land development requirements and the Flowery Branch Zoning Ordinance; provided, however, that when development plan approval is required by a state or federal agency or another Department of the City of Flowery Branch, or in other cases with consent of the applicant, review may be extended. Although review may have been achieved, if another city department or external agency requires approval or permit, the applicant shall also be responsible for obtaining approval from all other agencies affected by the project prior to issuance of the development permit by the Zoning Administrator.~~



Upon submission of a development plan application, the Zoning Administrator shall, determine whether the application is complete and notify the applicant in writing of any deficiencies.

Following determination of a complete application, the Zoning Administrator shall review the development plan for compliance with this Ordinance and all applicable laws and regulations. The Zoning Administrator shall approve, approve with conditions, or deny the application within forty-five (45) calendar days of the date the application is deemed complete.

Following issuance of review comments or denial, the applicant shall submit a revised development plan addressing all identified deficiencies within thirty (30) calendar days from the date of such comments or denial, unless an extension is granted in writing by the Zoning Administrator.

Failure of the applicant to submit a complete resubmittal within the required thirty (30) calendar day period shall result in the application being deemed abandoned and administratively closed without further action by the City.

Any subsequent request for review of the same or substantially similar development plan shall require submission of a new application and payment of all applicable fees.

The review process shall include coordination with other City departments and, where applicable, external agencies; however, such review shall be conducted concurrently and shall not extend the required decision deadline except as expressly allowed by state law.

If the application is denied, the Zoning Administrator shall provide the applicant with a written statement identifying the specific reasons for denial and citing the applicable provisions of law or ordinance.

In the event of a resubmittal by the applicant, the Zoning Administrator shall complete review of the first resubmitted application within twenty (20) calendar days, and each subsequent resubmittal within fourteen (14) calendar days. Review comments on resubmissions shall be limited to previously identified deficiencies or changes made by the applicant.

The applicant shall remain responsible for obtaining all other required local, state, and federal permits; however, the City shall not delay action on the development plan beyond the timelines established herein due to pending external approvals, except where expressly required by law.



Appendix C – Zoning Ordinance

Sec. 2.2 – Design Related Definitions

Application: The formal submittal of all required forms, plans, documents, and supporting materials by an applicant through the City's designated digital submittal and review software system for the purpose of obtaining a zoning, annexation, variance, administrative variance, text amendment, conditional use application, or other land use authorization under this Code. An application shall be deemed complete only upon successful upload of required materials and confirmation by the city the application status within five (5) business days.

Sec. 41.4. Review and Issuance of Development Permit (Also review fee schedule).

~~a) Submittal Requirements.~~

- ~~1. Fees are due at time of submittal.~~
- ~~2. Submittal form is due every time plans are submitted.~~
- ~~3. 3 sets of plans are required.~~
- ~~4. A flash drive containing all plans in .pdf format is required at every submittal.~~
- ~~5. Applicant is responsible for acquiring all outside agency approvals.~~
- ~~6. Plans are accepted at City Hall M-F between the hours of 8:00—4:00.~~
- ~~7. Resubmittals shall include City and engineering comments with a narrative explaining how each comment has been addressed.~~
- ~~8. Types of plans required—Article 6, Section 606 of the FB Code of Ordinances.~~
- ~~9. Plans must be prepared by a professional per Article 6, Section 607.~~

~~b) Review Procedures.~~

- ~~1. Time of review.~~
- ~~2. Initial comments shall be sent via e-mail within 21 days.~~
- ~~3. Applicants have 21 days to re-submit after comments are sent.~~
- ~~4. Each subsequent review will have the same 21-day time line.~~
- ~~5. Number of reviews.~~
 - ~~a. 3 re-submittals will be allowed.~~
 - ~~b. If project is not approved after 3 re-submittals it is considered void and the process will start over.~~
- ~~6. Coordination.~~



- a. ~~All submittals shall come directly to Flowery Branch.~~
- b. ~~All review comments shall be sent from Flowery Branch.~~
- c. ~~Any requested meetings with the City engineer of record will be scheduled and approved by City staff.~~
- d. ~~Any questions regarding the review shall be submitted to City staff via e-mail.~~

a) Submittal Requirements

1. All applications and supporting materials shall be submitted in accordance with the City of Flowery Branch Digital Submittal Procedures.
2. Applicable fees shall be paid in full at the time of each initial submittal or resubmittal, subject to refund requirements in the event statutory review deadlines are not met.
3. A submittal to the City shall include the items on the plan or permit checklist and uploaded successfully to receive a status of complete or deficient.
4. All plans, documents, and supporting data shall be submitted electronically in accordance with the City's digital standards.
5. The applicant shall be responsible for obtaining all required approvals from outside agencies; however, any review time attributable to such agencies may toll statutory deadlines as authorized.
6. Submittals shall be made exclusively through the City's designated digital permitting system in compliance with adopted procedures.
7. Resubmittals shall include a written response to all review comments.
8. Required plan types and contents shall comply with Article 6, Section 606 of the Flowery Branch Code of Ordinances and applicable state law.
9. Plans shall be prepared, signed, and sealed as required by Article 6, Section 607 and applicable provisions of Title 43 of the O.C.G.A. governing professional licensure.

b) Review Procedures

1. Completeness Determination.
The City shall determine whether the application is complete.
2. Initial Review Timeline.
The City shall approve or deny a completed application within forty-five (45) days.
3. Resubmittal Review Timelines.
 - a. First resubmittal: twenty (20) days
 - b. Each subsequent resubmittal: fourteen (14) days
4. Following issuance of review comments or denial, the applicant shall submit a revised development plan addressing all identified deficiencies within thirty (30) calendar



days from the date of such comments or denial, unless an extension is granted in writing by the Zoning Administrator.

5. Failure of the applicant to submit a complete resubmittal within the required thirty (30) calendar day period shall result in the application being deemed abandoned and administratively closed without further action by the City.
6. Any subsequent request for review of the same or substantially similar development plan shall require submission of a new application and payment of all applicable fees.
7. Limitations on Review Comments.
Review comments on resubmittals shall be limited to previously identified deficiencies or revisions made by the applicant.
8. Denials.
Any denial shall be provided in writing and shall include specific reasons tied to applicable statutes, ordinances, or regulations.
9. Coordination.
 - a. All submittals shall be made through the City's digital permitting system.
 - b. All review comments shall be transmitted electronically.
 - c. Meetings with City staff or the City engineer shall be scheduled through City staff.
 - d. All communications shall be submitted electronically through City-designated channels.

Recommendation:

Staff recommend **Approval** of Ordinance 788.



ORDINANCE NO. 789

AN ORDINANCE OF THE CITY OF FLOWERY BRANCH, GEORGIA, TO AMEND THE CODE OF ORDINANCES BY AMENDING ARTICLE 3 AND ARTICLE 6 OF APPENDIX B – SUBDIVISION ORDINANCE, TO AMEND ARTICLE 2 AND ARTICLE 41 OF APPENDIX C – ZONING ORDINANCE IN ORDER TO COMPLY WITH STATE LAW MANDATES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the State of Georgia has mandated that all local governments make changes to their permitting application systems and processing protocols through the adoption of Senate Bill 447 in the 2026 Session of the General Assembly, the City of Flowery Branch desires to standardize permit review and project inspection procedures to align with Georgia State law; and

WHEREAS, it is in the best interest of the health, safety, and welfare of the public to codify such procedures within the City’s Subdivision and Zoning Ordinances;

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

WHEREAS, the City Council finds that in the interests of the public, the enactment of this ordinance by reasonable means, as allowed under state law, and not unduly oppressive, is necessary to protect the health, safety, morals, and general welfare of the citizens of the city.

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

SECTION 1. AMENDMENT TO SECTION 302 OF ARTICLE 3 OF APPENDIX B SUBDIVISIONS ORDINANCE.

The Code of Ordinances of the City of Flowery Branch is hereby amended by adding the following definitions alphabetically among the existing definitions in Section 302 of Article 3 in Appendix B – Subdivision Ordinance:

Application: The formal submittal of all required forms, plans, documents, and supporting materials by an applicant through the City’s designated digital submittal and review software system for the purpose of obtaining a zoning, annexation, variance,

administrative variance, text amendment, conditional use application, or other land use authorization under this Code. An application shall be deemed complete only upon successful upload of required materials and confirmation by the City that the application is complete within five (5) business days.

Material changes: Changes to a plan made during the plan review process that are not directly related to a comment or request of the City. If any modifications are made, the submittal shall be deemed a new application and shall be subject to the review timelines of a new application. Material changes include but are not limited to the following:

1. Site Layout.
 - Building footprint relocation, height or size change;
 - Parking lot reconfiguration, significant expansion or reduction;
 - Roadway alignment or access point changes or additions;
2. Grading & Earthwork.
 - Substantial changes to proposed elevations;
 - Significant increase in cut/fill quantities;
 - Addition of large amounts of imported fill;
3. Stormwater Management.
 - Modifications to stormwater management design;
 - Changes in drainage patterns or discharge points;
 - Impacts to stormwater calculations or compliance;
4. Utilities.
 - Rerouting of water, sewer, or storm systems;
 - Changes affecting capacity, connection points, or profiles;
5. Environmental & Regulatory Impacts.
 - Encroachment into buffers, wetlands, or floodplains;
 - Changes affecting erosion & sediment control design;
 - Any revision that alters previously approved permits or conditions.

SECTION 2. AMENDMENT TO SECTION 609 OF ARTICLE 6 OF APPENDIX B SUBDIVISION ORDINANCE

The Code of Ordinances of the City of Flowery Branch is hereby amended by repealing Section 609 of Article 6 in Appendix B Subdivision Ordinance and replacing it to read as shown in Exhibit A.

SECTION 3. AMENDMENT TO SECTION 2,2 OF ARTICLE 2 OF APPENDIX C - ZONING ORDINANCE

The Code of Ordinances of the City of Flowery Branch is hereby amended by adding the following definition alphabetically among the existing definitions in Section 202 of Article 2 in Appendix C– Zoning Ordinance.

Public Hearing Published 07/15/2026
Public Hearing 08/06/2026

First Reading 08/06/2026
Second Reading 08/20/2026

Application: The formal submittal of all required forms, plans, documents, and supporting materials by an applicant through the City's designated digital submittal and review software system for the purpose of obtaining a zoning, annexation, variance, administrative variance, text amendment, conditional use application, or other land use authorization under this Code.

SECTION 4. AMENDMENT TO SECTION 41.4 OF ARTICLE 41 OF APPENDIX C - ZONING ORDINANCE

The Code of Ordinances of the City of Flowery Branch is hereby amended by repealing Section 41.4 of Article 41 in Appendix C - Zoning Ordinance and replacing it to read as shown in Exhibit B.

SECTION 5. 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 6. EFFECTIVE DATE.

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

SECTION 7. REPEALER.

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

Approved this _____ day of _____, _____.

Oliver McClellan, Mayor

ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

Ted Baggett, City Attorney

Exhibit “A”

Appendix B – Subdivision Ordinance

Sec. 609. Review of Development Permit Applications.

The Zoning Administrator may forward a copy of the development permit application, including the civil design and construction drawings for the project, to other City departments and government agencies or others as appropriate, for their review and comment. The applicant may be required by the Zoning Administrator to secure development approval from other agencies if they are affected by (or have jurisdiction over) the development. Development approval may be required from (but not limited to):

- (a) The Flowery Branch Utilities Department.
- (b) The Hall County Public Works Department.
- (c) The Hall County Soil and Water Conservation District.
- (d) Hall County Environmental Health Department.
- (e) Georgia Department of Transportation.
- (f) Georgia Department of Natural Resources.
- (g) U.S. Army Corps of Engineers.
- (h) U.S. Environmental Protection Agency.

Upon receipt of comments from other City departments and external agencies as appropriate, the Zoning Administrator shall provide all comments to the applicant for resolution and as appropriate shall indicate on a copy of the civil design and construction drawings or in writing all comments related to compliance with this Article or the Flowery Branch Zoning Ordinance, conditions of zoning or prior plat approval, and other city regulations, as appropriate.

Upon submission of a development plan application, the Zoning Administrator shall determine whether the application is complete and notify the applicant in writing of any deficiencies.

Following determination of a complete application, the Zoning Administrator shall review the development plan for compliance with this Ordinance and all applicable laws and regulations. The Zoning Administrator shall approve, approve with conditions, or deny the application within forty-five (45) calendar days of the date the application is deemed complete.

Following issuance of review comments or denial, the applicant shall submit a revised development plan addressing all identified deficiencies within forty-five (45) calendar days from the date of such comments or denial.

Failure of the applicant to submit a complete resubmittal within the required forty-five (45) calendar day period shall result in the application being deemed abandoned and administratively closed without any requirement of further action by the City.

Any subsequent request for review of the same or substantially similar development plan not made within the forty-five (45) calendar day deadline shall require submission of a new application and payment of all applicable fees.

The review process shall include coordination with other City departments and, where applicable, external agencies; however, such reviews shall be conducted concurrently and shall not extend the required decision deadline except as expressly allowed by state law.

If the application is denied, the Zoning Administrator shall provide the applicant with a written statement identifying the specific reasons for denial and citing the applicable provisions of law or ordinance.

In the event of a resubmittal by the applicant within forty-five (45) calendar days, the Zoning Administrator shall complete review of the first resubmitted application within twenty (20) calendar days.

A subsequent resubmittal by the applicant in response to review and comment issued by the Zoning Administrator within twenty (20) calendar days to the applicant must be resubmitted by the applicant within twenty (20) calendar days. Failure of the applicant to submit a complete resubmittal within the twenty (20) calendar day period shall result in the application being deemed abandoned and administratively closed without any requirement of further action by the City.

Any subsequent request for review of the same or substantially similar development plan not made within the twenty (20) calendar day deadline shall require submission of a new application and payment of all applicable fees and shall be treated as a new application by the Zoning Administrator.

For any subsequent resubmittal made within twenty (20) calendar days, the Zoning Administrator shall review and reply within fourteen (14) calendar days. Review comments on resubmissions shall be limited to previously identified deficiencies or changes made by the applicant.

The applicant shall have fourteen (14) calendar days to resubmit their application demonstrating compliance with any review and comment from the Zoning Administrator that was issued by the Zoning Administrator to the applicant within fourteen (14) calendar days. Failure of the applicant to resubmit within fourteen (14) calendar days shall result in the application being deemed abandoned and administratively closed without any requirement of further action from the City.

Any subsequent request for review of the same or substantially similar development plan not made within fourteen (14) calendar days shall require submission of a new application and payment of all applicable fees and shall be treated as a new application by the Zoning Administrator.

The applicant shall remain responsible for obtaining all other required local, state, and federal permits; however, the City shall not delay action on the development plan beyond the timelines established herein due to pending external approvals, except where expressly required by law.

Exhibit “B”

Appendix C – Zoning Ordinance

Sec. 41.4. Review and Issuance of Development Permit (Also review fee schedule).

a) Submittal Requirements

1. All applications and supporting materials shall be submitted in accordance with the City of Flowery Branch Digital Submittal Procedures.
2. Applicable fees shall be paid in full at the time of each initial submittal or resubmittal, subject to refund requirements in the event statutory review deadlines are not met.
3. A submittal to the City shall include the items on the plan or permit checklist and uploaded successfully to receive a status of complete or deficient.
4. All plans, documents, and supporting data shall be submitted electronically in accordance with the City’s digital standards.
5. The applicant shall be responsible for obtaining all required approvals from outside agencies; however, any review time attributable to such agencies may toll statutory deadlines as authorized.
6. Submittals shall be made exclusively through the City’s designated digital permitting system in compliance with adopted procedures.
7. Resubmittals shall include a written response to all review comments.
8. Required plan types and contents shall comply with Article 6, Section 606 of the Flowery Branch Code of Ordinances and applicable state law.
9. Plans shall be prepared, signed, and sealed as required by Article 6, Section 607 and applicable provisions of Title 43 of the O.C.G.A. governing professional licensure.

b) Review Procedures

1. Completeness Determination.
The City shall determine whether the application is complete.
2. Initial Review Timeline.
The City shall approve or deny a completed application within forty-five (45) days.
3. Resubmittal Review Timelines.
 - a. First resubmittal: twenty (20) days
 - b. Each subsequent resubmittal: fourteen (14) days

4. Following issuance of review comments or denial, the applicant shall submit a revised development plan addressing all identified deficiencies within forty-five (45) calendar days from the date of such comments or denial, unless an extension is granted in writing by the Zoning Administrator.
5. Failure of the applicant to submit a complete resubmittal within the required forty-five (45) calendar day period shall result in the application being deemed abandoned and administratively closed without further action by the City.
6. Any subsequent request for review of the same or substantially similar development plan shall require submission of a new application and payment of all applicable fees.
7. Limitations on Review Comments.
Review comments on resubmittals shall be limited to previously identified deficiencies or revisions made by the applicant.
8. Denials.
Any denial shall be provided in writing and shall include specific reasons tied to applicable statutes, ordinances, or regulations.
9. Coordination.
 - a. All submittals shall be made through the City's digital permitting system.
 - b. All review comments shall be transmitted electronically.
 - c. Meetings with City staff or the City engineer shall be scheduled through City staff.
 - d. All communications shall be submitted electronically through City-designated channels.



CITY OF FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Ordinance 790 – To Establish the Millage Rate for Tax Year 2026; Fiscal Year 2027

DATE: August 20, 2026

COUNCIL ACTION REQUESTED ON: 08/20/2026

BUDGET INFORMATION:

The FY2027 Budget was developed with a millage rate of 3.247. Based on the tax digest, a millage rate of 3.247 constitutes a tax increase of 1.82%.

By leaving the millage rate the same at 3.247, total collections would increase by approximately \$85,000. This would increase the average homestead home valued at \$475,000 by \$11.02 (or \$0.91 per month) for tax year 2026.

If rolled back to 3.189 we would lose approximately \$54,000.

To maintain the same tax revenue received in tax year 2025, the millage rate would need to be established at 3.233, which would constitute a tax increase of 1.38%.

PURPOSE: Ordinance 790 – To Establish the Millage Rate for Tax Year 2026; Fiscal Year 2027

HISTORY: The Tax Payer's Bill of Rights, Compliance Guide for Advertising Digest History and Public Hearings on Increase in Property tax, and State Law require a Municipality to hold three public hearings to adopt a Millage Rate above the roll-back rate and one public hearing when rolled-back. The City of Flowery Branch has historically held its millage rate the same, which constitutes a tax increase. In addition to the public hearings, a municipality is required to adopt an ordinance establishing the millage rate for each year. This constitutes the first read of Ordinance 790 To Establish the Millage Rate for Tax Year 2026; Fiscal Year 2027.

FACTS & ISSUES:

O.C.G.A. § 48-5-32.1.11(C)(C) states: In those instances in which the recommending authority or levying authority proposes to establish any millage rate which would require increases beyond the

roll-back rate, the recommending authority or levying authority shall advertise its intent to do so and shall conduct at least three public hearings thereon, at least one of which shall commence between the hours of 6:00 P.M. and 7:00 P.M., inclusive, on a business weekday. The recommending authority or levying authority shall place an advertisement in a newspaper of general circulation serving the residents of the unit of local government, which shall read as follows:

'NOTICE OF PROPERTY TAX INCREASE

The (name of recommending authority or levying authority) has tentatively adopted a millage rate which will require an increase in property taxes by (percentage increase over roll-back rate) percent.

All concerned citizens are invited to the public hearing on this tax increase to be held at (place of meeting) on (date and time).'

Simultaneously with this notice the recommending authority or levying authority shall provide a press release to the local media.

(3) The advertisement shall appear at least one week prior to each hearing and shall be prominently displayed and shall not be placed in that section of the newspaper where legal notices appear.

The City of Flowery Branch is proposing a millage rate of 3.247, which constitutes a tax increase. The City of Flowery Branch has advertised the necessary 5-YR digest History, Notice of Property Tax Increase and issued a press release to the local organ. These documents have also been placed on the City Website in a prominent location.

OPTIONS:

RECOMMENDED SAMPLE MOTION: I make a motion to approve Ordinance 790, to Establish the Millage Rate for Tax Year 2026; Fiscal Year 2027 at 3.247.

DEPARTMENT: Finance

PREPARED BY: Matthew Hamby, Finance Director

ORDINANCE NO. 790

AN ORDINANCE TO FIX THE AD VALOREM TAX RATE FOR THE CITY OF FLOWERY BRANCH, GEORGIA FOR THE TAX YEAR 2026; TO LEVY SAID TAX UPON ALL PROPERTY SUBJECT TO TAXATION BY THE CITY OF FLOWERY BRANCH, GEORGIA; TO PROVIDE FOR THE TIME OF PAYMENT OF SAID TAXES; TO PROVIDE FOR INTEREST AND PENALTIES FOR THE FAILURE TO PAY TAXES; TO PROVIDE FOR AN ADMINISTRATIVE PROCEDURE FOR THE COLLECTION OF DELINQUENT 2026 AD VALOREM TAXES; TO PROVIDE AN ADMINISTRATIVE PROCEDURE FOR THE COLLECTION OF DELINQUENT AD VALOREM TAXES FOR YEARS PRIOR TO 2026; TO REPEAL CONFLICTING ORDINANCES; TO ESTABLISH SEVERABILITY; TO CREATE AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS the City of Flowery Branch, Georgia is authorized to assess, levy and collect an ad valorem tax on property for the purpose of raising revenue to defray the costs of operating the city government, providing governmental services, for the repayment of principal and interest on general obligations, and for other lawful public purposes; and,

WHEREAS the City of Flowery Branch, Georgia is authorized to establish for said tax a millage rate and a due date for payment of said tax; and,

WHEREAS; the City of Flowery Branch, Georgia is authorized to provide for interest and penalties for unpaid taxes and the collection of delinquent taxes; and,

WHEREAS, the City of Flowery Branch caused the Public Notice required by O.C.G.A. § 48-5-32.1(c)(2) to be advertised in a newspaper of general circulation and on the city's website at least one week prior to each hearing; and

WHEREAS, the City of Flowery Branch held three public hearings as required by O.C.G.A. § 48-5-32.1 on Thursday, August 6, 2026 at 9:00 a.m., Thursday, August 6, 2026 at 6:00 p.m., and Thursday, August 20, 2026 at 6:00 p.m. respectively.

NOW THEREFORE the Council of the City of Flowery Branch hereby ordains as follows:

SECTION 1. GROSS MILLAGE RATE.

The ad valorem tax rate for the City of Flowery Branch, Georgia for tax year 2026 for the City of Flowery Branch, Georgia based upon the net tax assessed digest value determined by the Board of Tax Assessors of Hall County for property subject to ad valorem taxation by the City of Flowery Branch, Georgia is hereby set at a gross millage of 5.413 mills.

SECTION 2. CALCULATION AND PURPOSE OF NET MILLAGE RATE.

Dividing the 2026 net property tax digest value of \$1,256,024,600 into the total receipts of the local option sales tax for the 2025 tax year, which was \$2,720,097 provides a total roll

back of 2.166 mills. Subtracting the total roll back rate of 2.166 mills from the gross millage rate of 5.413 mills provides for a net millage rate of 3.247 mills to be levied on each \$1,000 of taxable property within the corporate limits for the purpose of raising revenue:

- a) to defray the cost of operating the city government;
- b) to provide governmental services;
- c) for the repayment of principal and interest on general obligations; and/or,
- d) any other public purpose.

SECTION 3. 2026 AD VALOREM TAX LEVY.

There is hereby levied upon all property subject to ad valorem taxation by the City of Flowery Branch, Georgia, an ad valorem tax for the year 2026 of 3.247 mills on each \$1,000 of value of taxable property.

SECTION 4. DUE DATE OF TAX.

The said tax imposed is due and payable sixty (60) days after receipt of a tax notice mailed to each owner of the property subject to taxation; provided however that in any event, all taxes due under this Ordinance shall be due no later than the sixtieth (60th) day after the postmark of said tax bills.

SECTION 5. INTEREST AND PENALTIES ASSESSED.

(A) In any instance in which any person owing taxes imposed by this ordinance willfully fails to pay said taxes in full within one hundred and twenty (120) days of the due date for payment, such person shall pay, in absence of a specific statutory civil penalty for failure, a penalty of five percent (5%) of the amount of tax due and not paid at the time such penalty is assessed with interest as specified in this section. After 120 days from the imposition of the initial penalty, an additional penalty of five percent (5%) of any tax amount remaining due shall be imposed, together with interest as specified in this section. Should any tax amount remain due 120 days after the imposition of the second penalty, an additional penalty of five percent (5%) shall be imposed, together with interest as specified in this section. Should any tax amount remain due 120 days after the imposition of the third penalty, an additional penalty of five percent (5%) shall be imposed, together with interest as specified in this section. The aggregate amount of penalties shall not exceed an amount equal to twenty (20%) of the principal amount of the tax originally due. These penalties shall not, however, apply in the case of:

(1) Ad valorem taxes of \$500.00 or less on homestead property as defined in Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated; or

(2) With respect to tax year 1986 and future tax years, ad valorem taxes of any amount on homestead property as defined in Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, if the homestead property was during the tax year acquired by a new owner who did not receive a tax bill for the tax year and who

immediately before acquiring the homestead property resided outside the State of Georgia and if the taxes are paid within one year following the due date.

(B) Taxes owed the city shall bear interest at an annual rate equal to the bank prime loan rate as posted by the Board of Governors of the Federal Reserve System in statistical release H. 15 or any publication that may supersede it, plus three percent (3%), to accrue monthly. Such annual interest rate shall be determined for each calendar year based on the first weekly posting of statistical release H. 15 on or after January 1 of each calendar year. Interest shall begin to accrue from the date the tax is due until the date the tax is paid. For the purpose of this section, any period of less than one month shall be considered one month.

SECTION 6. NOTICE, ISSUANCE OF FL. FA. AND LEVY AND SALE TO COLLECT PAST DUE AND DELINQUENT AD VALOREM TAXES.

A past due and delinquent tax notice shall be mailed by the Mayor, City Manager, or other duly authorized agent of the City of Flowery Branch, Georgia to all owners of property subject to taxation who have not paid the tax due on or before the sixty first (61st) day after the postmark on said tax bills. The past due and delinquent tax notice shall be sent by certified or registered mail, return receipt requested. Upon failure to pay the tax due within thirty days of the return receipt of the past due and delinquent tax notice sent by certified or registered mail, the Mayor, the City Manager, or other property duly authorized agent of the City of Flowery Branch, Georgia shall cause a writ of fieri facias to be issued and recorded on the appropriate tax digest of the City of Flowery Branch, Georgia or on the general execution docket of Hall County. **The City of Flowery Branch shall be entitled to assess the expenses of issuing and recording a writ of fieri facias, not to exceed \$50.00, incurred due to the failure of the owner (taxpayer) to pay the ad valorem taxes owed.** All property of a taxpayer subject to said writ shall be subject to levy and sale in accordance with the provisions for sheriff's sales to secure payment of the past due and the delinquent ad valorem taxes, or through any other foreclosure procedure allowed under Georgia Law including, but not limited to the procedure set out by O.C.G.A. Section 48-4-75, et seq. The City of Flowery Branch, Georgia shall also be entitled to assess the expenses of any tax foreclosure sale, including attorney's fees, which the City of Flowery Branch, Georgia incurred due to the failure of the owner (taxpayer) to pay the ad valorem taxes owed.

SECTION 7. PROCEDURE FOR COLLECTION OF PAST DUE AND DELINQUENT AD VALOREM TAXES FOR THE YEARS PRIOR TO 2026.

For all past due and delinquent ad valorem taxes for the years prior to the calendar year 2026, which are due and owing to the City of Flowery Branch, Georgia by delinquent taxpayers, the City of Flowery Branch, Georgia, through a duly authorized agent which may be, but does not have to be, the Mayor, the City Manager, or other authorized agent, shall send a past due and delinquent tax notice to all owners of property subject to taxation for the delinquent calendar years by certified or registered mail, return receipt requested. Upon failure to pay the tax due within sixty (60) days of the return receipt of the past due and delinquent tax notice sent by certified or registered mail, the Mayor, the City Manager, or other properly duly authorized agent of the City of Flowery Branch, Georgia shall cause a writ of fieri facias to be issued and recorded on the appropriate tax digest of the City of Flowery Branch, Georgia or on the general execution docket of Hall County. All property of a taxpayer subject to said writ shall be subject to levy and

sale in accordance with the provisions for sheriff's sales to secure payment of the past due and delinquent ad valorem taxes, or through any other foreclosure procedure allowed under Georgia Law including, but not limited to the procedure set out by O.C.G.A. §48-4-75, et seq. The City of Flowery Branch, Georgia shall also be entitled to assess the expenses of any tax foreclosure sale, including attorney's fees, which the City of Flowery Branch, Georgia incurred due to the failure of the owner (taxpayer) to pay the ad valorem taxes owed."

SECTION 8. REPEAL OF CONFLICTING ORDINANCES TO THE EXTENT OF THE CONFLICT.

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

SECTION 9. SEVERABILITY.

If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of the Ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Flowery Branch to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

SO ORDAINED and effective this 20th day of August, 2026.

Oliver McClellan, Mayor

ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

Ted Baggett, City Attorney