

Public Hearing 06/16/16

First Reading 06/16/16
Passed 07/07/16

ORDINANCE NO. 523

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FLOWERY BRANCH, GEORGIA, ORDINANCE NO. 348, AS AMENDED, TO AMEND SECTION 40.2 "APPLICABILITY" AND SECTION 40.3 "EXEMPTIONS;" OF ARTICLE 40, "DESIGN REVIEW;" TO ADOPT A NEW SECTION 40.15, "DWELLING DESIGN GUIDELINES" OF ARTICLE 40, "DESIGN REVIEW"; TO AMEND PARAGRAPH (a), "PURPOSE AND INTENT" OF SECTION 9.5., "CBD, CENTRAL BUSINESS DISTRICT," OF ARTICLE 9, "NONRESIDENTIAL ZONING DISTRICTS," TO REPEAL PARAGRAPHS (e), "REDEVELOPMENT PROJECT APPROVAL," (f), "EXEMPTIONS FROM REDEVELOPMENT PROJECT APPROVAL," (g), "APPLICATION REQUIREMENTS FOR REDEVELOPMENT PROJECT APPROVAL," (h), "PROCESS AND NOTICE FOR REDEVELOPMENT PROJECT APPROVAL," (i), "RELATIONSHIP TO LOCAL HISTORIC DISTRICT REVIEW," (j), "AMENDMENTS TO THE CBD ZONING DISTRICT MAP," (k), OFF-STREET PARKING AND LOADING," (l), STRUCTURED PARKING," AND (m), "TOWNHOUSES" OF SECTION 9.5, "CBD, CENTRAL BUSINESS DISTRICT" OF ARTICLE 9, "NONRESIDENTIAL ZONING DISTRICTS"; TO AMEND "MINIMUM LANDSCAPED OPEN SPACE (PERCENT)" AS APPLICABLE TO THE CBD, CENTRAL BUSINESS ZONING DISTRICT AND REPEAL NOTE 4 OF TABLE 9.2, "DIMENSIONAL REQUIREMENTS FOR NONRESIDENTIAL ZONING DISTRICTS," OF ARTICLE 9, "NONRESIDENTIAL ZONING DISTRICTS"; TO AMEND NOTE 2 OF TABLE 9.2, "DIMENSIONAL REQUIREMENTS FOR NONRESIDENTIAL ZONING DISTRICTS" OF ARTICLE 9, "NONRESIDENTIAL ZONING DISTRICTS;" PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; REPEALING CONFLICTING ORDINANCES; AND FOR ALL OTHER LAWFUL PURPOSES.

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

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

WHEREAS, The City of Flowery Branch has acquired land in the Old Town redevelopment area and has invested substantial resources aimed at stimulating redevelopment in Old Town; and

WHEREAS, The CBD zoning district dimensional requirements established in the city's zoning ordinance are incompatible in certain respects with the redevelopment plan for Old Town Flowery Branch adopted on January 2, 2014, thus necessitating amendments to regulations to implement said redevelopment plan; and

WHEREAS, given the ongoing and future investment of city resources in the redevelopment of Old Town as well as broader community preferences, there is a need to extend design review processes established in the Flowery Branch zoning ordinance to detached, single-family dwellings and modifications thereof; and

WHEREAS, it is desirable and necessary to provide guidelines for the construction and modification of dwellings in Flowery Branch to aid applicants and the Zoning Administrator in the design and review of dwellings; and

WHEREAS, approval by the City Council of redevelopment projects in the CBD, Central Business zoning district, was established via amendment to the zoning ordinance, but such design review process for redevelopment projects has been rendered largely unnecessary by the city's acquisition of land in Old Town Flowery Branch; and

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

WHEREAS, the proposed amendment to text of the zoning ordinance is found by City Council to be consistent with the overall zoning scheme and adopted Zoning Ordinance, consistent with the city's adopted comprehensive plan, and consistent with other applicable plans adopted by the city;

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

SECTION 1. SECTION 40.2 DESIGN REVIEW APPLICABILITY.

Article 40, "Design Review," Section 40.2, "Applicability" is hereby amended to read as follows:

"Sec. 40.2. Applicability.

This Article shall apply to all development, ~~except for single family detached dwellings and manufactured homes,~~ within the city limits of the City of Flowery Branch, unless otherwise specifically exempted from compliance."

SECTION 2. SECTION 40.3 EXEMPTIONS FROM DESIGN REVIEW.

Article 40, "Design Review," Section 40.3, "Exemptions" is hereby amended to delete paragraph (a) which reads as follows (the remaining lettered paragraphs shall remain unaffected by this amendment):

"Sec. 40.3. Exemptions.

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

- (a) ~~Detached, single family dwellings under fee simple ownership, and manufactured homes.~~
[Reserved.]

SECTION 3. NEW SECTION 40.15, DWELLING DESIGN GUIDELINES.

Article 40, “Design Review,” is amended to add a new Section 40.15, “Dwelling Design Guidelines” to read as follows:

“Section 40.15. Dwelling Design Guidelines.

- (a) Applicability. This section applies to detached, single-family dwellings and their accessory buildings and structures. This section may apply to other residential building types by the Zoning Administrator as determined appropriate. Lot grading and drainage.**
- (b) When a lot requires grading, contour grading of slopes is encouraged where feasible to minimize the effect of large, unnatural slopes. On a sloping lot, consider a step-down dwelling layout (different elevations of the home) as an alternative to extensive cut, fill, and grading operations to level the entire building site. Avoid grading at and near property lines where possible.**
- (c) Orientation. The primary entrance to a dwelling should face the primary street on which the lot fronts.**
- (d) Setback. While a minimum building setback is established for the zoning district in which the dwelling is located, consideration should be given to establishing the front building line in a manner that is consistent with other dwellings (where they exist) on the same and opposite sides of the street adjacent to the lot to be built upon.**
- (e) Dwelling width. The width of a dwelling as it parallels the street should not exceed the width of dwellings on adjacent lots.**
- (f) Height and scale. New dwellings should have heights within the range typically observed for dwellings on adjacent or nearby lots in the neighborhood. Where a dwelling must be taller than existing dwellings in the vicinity (e.g., a two-story home along a street where one-story homes are prevalent), the scale of the new, taller infill dwelling should be mitigated through the use of upper story setbacks and articulation of façade planes. For two-story dwellings or additions, design the second story so that it is subordinate in scale to the first story and so as not to project or overhang the first floor footprint.**
- (g) Roofs. Roof forms of the dwelling should be similar to those existing on dwellings in the vicinity. Flat roofs should be avoided; a minimum roof pitch of at least 4:12 is recommended. Preferred roofing materials include asphalt composition shingles, tile or standing seam metal. Wood shingles should not be used.**
- (h) Dwelling entry. The use of a covered porch, stoop, and/or other entryway feature is encouraged for the dwelling’s primary entrance. A minimum front porch depth of 4 feet and a minimum area of 40 square feet are encouraged.**

- (i) Additional architectural features. Trellises, balconies, columns, bay windows, and similar architectural projections that are consistent with the architectural style are encouraged.
- (j) Walkways and pathways. A concrete walkway is encouraged from the dwelling's primary entrance to the fronting street, connected to the public sidewalk where one exists.
- (k) Exterior building materials. A range of exterior building materials may be appropriate. Traditional natural materials like kiln-fired brick or stone and wood are preferred, however, other materials such as cementous fiberboard and cedar shake may also be considered, depending on surrounding dwellings and neighborhood covenants. Materials on the façade to be avoided include metal or aluminum siding, reflective materials and finishes, and unfinished concrete block. When material changes are incorporated into a façade, they should occur at a change in plane. On corner lots, exterior building materials should be consistent on dwelling elevations facing both streets.
- (l) Building articulation. Building forms should be articulated by varying roof heights and wall planes. Projections and recesses should be used to provide shadow and depth. Long, unbroken volumes and large, unarticulated wall and roof planes should be avoided. Roof articulation may be achieved by changes in plane and/or the use of traditional roof forms such as gables, hips, and dormers. However, avoid multiple roof angles, types, or slopes that may create a disjointed or chaotic appearance. As a general guide, at least 25 percent of the façade should be offset a minimum of two feet either projecting from or recessed back from the remainder of the façade.
- (m) Windows. Windows should be rectangular or arched openings of various sizes and forms. Recessed windows should be considered in the design of the structure. Bay windows are also acceptable. Windows flush with the wall, and reflective glazing are inappropriate.
- (n) Additions to principal dwellings. Additions to principal dwellings should be similar in height and roof form to the principal dwelling and preferably located to the sides or rear of the primary dwelling. Incorporate materials and finishes on a building addition or remodel consistent and continuous with the existing dwelling.
- (o) Garages and carports. Except in neighborhoods where such as design is already clearly prevalent, garages attached to the principal dwelling should not face the street. If such placement is necessary, street-facing garages should be recessed a minimum 10 feet behind the façade of the principal dwelling. Street-facing garages, where permitted, should have recessed garage doors (i.e., appear to be set into a wall rather than flush with an exterior wall) to allow for shadow and depth. Pre-fabricated metal carport or storage structures are discouraged and if provided should be located in a rear yard.

(p) Fences and walls. Decorative fences and walls should be constructed of consistent and high quality materials to create a coordinated appearance. Fences and walls, if permitted in front yards, should be at least 50% transparent. Preferred fence composition materials are wood and wrought iron; aluminum picket, painted black is acceptable. Walls facing the outside of the property should be constructed of decorative block. Wall accent materials are also encouraged. If a retaining wall is needed in the front yard, its appearance should be mitigated with landscaping between the back of sidewalk (where it exists, or the street right-of-way line) and the wall face.

(q) Front yard trees and landscaping. Preserve individual trees and groves of trees where they exist in the front yard, where possible, particularly those providing significant canopy near the public right-of-way. Plan the location of driveways and curb cuts to avoid existing trees. Unless street trees already exist or a different street tree standard applies, front lawns should be supplemented with one street tree and five shrubs for each 100 feet of property frontage. Sodded yards may be necessary for consistency in some city neighborhoods.

(r) Outdoor lighting. One foot-candle is the general standard for site lighting intensity. All parking, building, amenity, and site lighting should be directed down to diminish nuisance light. Additionally, dwellings should have exterior entry and porch door lights controlled from within the unit. Solar-powered lighting is acceptable and encouraged, if common throughout. Gas lamp lighting in the front yard is acceptable.

(s) Utilities. All utility distribution systems should be underground where possible.”

SECTION 4. SECTION 9.5, CBD ZONING DISTRICT PURPOSE AND INTENT.

Article 9, “Nonresidential Zoning Districts,” Sec. 9.5., “CBD, Central Business District,” Paragraph (a), “Purpose and Intent,” is hereby amended to read as follows:

- (a) **Purpose and Description.** This zoning district is intended to implement **the City of Flowery Branch Old Town Redevelopment Plan adopted by the Flowery Branch City Council on January 2, 2014 (as may be subsequently amended),** ~~redevelopment element of the Flowery Branch Comprehensive Plan, as amended. This zoning district is also intended to implement the “Central Business” designation of the Future Land Use Map contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement and the “Old Town” character area established in the comprehensive plan, as amended. Redevelopment projects require “redevelopment project approval by the City Council of Flowery Branch.” For lots zoned CBD which are within the city’s local historic district, compliance with the city’s historic preservation ordinance is also required.~~

SECTION 5. REPEAL PORTIONS OF SECTION 9.5, CBD ZONING DISTRICT.

Article 9, “Nonresidential Zoning Districts,” Sec. 9.5., “CBD, Central Business District,” Paragraphs (e), “Redevelopment Project Approval,” (f), “Exemptions from Redevelopment Project Approval,” (g), “Application Requirements for Redevelopment Project Approval,” (h),

“Process and Notice for Redevelopment Project Approval,” (i), “Relationship to Local Historic District Review,” (j), “Amendments to the CBD Zoning District Map,” (k), Off-street Parking and Loading,” (l), Structured Parking,” and (m), “Townhouses” are hereby repealed:

(e) — ~~Redevelopment Project Approval.~~ A “redevelopment project” is defined generally as a proposal which in the Zoning Administrator’s opinion would involve or has involved the demolition of one or more buildings or structures and involves the erection of one or more new principal buildings on the same lot. Unless specifically exempted by the Zoning Administrator from redevelopment project approval under the provisions of this Section, redevelopment project approval from the Flowery Branch City Council shall be required prior to the approval of a land disturbance or development permit or the issuance of a building permit for a new principal building or structure. Redevelopment project approval means an application is made to the Zoning Administrator in accordance with the requirements of this Section, and after following procedures for notice specified in this section, is approved or conditionally approved by the Flowery Branch City Council.

(f) — ~~Exemptions from Redevelopment Project Approval.~~ The Zoning Administrator shall review applications and determine whether a given development proposal constitutes a “redevelopment project” and requires redevelopment project approval. The Zoning Administrator shall not require redevelopment project approval for the following, subject to compliance with all other applicable provisions of this zoning ordinance:

1. ~~Construction of a new, accessory building or structure on a lot containing a principal building and use.~~
2. ~~Addition of building space to a principal building existing on a lot on the effective date of this zoning ordinance amendment [insert effective date].~~
3. ~~Addition of building space to an accessory building or structure existing on a lot on the effective date of this zoning ordinance amendment [insert effective date].~~
4. ~~Other, minor development applications which in the opinion of the Zoning Administrator fall outside the definition of redevelopment project provided in this Section.~~

(g) — ~~Application Requirements for Redevelopment Project Approval.~~ If it is determined by the Zoning Administrator that redevelopment project approval is required by this Section, the applicant there for shall make application to the Zoning Administrator for redevelopment project approval, which shall at minimum include the following:

1. ~~Application fee as specified by this ordinance or established by resolution of the Governing Body;~~
2. ~~Application form furnished by the Zoning Administrator, including signed and notarized signature of property owner;~~
3. ~~Legal description of the property;~~

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

appearance and architectural design of proposed principal buildings. Each application shall also indicate proposed materials, textures and colors and provide samples of materials and colors. In cases where an applicant has already made application for approval of a certificate of appropriateness (COA), the applicant can submit the complete application for certificate of appropriateness as submitted to the Historic Preservation Commission. Where an applicant has already received a certificate of appropriateness from the Historic Preservation Commission, resubmission of the approved application for certificate of appropriateness shall constitute compliance with this application requirement unless the Zoning Administrator notifies the applicant that additional information is needed for aspects not covered in the approved COA application;

10. Facility impact analyses, including the following:

- a. ~~Traffic impact study (if certain threshold is met as identified in Article 10 Section 10.20 of the Zoning Code). The study needs to include proposals to mitigate traffic problems if identified in the study.~~
- b. ~~Certificate of water and sewer availability. If possible, providing a letter from the Public Works Director and Wastewater Treatment Plant Superintendent, specifying available capacity and size and condition of water and sewer lines serving the site.~~
- c. ~~Analysis of the adequacy of drainage for the site (description and assessment of adequacy of storm water facilities on-site and off-site). This is not to imply that the application requires a complete engineering analysis as required by Article 12 of the Subdivision Land Development Ordinance.~~

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

12. ~~A uniform sign plan, showing types of wall signs and, if permitted, ground signs along with provisions that will regulate tenant signs. An applicant at his or her option may defer this application requirement to a later stage; and~~

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

(h) ~~Process and Notice for Redevelopment Project Approval.~~

- 1. ~~Internal and External Agency Review. Upon receiving a complete application for redevelopment project approval, the Zoning Administrator may send the~~

application out for review by internal municipal departments and external agencies as may be appropriate (i.e., inter-agency review).

- ~~2. Schedule for Hearing and Action. The Zoning Administrator shall schedule the matter for a public hearing before the Flowery Branch City Council.~~
- ~~3. Notice in Newspaper. At least fifteen (15) but not more than forty-five (45) days prior to the date of the public hearing before the Flowery Branch City Council, the city shall cause to be published within a newspaper of general circulation within the City a notice of the public hearing before the Flowery Branch City Council. The notice shall state the time, place, and purpose of the public hearing. The public hearing shall not take place until or unless notice of the public hearing is provided in accordance with the provisions of this subsection.~~
- ~~4. Sign on Property. The Zoning Administrator shall cause to have posted in a conspicuous location on said property one (1) or more sign(s). The public notice sign shall be erected not less than fifteen (15) calendar days prior to the public hearing before the Flowery Branch City Council. Each public notice sign shall state the time, place, and purpose of the public hearing before the Flowery Branch City Council.~~
- ~~5. Report. The Zoning Administrator may investigate and make a recommendation regarding any or all of the relevant matters concerning the application. Any such investigation and recommendation shall if in writing be made available to the applicant and Flowery Branch City Council prior to its public hearing, shall be available upon request to interested members of the public prior to or at the public hearing on the matter, and shall become an official public record.~~
- ~~6. Public Hearing. At the advertised date, time and place of the public hearing, the City Council shall hold a public hearing on the matter. Procedures for calling and conducting the public hearing shall be as specified in Article 35 of this zoning ordinance.~~
- ~~7. Action. At any time after conclusion of the public hearing, the City Council may take action by resolution to approve or conditionally approve the application for redevelopment project approval, or it may deny the application, or it may defer action on the application to a later date.~~
- ~~8. Notice of Action. The Zoning Administrator shall notify the applicant of the action taken by the City Council on the application no later than five (5) working days from the date the Council took action on said application.~~
- ~~9. Grounds for Denial. Grounds for denying an application for redevelopment project approval may include but shall not be limited to the following: inconsistency of the proposal with the redevelopment element of the comprehensive plan; inconsistency; inconsistency of the proposal with adopted design guidelines; incompatibility of the proposal with its surroundings; failure to~~

~~incorporate streetscapes according to standards; failure to protect an existing historic structure; and/or lack of an acceptable development agreement.~~

- ~~(i) — Relationship to Local Historic District Review. Portions of the CBD zoning district lie within a local historic district which requires that a certificate of appropriateness be obtained from the Flowery Branch Historic Preservation Commission prior to a material change in appearance. The requirements of this Section do not alter in any way said requirements, where applicable. When redevelopment project approval and a certificate of appropriateness are required to accomplish a project, both processes must be successfully completed prior to the issuance of a land disturbance permit, development permit, or building permit. An applicant for a project that requires both a certificate of appropriateness and redevelopment project approval may make application for both simultaneously, or may file and proceed first with either the certificate of appropriateness or the redevelopment project approval.~~
- ~~(j) — Amendments to the CBD Zoning District Map. An applicant may at any time file an application to amend the Official Zoning Map of the City of Flowery Branch to include property within the CBD zoning district, subject to compliance with applicable provisions of this zoning ordinance. As a part of said zoning map amendment application, the applicant may propose and the City Council may approve modifications to the Floor Area Ratio (FAR) map made applicable through Table 9.2 of this zoning ordinance. Properties that lie within the Phase 2 Redevelopment Area Boundary may be considered appropriate for inclusion within the CBD zoning district. Outside the Phase 2 boundary, CBD zoning is not anticipated but is not necessarily precluded.~~
- ~~(k) — Off-street Parking and Loading. Notwithstanding the requirement of this Section to file separate variance applications, an applicant for redevelopment project approval may propose and the City Council may approve a modification, reduction, or elimination of off-street loading requirements as required by Article 22 of this zoning ordinance, and/or a modification, reduction, or elimination of off-street parking requirements as required by Article 21 of this zoning ordinance. Applicants are responsible for demonstrating, in such requests, that the public purposes (e.g., preventing congestion of public streets) of such regulations will be met.~~
- ~~(l) — Structured Parking. Structured parking is permitted in the redevelopment area boundary. Parking decks or structures are not subject to the maximum Floor Area Ratios established for the CBD zoning district. Structured parking is not subject to the maximum number of stories established by this Section but shall be limited to the maximum height (feet) established for the lot on which such deck or structure is located.~~
- ~~(m) — Townhouses. Provisions of Section 12.6 “Townhouses” of this Zoning Ordinance may be varied as a part of the redevelopment project approval process as established in this section, without the need for filing separate variance requests.~~

SECTION 6. DELETE NOTE 4 OF TABLE 9.2.

Article 9, “Nonresidential Zoning Districts,” Table 9.2, “Dimensional Requirements for Nonresidential Zoning Districts,” the row titled “Minimum landscaped open space (percent),” is amended and Note 4 is deleted as follows:

Table 9.2
Dimensional Requirements for Nonresidential Zoning Districts (CBD-only shown)

Dimensional Requirement (measurement unit)	CBD
Minimum landscaped open space (percent)	Note 4 <u>None</u>

~~Note 4. For redevelopment projects only, as defined, on the same lot as the redevelopment project, each redevelopment project shall be responsible for providing and shall provide park land, pocket park space, open space, or improved pedestrian plazas, or combination thereof, as approved by the Zoning Administrator, at a rate of fifteen (15%) percent of the land area included in the lot redeveloped; provided, however, that as a part of redevelopment project approval, an applicant may propose and the City Council may approve the location of such required park land, pocket park space, open space, or improved pedestrian plazas, in whole or in part, on another lot adjacent to or nearby the redevelopment project but within the CBD zoning district. For purposes of compliance with this provision, the Zoning Administrator shall calculate the area of the lot existing after any dedication of land for road improvements or new roads.”~~

SECTION 7. AMEND NOTE 2 OF TABLE 9.2.

Article 9, “Nonresidential Zoning Districts,” Table 9.2, “Dimensional Requirements for Nonresidential Zoning Districts,” Note 2 is amended to read as follows:

~~“Note 2. No redevelopment project shall have residential uses that exceed 50 percent of the maximum Floor Area Ratio applicable for the lot on which such uses are located. This section applies to lots utilized for mixed use purposes only.”~~ **Mixed-use buildings shall be limited to the following residential floor area maximums applicable for the lot on which such uses are located: 50% of maximum permitted floor-area ratio for a two-story building, 66.7% of the maximum permitted floor-area ratio for a three-story building; and 75% of maximum permitted floor-area ratio for a four-story building (where permitted).”**

SECTION 8. 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 9. EFFECTIVE DATE.

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

SECTION 10. REPEALER.

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

Approved this 7th day of July, 2016.

CITY OF FLOWERY BRANCH:

James “Mike” Miller, Mayor

ATTEST:

Melissa McCain, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney