

**ARTICLE 40
DESIGN REVIEW**

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Sec. 40.1. Purposes.

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

Sec. 40.2. Applicability.

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.

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.
- (b) The re-occupation of vacant office, commercial, institutional, or light industrial space within a single-tenant or multi-tenant building that received prior approval, where no new changes to the external features of the building or site inconsistent with prior approval will take place, except for a change in signage.
- (c) Changes of ownership but which do not involve any changes to external features of the building or site inconsistent with prior approval, including signage.
- (d) Repainting of an existing building to a similar color.

- (e) Revisions of window or door placement.
- (f) Adding compatible building area up to an additional twenty-five percent (25%) of design review originally approved under the terms of this Article.
- (g) An increase or decrease in the number of parking spaces of ten percent (10%) from the number originally approved.
- (h) Repair or reconstruction of existing freestanding retaining walls, decorative walls, and fences, when repaired or replaced with materials that are the same or substantially similar to those originally approved.
- (i) Modifications to outdoor lighting fixtures involving the replacement of light fixtures, and which may involve an increase in the number of light fixtures at the same or lesser height, provided that the type of lighting and materials used for such light fixtures shall be of the same as or similar to those originally approved, and subject to the provisions of Article 23 of this zoning ordinance.
- (j) The relocation of an access driveway or curb cut which does not affect or interfere with the approved placement of buildings or structures.
- (k) The addition of a temporary use that is permitted in the zoning district in which the subject property is located.
- (l) Development and activity that is specifically exempt from design review by another section of this zoning ordinance.
- (m) Other similar minor changes as determined by the Zoning Administrator. The Zoning Administrator may exempt a minor development or change to an existing development from design review, and he or she may exempt a proposed change to an existing building or structure from design review approval, where in his or her judgment, the proposed development or change to existing building or structure meets the spirit and intent of this Article and applicable design guidelines that apply to the proposed development.
- (n) Any development activity that is within the jurisdiction of the Historic Preservation Commission and which requires a Certificate of Appropriateness according to the City's historic preservation ordinance.

Sec. 40.4. Authority.

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

Sec. 40.5. When to File.

- (a) All land disturbance activity, development, and building, unless otherwise exempt from the requirements of this Article, shall require the filing of a design review application as specified by this Article.

- (b) In cases where design review is required, the application may be submitted separately, in conjunction with a development permit or building permit, or concurrently with another application (e.g., rezoning, conditional use, variance) pertaining to subject development; provided, however, the applicant must prepare separate applications and meet all application requirements for each application filed. The Zoning Administrator may waive filing requirements when they would be unnecessarily duplicative.

Sec. 40.6. General Requirements.

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

Sec. 40.7. Initiation of Design Review Applications.

An application for design review may be initiated by any person, firm, corporation or agency, provided said individual, firm, corporation or agency is the owner or owner's agent of the property for which the design approval is sought.

Sec. 40.8. Application Requirements.

Applications for design review shall require submittal of application requirements specified in this Section.

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

Sec. 40.9. Application Compliance and Completeness.

- (a) No design review application shall be processed by the Zoning Administrator unless it is found to be complete with regard to application materials, payment of fees, supportive materials, and any other application requirements specified by this Article.
- (b) If the design review application does not comply with all application submittal requirements of this Article, the Zoning Administrator shall reject the application and refuse to process it.

Sec. 40.10. Process for Design Review Applications.

Complete applications for Type 1 (administrative) design review shall be considered by the Zoning Administrator and approved, conditionally approved, or denied within twenty-one (21) calendar days of the date such application was determined complete.

Sec. 40.11. Criteria for Considering Design Review Applications.

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

- (a) Consistency with any adopted design guidelines for the type of development and/or the proposed use.
- (b) The nature and character of the surrounding areas, and the consistency and compatibility of the proposed application with such nature and character.

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

Sec. 40.12. Notice of Action.

The Zoning Administrator shall notify the applicant of the action taken on design review applications no later than five (5) working days from the date the Zoning Administrator took action on said application.

Sec. 40.13. Revision, Resubmission, and Reapplication.

- (a) Denial of a design review application by the Zoning Administrator may be appealed as an administrative decision, in accordance with the requirements of Article 39 of this zoning ordinance; provided, however, that public notice of such an appeal shall not be required, and the appeal of a design plan decision by the Zoning Administrator shall be placed on the next regular meeting of the Governing Body.
- (b) The Governing Body for good cause shall be authorized to affirm, reverse, overturn or otherwise modify a decision of the Zoning Administrator with respect to a design plan, upon the proper filing of an appeal as required by this Article.

Sec. 40.14. Changes after Approval.

After approval of a design review application, no material change in the appearance shall be made or permitted to be made by the owner or occupant thereof, unless and until all requirements of this Article are met.