

**ARTICLE 15
ADMINISTRATIVE AND LEGAL STATUS PROVISIONS**

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Sec. 1501. Administration and Interpretation.

The Zoning Administrator shall administer and interpret the provisions of this Ordinance.

Sec. 1502. Fees.

The fees for various applications required by this Ordinance shall be as set by Resolution of the Governing Body from time to time.

Sec. 1503. Additional Specifications.

The City Engineer is hereby authorized to prepare and recommend standard drawings and constructions specifications for private and public improvements not specified in this Ordinance. Upon their adoption by the Mayor and City Council of Flowery Branch, they shall become mandatory.

Sec. 1504. Variances Permitted; Criteria.

Upon application by the subdivider or land developer the Mayor and City Council of Flowery Branch shall be authorized to grant a variance or variances upon a showing that each of the following criteria has been met:

- (a) There are unusual, exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other property in the same vicinity or use district, and such conditions are not the result of the owner's or occupant's own actions. Such conditions may include topography, unique natural conditions, surroundings of the subject property, or the size or peculiar shape of the lot.
- (b) As a result of such unusual circumstance or conditions, there is an unnecessary hardship or practical difficulties that render it difficult to carry out the provisions of this Ordinance.
- (c) The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is

- located, and the variance will be in harmony with the general purposes and intent of the provisions of this Ordinance.
- (d) The variance approved is the minimum variance that will reasonably make possible the legal use of the lots, land, building or structure

Sec. 1505. Procedures for Variances.

- (a) Application. Application for a variance shall be filed with the Administrator on a form prescribed by the Zoning Administrator.
- (b) Hearing before Mayor and City Council. The Mayor and City Council of Flowery Branch shall consider and act upon (i.e., approve, conditionally approve, or deny) the variance application after conducting a public hearing and, if provided, those findings and recommendations of the Zoning Administrator. The applicant shall be notified in writing of the date, time, and place of the hearing held by the, by written mail, personal service, or facsimile, at least fifteen (15) days prior to the public hearing before the Mayor and City Council of Flowery Branch. The public shall be given notice of the date, time, place, and nature of the hearing by publication in the City's legal organ at least fifteen (15) days prior to the public hearing. At the public hearing, the applicant shall have an opportunity, personally or through counsel, to present evidence and argument in support of his or her application for a variance.
- (c) Posted Notice of Hearing. In addition to any notice of hearing already specified in this Section, at least fifteen (15) days prior to any public hearing referenced in this Section, the City shall post at least one (1) sign in a conspicuous location on the property where a variance is sought, stating the date, time, and place of the hearing and specifying the name and address of the current owner of the property, the location of the property, the present land use district of the property, and the nature of the proposed variance. The sign shall remain on the property until the public hearing is held and must be at least four (4) square feet in size. The City is authorized to charge the applicant a fee for any such sign to cover any costs incurred for its preparation, installation, and removal.
- (d) Compliance with Conditions of Variance and Approved Plans. Compliance with any conditions imposed in the Mayor and City Council's approval of a variance, and adherence to the submitted plans, as approved, is required. Any departure from such conditions of approval and approved plans constitutes a violation of this Ordinance and invalidates any variance issued subject to such conditions.

Sec. 1506. Group Development Projects.

The standards and requirements of this ordinance may be modified in the case of a plan and program for group development projects or neighborhood unit or planned unit development which are not divided into customary lots, blocks and streets. This Section specifically contemplates and accommodates the desire of a shopping center developer to subdivide the center into tracts which do not meet zoning requirements for lot size, lot width, lot frontage, building setbacks, lot coverage, and other dimensional requirements customarily related to buildings and lot line configurations, so that each tenant shall own their own building and/or lot.

Notwithstanding zoning ordinance requirements to the contrary, the Zoning Administrator may approve a development proposal and approve a final plat for a subdivision or leasing plan that does not meet the requirements for lot size, lot width, lot frontage, building setbacks, lot coverage, and other dimensional requirements customarily related to buildings and lot line configurations, subject to the following:

- (a) The Zoning Administrator finds that the proposed group development project provides adequate public spaces and improvements for the circulation and utility needs of the tract when fully developed or populated.
- (b) When considered as a whole, the group development project does not exceed the density (unit per acre) or intensity specifications (floor-area ratio or lot coverage) permitted by the zoning ordinance for the entire tract to be subdivided or divided into leaseholds; provided, further, the group development project must observe external building setbacks that would apply in the absence of approval of the group development project.
- (c) A set of covenants, conditions, and restrictions, or other legal mechanism, has been submitted by the applicant, and reviewed and approved by the Zoning Administrator and City Attorney, so as to insure conformity to and achievement of the plan.
- (d) In cases where a lot is proposed that does not meet minimum access and/or lot frontage requirements of the zoning ordinance, access easements must be shown on the plat to be recorded and the access easement agreement shall be recorded in the deed records of Hall County, or other arrangement acceptable to the Zoning Administrator and City Attorney.
- (e) In cases where buildings do not observe side yard requirements (i.e., zero lot line attached buildings), the Building Inspector shall certify that applicable fire and/or building code requirements for fire walls have been met.
- (f) Plans for such developments shall be submitted to and approved by the Zoning Administrator whether or not such plat is to be recorded, and no building permits shall be issued until such approval of plans and/or final plat has been given.
- (g) The Zoning Administrator may place conditions on the final plat, plan, and/or conditions, covenants and restrictions in order to ensure the purposes of this ordinance are met.

Sec. 1507. Administrative Appeal.

Any person aggrieved by an interpretation or decision of the Zoning Administrator in the administration or enforcement of this Ordinance may file an appeal to the Mayor and City Council of Flowery Branch.

If any person desires to appeal a decision or action of the Zoning Administrator in the administration or enforcement of this Ordinance, he or she shall file an appeal application with the Zoning Administrator within 15 days of the date of the action or decision of the Zoning Administrator being appealed. Upon receipt of said application, the Zoning Administrator shall arrange a date and time before the Mayor and City Council of Flowery Branch on which the appeal shall be heard and shall notify the applicant in writing by first class mail. The application for an appeal shall include specific information regarding the nature of the appeal, the basis for the appeal, statute or code references, and supporting documentation submitted with the appeal application.

Sec. 1508. Inspections.

The Zoning Administrator or his designee and any other officer of the City charged with responsibility for administration or enforcement of this Ordinance shall be authorized to inspect premises proposed for subdivision or land development, including any improvements within such subdivision or land development, to determine compliance with the requirements of this Ordinance and other laws and regulations of the City.

No person shall refuse entry or access to any person authorized to conduct inspections who presents appropriate credentials for same, nor shall any person obstruct, hamper or interfere with any such person while in the process of carrying out his official duties.

Sec. 1509. Amendment.

The Mayor and City Council may amend this Ordinance. Before enacting such amendment to this Ordinance, the Mayor and City Council of Flowery Branch shall hold a public hearing thereon, notice of which shall be published at least fifteen (15) days prior to such hearing in the City's legal organ or a newspaper of general circulation in the City.

Sec. 1510. Severability.

Should a court of competent jurisdiction find any provision of this Ordinance to be invalid or unenforceable, such invalid or unenforceable provision shall be severed from this Ordinance and shall not affect the validity or enforceability of the remainder of this Ordinance, which shall remain in full force and effect.

Sec. 1511. Liability.

Neither the approval of a plat or development plan under the provisions of this Ordinance nor the compliance with the provisions of this Ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law; provided, however, nothing in this Ordinance shall be construed to impose any liability upon the City for damage to any person or property.

Sec. 1512. Repeal and Amendment of Previous Ordinances.

All Ordinances or parts thereof having the same purpose or subject matter are hereby repealed.

Sec. 1513. Adoption and Effective Date.

The Council of the City of Flowery Branch hereby ordains that the above articles and sections, which collectively constitute the City of Flowery Branch Subdivision & Land Development Ordinance, are hereby adopted. This Ordinance shall take effect and be in force from and after the adoption and enactment of this Ordinance, the public health and welfare demanding it.

Date of Adoption: _____

Diane C. Hirling, Mayor

Jim Herold, Post 1

Jan Smith, Post 2

Article 15, Administrative and Legal Status Provisions
Subdivision and Land Development Ordinance City of Flowery Branch, GA

Pat Zalewski, Post 3

Allen J. Bryans, Sr., Post 4

Mary Jones, Post 5

ATTEST

Melissa McCain, City Clerk

APPROVED AS TO FORM

Richard A. Carothers, City Attorney