

STATE OF GEORGIA  
COUNTY OF HALL

**RESOLUTION OBJECTING TO THE CITY OF FLOWERY BRANCH'S  
ANNEXATION OF THE PROPERTIES OF CD II PROPERTIES, LLC. KNOWN  
AS HALL COUNTY TAX PARCELS 15046 000008 AND 15046 000008B**

WHEREAS, Hall County has received a notice of filing with the City of Flowery Branch of a petition of annexation of the properties of CD, II Properties, LLC located at 4651 Hog Mountain Road, Flowery Branch, GA 30542 and 4665 Hog Mountain Road, Flowery Branch, GA 30542, and bearing Hall County Tax Parcel Numbers 15046 000008 and 15046 000008B, respectively, (the "Subject Properties"); and

WHEREAS, the annexation petition seeks to rezone the Subject Properties from Hall County's designation of Agricultural-Residential 1 (AR-1) and Residential 1 (R-1) to the City of Flowery Branch's designation of Single-Family Attached Townhome (SF-TH); and

WHEREAS, the proposed annexation and rezoning of the Subject Properties, constituting approximately 19.398± acres, for the development of a seventy-five (75) single-family residential lots on the Subject Properties, represents a substantially more intense and significantly different use of the properties than allowed by Hall County's existing agricultural and residential zoning of the properties; and

WHEREAS, the proposed annexation, rezoning, and proposed use of the Subject Properties as a single-family detached development would cause a substantial increase in the intensity of the allowable use of the Subject Properties; and

WHEREAS, the proposed annexation, rezoning, and proposed use of the Subject Properties as a single-family detached development would cause a substantial deviation from the current low to moderate density of development in the immediate area; and

WHEREAS, the proposed annexation, rezoning, and proposed use of the Subject Properties as a single-family detached subdivision would create a significant increase in the demand on local infrastructure; and

WHEREAS, the Hall County Board of Commissioners has carefully reviewed the annexation and rezoning request, and the Board has determined that annexation, rezoning, and the proposed use of the Subject Properties as a single-family residential community is not in the best interest of the residents of Hall County; and

WHEREAS, the Official Code of Georgia Annotated provides a procedure for resolving annexation disputes under O.C.G.A. § 36-36-110 et seq.; and

WHEREAS, the Board of Commissioners wishes to avail itself of the remedies provided by the annexation dispute resolution process through its objection to this annexation and rezoning request;

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF HALL COUNTY DOES HEREBY OBJECT to the City of Flowery Branch's annexation and rezoning of Hall County Tax Parcels 15046 000008 and 15046 000008B, as requested by the applicant, Highpoint Development, and the properties' owner, CD, II Properties, LLC. This objection is based upon a material increase in burden on Hall County's infrastructure demands, an increase in density in the local area, and a substantial deviation from the current use of the Subject Properties directly related to the proposed change in zoning and land use.

Based upon the information presented in the application for annexation provided to Hall County, the County specifically objects to the proposed change in zoning and land use that would result from the annexation as follows:

The application for annexation of the Subject Properties, approximately 19.398± acres, describes a rezoning from Hall County's Agricultural-Residential 1 (AR-1) and Residential 1 (R-1) districts to the City of Flowery Branch's Single-Family Townhome (SF-TH) district for the development of a seventy-five (75) single-family residential lots. Hall County attaches Flowery Branch's Notification of Intent to Annex and Rezone, the annexation application, and the supporting documents served upon Hall County. *See Exhibit A.* The Subject Properties are bordered on the north by Hall County's R-1 and Highway Business (H-B) districts; on the south by Hall County's R-1 and Planned Residential Development (PRD) zoning and by The City of Flowery Branch's H-B district; on the east by Hall County's AR-1, R-1, and PRD districts; and on the west by Hall County's R-1 and PRD districts and the City of Flowery Branch's H-B district.

The proposed single-family detached subdivision to be developed on the Subject Properties would directly contrast with the surrounding and existing uses permitted by Hall County. The County's existing AR-1 and R-1 zoning of the properties permits detached single-family dwelling units for agricultural or residential uses at a low density (approximately 1 to 1.2 units per acre), as shown in Sections 3.2 and 4.3 of Hall County's Uniform Development Code, Appendix A of the Official Code of Hall County. *See Exhibit B.* The County's current recommended density for the Subject Properties of 1 to 1.2 dwelling units per acre would be drastically increased by the proposed annexation and rezoning of the properties to the City of Flowery Branch's SF-TH district, which would allow a maximum of six (6) units per acre as shown in Section 6.5 and accompanying tables of Flowery Branch's Zoning Ordinance, Appendix C of the City's Code of

Ordinances. *See* Exhibit C. Per the site plan provided by the applicant, Highpoint Development, the proposed single-family residential community would feature a density average of 3.8 units per acre. Construction of the proposed development, therefore, would be out of character with the Subject Properties' immediate neighbors and would interfere with the existing landowners' quiet enjoyment of their properties through overcrowding and by upsetting their expectation of a lower density usage in the area. Further, the rise in density would result in substantially increased traffic on local roads in the immediate vicinity of the Subject Properties. The applicant has not proposed any road improvements that would sufficiently ameliorate the increase in traffic volume and the related infrastructure costs associated with increased road congestion. Thus, the proposed change in zoning and land use contained in the application for annexation would create a large material increase in burden upon Hall County directly related to the proposed change in zoning and land use.

Additionally, the proposed change in zoning and land use as described in the application for annexation of the Subject Properties would result in a substantial increase in the intensity of the allowable uses of the properties as well as a change to significantly different allowable uses. An aerial photograph of the area immediately surrounding the proposed annexation shows that there are no high-density residential subdivisions near the Subject Properties. *See* Exhibit D. A review of the City of Flowery Branch's zoning ordinance for SF-TH shows more permitted uses with a higher density than that allowed by Hall County's current zoning of the Subject Properties. These alternative uses provide for more intense uses of the Subject Properties than intended by Hall County and would allow for significantly different uses of the properties than currently allowed; moreover, there is nothing to prevent the Subject Properties from being converted to these other uses in the future following its annexation and rezoning.

For the foregoing reasons, the members of the Board of Commissioners have executed this objection to the annexation petition of Highpoint Development, and CD, II Properties, LLC, regarding Hall County Tax Parcels 15046 000008 and 15046 000008B this 6<sup>th</sup> day of April, 2026.

[SIGNATURES AND ATTESTATION ON FOLLOWING PAGE]

**HALL COUNTY BOARD OF COMMISSIONERS**

By: \_\_\_\_\_  
David Gibbs, Chairman

By: \_\_\_\_\_  
Kathy Cooper, Commissioner, District 1

By: \_\_\_\_\_  
Billy Powell, Commissioner, District 2

By: \_\_\_\_\_  
Gregg Poole, Commissioner, District 3

By: \_\_\_\_\_  
Jeff Stowe, Commissioner, District 4

ATTEST:

By: \_\_\_\_\_  
Jennifer Rivera, Commission Clerk

(SEAL)

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Justin Lawhon, County Attorney



February 19<sup>th</sup>, 2026

Hall County Board of Commissioners  
2875 Browns Bridge Road  
Gainesville, GA 30504  
c/o Jennifer Rivera, Commission Clerk  
Page 1 of 2

**Re: Notification of Intent to Annex and Rezone Land Located in Hall County**

Honorable Members of the Hall County Board of Commissioners:

Please be advised that the City of Flowery Branch, Georgia, by the authority vested in the Mayor and City Council of Flowery Branch, Georgia, by Article 2 of Chapter 36, Title 36, of the Official Code of Georgia Annotated, intends to annex the property hereinafter described by ordinance at a regular meeting of the Mayor and City Council.

This letter has been sent to you by certified mail, return receipt requested, within thirty (30) business days of acceptance of a complete application for annexation by the City of Flowery Branch, in accordance with O.C.G.A. § 36-36-9 and after receipt of the application for zoning pursuant to O.C.G.A. § 36-36-111.

The properties to be annexed and rezoned with variances applied are shown on the enclosed map and are described as follows:

4651 & 4665 Hog Mountain Road, tax parcel identification numbers 15046 000008 & 15046 000008B

Pursuant to O.C.G.A. § 36-36-111, complete copies of the annexation, rezoning, and concurrent variance applications are also enclosed.

Pursuant to O.C.G.A. § 36-36-7 and O.C.G.A. § 36-36-9, you must notify the Mayor and City Council of the City of Flowery Branch, in writing and by certified mail, return receipt requested, or statutory overnight delivery, return receipt requested, of any county facilities or property located within the properties to be annexed, within five (5) business days of receipt of this letter.



Hall County Board of Commissioners  
February 19<sup>th</sup>, 2026  
Page 2 of 2

Consideration of the Annexation and Rezoning pursuant to O.C.G.A § 36-66-4 a public hearing on zoning of the property to be considered for annexation and rezoning as Flowery Branch SF-TH (Single-Family Townhome) will be held on Thursday, April 2<sup>nd</sup>, 2026, at 6:00 PM, in the City of Flowery Branch City Council Chamber located at 5410 Pine Street, Flowery Branch, GA 30542. If the county has a valid objection under O.C.G.A § 36-36-113, in accordance with the objection and resolution process, you must notify the city governing authority within forty-five (45) calendar days of receipt of this notice. Such notice of objection must be made by verifiable delivery and include documentation of the nature of the objection specifically providing evidence of any financial impact forming the basis of the objection.

Sincerely,  
*Dani Nash*

Dani Nash  
City Planner  
City of Flowery Branch  
[dnash@flowerybranchga.org](mailto:dnash@flowerybranchga.org)

Enclosures: Annexation, Rezoning, and concurrent Variance Applications, Notification Letter, Survey, Legal Description, Concept Plan of property to be considered for Annexation and Rezoning



**ANNEXATION APPLICATION**

**Date:** 2/16/2026

**Address of Request:**  
4651 & 4665 Hog Mountain Road, Flowery Branch, GA 30542

Submitted to the City Clerk per The Flowery Branch Code of Ordinances;  
Appendix C, "Zoning Ordinance", Article 44; Section 44.4 on

2/19/2026  
City Clerk Signature *Julia Cooper*

**Applicant Information:**

Name: Highpoint Development

Address: 1776 Peachtree Street NW. Suite 250, Atlanta, GA 30309

E-mail address: jfrench@hpdev.com

Phone number: 502-386-7022

Signature: *Jake French* Title (if applicable): DEVELOPMENT LEAD

Print Name: Jake French

Notary Signature: *Cara Carson*

Notary Seal:





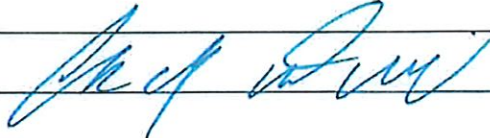
**Property owner information** (if different than the applicant):

Name of Owner: CD II Properties, LLC

Address: P.O. Box 99, Demorest, GA 30535

E-mail address: CDaniel@chmechanical.net

Phone number: \_\_\_\_\_

Signature of Owner (Agent if LLC/INC etc.): 

Title (if applicable): N/A

Signatory Print Name: Chad Daniel

Notary Signature:  Date: 2.18.2026

Notary Seal:



**Property Information:**

Tax Map Number: 15046 000008 and 15046 000008B

Current Zoning: AR-1 Total Acres: 19.398

Is this property contiguous to the city-limits of Flowery Branch? Yes

Proposed City of Flowery Branch Zoning: SFTH

Proposed City of Flowery Branch Character Area: Activity Center

Current Use: Vacant



**Voting Rights Act Information**

Resident Population: \_\_\_\_\_ Housing Units: \_\_\_\_\_ Other Buildings: \_\_\_\_\_

Race Population %: White \_\_\_\_\_ Black \_\_\_\_\_ Hispanic \_\_\_\_\_ Other \_\_\_\_\_

**Conflict of Interest Disclosure**

Identify all members of the City Council of the City of Flowery Branch and Employees of the City of Flowery Branch Community Development Department who

Have a property interest in the real property affected by this request

NONE TO THE BEST OF OUR KNOWLEDGE

Have a financial interest (direct ownership interest) of the total assets or capital stock of a business entity where such ownership interest is more than 10% in any business entity which has a property interest in the real property affected by this request

NONE TO THE BEST OF OUR KNOWLEDGE

Have a member of the family (spouse, mother, father, brother, sister, son or daughter) having a property financial interest as herein defined, in the real property affected by this request

NONE TO THE BEST OF OUR KNOWLEDGE.







**REZONING APPLICATION**

**Date:** 2-16-2026

**Address of Request:**  
4651 & 4665 Hog Mountain Road, Flowery Branch GA 30542

Tax Map # 15046 000008 & 15046 000008B Current Zoning: R-1 & AR-1

Is this site located within the boundaries of the historic district? No

Currently a conforming use? Yes

Any conditions of zoning, CUP's, etc.? No

**Applicant Information:**

Name: Highpoint Development

Address: 1776 Peachtree Street NW. Suite 250, Atlanta, GA, 30309

E-mail address: jfrench@hpdev.com

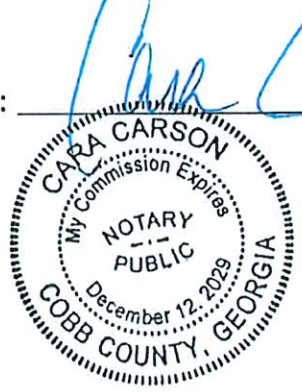
Phone number: 502-386-7022

Signature: *Jake French* Title (if applicable): DEVELOPMENT LEAD

Print Name: Jake French

Notary Signature: *Cara Carson*

Notary Seal:





**Property owner information** (if different than the applicant):

Name of Owner: CD II Properties, LLC

Address: P.O. Box 99, Demorest, GA 30535

E-mail address: Cdaniel@chmechanical.net

Phone number: \_\_\_\_\_

Signature of Owner (Agent if LLC/INC etc.): *Chad Daniel*

Title (if applicable): N/A

Signatory Print Name: Chad Daniel

Notary Signature: *Hannah Hurley* Date: 2-18-2026

Notary Seal:



**Property Information:**

Tax Map Number: 15406 000008 and 15046 000008B

Current Zoning: R-1 and AR-1 (Hall County) Total Acres: 19.398

Is this property located within the city limits of Flowery Branch? No

Proposed City of Flowery Branch Zoning: SFTH

Current Use: Vacant

**Please provide copies of the Rezoning Completeness Checklist and all supplementary required documents listed therein to this application. Completeness Checklists can be found on the website, [www.flowerybranchga.org](http://www.flowerybranchga.org), under the "Forms" section.**



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Have a financial interest (direct ownership interest) of the total assets or capital stock of a business entity where such ownership interest is more than 10% in any business entity which has a property interest in the real property affected by this request

NONE TO THE BEST OF OUR KNOWLEDGE

Have a member of the family (spouse, mother, father, brother, sister, son or daughter) having a property financial interest as herein defined, in the real property affected by this request

NONE TO THE BEST OF OUR KNOWLEDGE

**Disclosure of Campaign Contributions:**

List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total \$250.00 or more or to whom gifts were made having a total value of \$250.00 or more.

Elected Officials Name

Amount of Description of Gift

NONE

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_





**VARIANCE APPLICATION**

**Address of Request:**

4651 & 4665 Hog Mountain Road, Flowery Branch, GA 30542

Type of Variance Requested

Complete requirements for variances can be found in the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 37;

Please verify all the requirements of the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 37, section 37.5 are being met.

Explain below:

- 1. MINIMUM ROAD RADIUS - Variance from SECTION 1014 ROW Table 10.1 to reduce minimum road radius to 48' w/ concessions
- 2. REMOVAL OF STREET DEVIATION - Variance from SECTION 10.21.c Residential Street Design Requirement to remove 25ft deviation from straight course requirements w/ concessions
- 3. MINIMUM LOT SIZE - Variance from Section 7.4 Dimensional Requirements Table 7.2 Minimum lot size requirements w/ concessions

Applicant: Highpoint Development

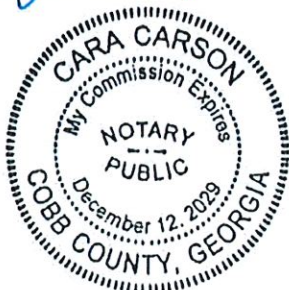
Address: 1776 Peachtree Street NW, Suite 250, Atlanta, GA 30309

E-mail address: jfrench@hpdev.com

Phone number: 502-386-7022

Signature: \_\_\_\_\_

Notary Seal:






**Property owner information** (if different than the applicant):

Name of Owner: CD II Properties, LLC

Address: P.O. Box 99, Demorest, GA 30535

E-mail address: Cdaniel@chmechanical.net

Phone number: \_\_\_\_\_

Signature of Owner (Agent if LLC/INC etc.): 

Title (if applicable): N/A

Signatory Print Name: Chad Daniel

Notary Signature:  Date: 2/18/2026

Notary Seal:



**Please provide copies of the Conditional Use Completeness Checklist and all supplementary required documents listed therein to this application. Completeness Checklists can be found on the website, [www.flowerybranchga.org](http://www.flowerybranchga.org), under the "Forms" section.**



**Conflict of Interest Disclosure**

Identify all members of the City Council of the City of Flowery Branch and Employees of the City of Flowery Branch Community Development Department who

Have a property interest in the real property affected by this request  
None to the best of our knowledge

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Have a financial interest (direct ownership interest) of the total assets or capital stock of a business entity where such ownership interest is more than 10% in any business entity which has a property interest in the real property affected by this request

None to the best of our knowledge

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Have a member of the family (spouse, mother, father, brother, sister, son or daughter) having a property financial interest as herein defined, in the real property affected by this request

None to the best of our knowledge

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**Disclosure of Campaign Contributions**

List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total \$250.00 or more or to whom gifts were made having a total value of \$250.00 or more.

Elected Officials Name

Amount of Description of Gift

NONE

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## LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Georgia Militia District: Flowery Branch #1270, in Hall County, Georgia, and being more particularly described as follows:

Commencing at a mag nail set at the Southerly right of way of Hog Mountain Road (having a variable width, publicly dedicated right of way) and the common corner to property now or formally of Mount Calvary Baptist Church and CD, li Properties, LLC, said point being the TRUE POINT OF BEGINNING.

Thence continuing along said right of way of Hog Mountain Road the following courses and distances: North 52 degrees 05 minutes 46 seconds East a distance of 300.00 feet to a 5/8 inch capped rebar set; North 52 degrees 05 minutes 46 seconds East a distance of 296.18 feet to a 5/8-inch capped rebar set; Thence leaving said right of way of Hog Mountain Road South 45 degrees 22 minutes 26 seconds East a distance of 1477.18 feet to a concrete marker found; Thence South 44 degrees 38 minutes 15 seconds West a distance of 525.39 feet to a concrete marker found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 519.00 feet to a 1-inch open top pipe found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 150.00 feet to a 1-inch open top pipe found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 386.97 feet to a 5/8-inch capped rebar set; Thence North 47 degrees 47 minutes 41 seconds West a distance of 500.00 feet to a mag nail set at the Southerly right of way of Hog Mountain Road, said mag nail being the TRUE POINT OF BEGINNING.

Said tract or parcel of land containing 19.398 acres (844,974 square feet).



## **Project Narrative for Hog Mountain Road Tract**

**LOCATION** – 4651 & 4665 Road, Flowery Branch, GA 30542

**ACREAGE** – 19.398 acres +/-

**APPLICANT** – Highpoint Development

**PROPOSED ZONING** – SFTH

### **Summary**

The accompanying application seeks annexation and zoning district change from AR-I in Hall County to SFTH in Flowery Branch for a 19.398-acre tract, consisting of Parcel #'s 15046 000008 & 15046 000008B. The property appears to have been vacant for a number of years. The location is on Hog Mountain Road in south Hall approximately 1300 LF north of Spout Springs Road. The intent is to develop up to 75 units of quality housing (single-family) along with an extensive amount of undeveloped natural area. At least 15% of the site will be maintained as open space. Although not specifically identified, the property is located adjacent to the "Retail Activity Center" Character Area of the 2041 Comprehensive Plan. We believe this property could serve as a transitional use from the retail area to south and the lower density subdivisions to the north and east.

### **Site Description**

The property has approximately 640 LF of frontage along Hog Mountain Road, rectangular and approximately 1,500 LF deep. The site is undeveloped with several dilapidated out buildings and contains a mix of trees and vegetation. A jurisdictional stream (Lott Creek) is located near the rear of the property and appears to be a tributary of Mulberry Creek. Domestic water (24") is provided by the City of Gainesville and is located on the northwest side of Hog Mountain Road. Flowery Branch will provide sanitary Sewer through a new, on-site pump station and force main to nearby gravity lines located within the Stonebridge Village retail center. All other dry utilities are located within a reasonable distance for service extensions.

### **Adjacencies**

The property is surrounded by Hall County residential zonings, AR-III, PRD and R-1 and a small HB property on the west side of Hog Mountain Road. Adjacent Flowery Branch zoning is HB.

### **Access**

Access to the property is proposed from a driveway on Hog Mountain Road approximately 1,800 LF north of Spout Springs Road. The nearest cross street is Cash Road, located approximately 900 LF northeast of the property.

### **Proximity to Other Uses**

- Nearest distance to undeveloped commercial property – parcel #15046 000151-zoned HB located adjacent to southwestern boundary.
- Nearest distance to developed commercial property – parcel #08096 000014 zoned H-B, directly across at 4650 Hog Mountain Road.

- Nearest distance to a single-family home – a single-family home at 4641 Hog Mountain Road is located within 40' of the northeastern boundary.
- Nearest distance to a subdivision – Hunters Landing S/D is located 0.6 miles away.

Aerial View



### **Comprehensive Plan Consistency**

Since the subject property is currently located in unincorporated Hall County, the Flowery Branch Comprehensive Plan does not specifically identify the future land use for this property. With Retail/Commercial uses directly to the south of the subject property and lower density residential uses to the north, it would be reasonable to assume that the subject property could provide a transitional use and density between the uses identified. Although this specific property is not included in the Comprehensive Plan Future Development Map, it does lie adjacent to the “Activity Center – Retail” character area. It is our opinion that the slightly higher densities offered under the SFTH zoning district, and the specific use for attached single-family homes, would be applicable for this property.

### **Traffic Impact Study**

A Traffic Impact Study has been requested by the City and included for review. The following recommendations were made:

- One entering lane and one exiting lane
- Stop sign controlled on the driveway approach with Hog Mountain Rd remaining free flow
- A right turn lane for entering traffic
- A left turn lane in for entering traffic accounting for the intersection in front of the Chic-fil-A along Spout Springs Rd

### **Development Strategy**

The Concept Plan includes traditional front entry single family homes. The architectural style of the homes will be influenced by the mountain bungalow style to feel more rooted in the community and within the SFTH design intent. The single-family homes located along the Hog Mountain Road frontage will be facing interior to the development and we will have elevated facades on the rear of these homes to provide a grand appearance along Hog Mountain Rd. We will provide a desirable streetscape for the project’s entrance including a professionally landscaped monument sign. The single-family homes will all have front-loaded garages. The community will have amenities including walking trails, a creek bridge crossing, and a centralized amenity area including a community gathering pavilion, firepit communal area with chairs and a common area green space.

### **Architectural Materials & Site Improvements**

Single-family homes will follow the requirements of Section 12.6.i at a minimum with a general design theme that would include:

- Two-car garages
- Front facades with a combination of masonry and hardi-plank siding materials
- Side & Rear facades with hardi-plank siding, glazing & trim
- Architectural weight shingles
- Sodded yards (4 sides)
- One tree per lot (minimum 2 ½” caliper)
- Variance Requested –
  - Minimum Road Radius Variance – Request for minimum at 48’ with stop signed intersections past the first horizontal curve
  - Removal of Street Deviation Variance – Street deviation distance to be eliminated w/ concessions

- Minimum Lot Size Variance – Minimum lot size to be reduced
  - Overall average lot size of 6,700sf or greater (code minimum is 6,700sf /lot)
  - Minimum lot width – 40ft or greater (code minimum is 40ft)
  - Minimum lot area – 5,500sf
  - Total of 25% of lots will be between 5,500sf and 6,000sf
    - The remaining 75% of lots will exceed 6,000sf
    - Total average of all lots will be 6,700sf or above

### **Entrance Monumentation**

The entrance may include the items listed below

- Masonry walls
- Wood or PVC fencing
- Illuminated Signage in accordance with the Flowery Branch Sign Ordinance
- Ornamental Sculpture
- Landscaping & Irrigation

### **Amenities**

The community amenities, at a minimum, will contain the following items:

- Centralized amenity area w/
  - Community gathering pavilion
  - Communal firepit with seating
  - Common area greenspace
  - Central mail kiosk provided subject to USPS review/approval
- Walking Trails
  - Will include fence along rear of Lots 30-33 within stream buffer
  - Signage stating “TRAIL HEAD – No Land Disturbing Activities Allowed”
- Creek Crossing

### **Signage**

The Developer and/or Builder shall be allowed to post permanent directional signs and monuments within the Community to direct traffic to sales and recreation centers and to identify differing residential areas. All permanent internal signage must be outside of any Right of Way or Utility Easement with a Landscape and Signage easement recorded on the Final Plat.

Temporary Sales and Marketing signs not exceeding 32 square feet per sign face and 8 feet in height may be used along Hog Mountain Road.

### **Model Home Permits**

Applicant requests that up to twelve (12) model home permits be issued prior to Final Plat recording provided that hard surface (crusher run) access is provided and fire protection (functioning hydrant) is located within 500 feet of any structure under construction. However, no certificate of occupancy permits (CO) will be issued prior to final plat recording.

### **Sales and Construction Trailers**

Applicant is requesting permission to install one sales trailer and one construction trailer with associated parking areas in locations to be determined at the time of street paving and possible ahead of final plat approval.

### **Homeowner's Association**

A Homeowner's Association will be created in order to administer the covenants, conditions and restrictions that will be placed on the property by the Developer. The HOA will manage the overall management of the property including maintenance, architectural controls and financial management.

HOA Language requested by the City to be included in HOA Formation Documents as stated below:

- The development shall be fee-simple homes for sale and the homeowner's association covenants must contain the following provisions:
  - No more than ten percent (10%) of the total homes may be leased
  - No more than two houses may be owned by one owner in the development and the owner or the owner's immediate family member must reside at one of the two homes
  - A homeowner may apply to the board of directors of the HOA for a "hardship" exception to exceed the 10% lease limit in the event the homeowner can demonstrate the need to lease their home due to extenuating circumstances. A lease permitted under the "hardship" exception shall not exceed one year, after which the owner must reapply for an exception. The granting of hardship exceptions shall be at the discretion of the HOA board of directors.

### **Annexation**

Hall County has given verbal confirmation they would approve the annexation into Flowery Branch assuming the adjacent parcels are not attempting to annex at the same time.

### **Conceptual Master Plan**

The development of the community shall be controlled by the Conceptual Master Plan (the "Plan") attached as exhibit "A". The plan is considered conceptual in nature, and as such may require minor modifications during the engineering and development process. Modifications to the locations and arrangement of lots, roads, amenities, and other improvements that do not conflict with specific standards and requirements of these conditions may be made by the Developer, so long as such modifications do not change the land use, increase the overall density of the project or reduce any established exterior buffers or setbacks.

**Project Dimensional Standards**

<b>Site Data Table</b>	<b>Required</b>	<b>Provided</b>
Acres	-	19.398
Gross Density	-	4.18
Net Density	6	4.29
Exterior Buffer	-	N/A
Sidewalks	5', One Side	5', Two Side
Parking	2-Enclosed	2-Enclosed
Minimum Lot Area	6700	5500
Average Lot Area	6700 min.	6852
Minimum Lot Width	40	40
Minimum Lot Depth	80	106
Minimum Heated Floor Area Per Dwelling Unit (SF)	1200	2200
Minimum Front Yard Setback from Lot Line (FT)	0	0
Minimum Side Setback, Interior Lot Line or Corner Lot, All Principle Buildings (FT)	5	5
Minimum Rear Setback, All Principle Buildings (FT)	25	25
Maximum Coverage of Impervious Surface (Percent of Lot)	45	Less than 45
Civic Space	10% Min	10.9%
Amenity Space	5% Min	7.6%

GROSS DENSITY = 75 UNITS / 19.4398 AC = 3.86 Lots/AC
NET AREA = GROSS AREA - 50% OF STREAM BUFFERS = 18.873 AC
NET DENSITY = 75 UNITS / 18.873 AC = 3.97 Lots/AC



Sec. 3.2. - Agricultural Residential 1 (AR-1)

3.2.1. Intent

To provide for locations within the county to be developed and reserved for agricultural, residential, and compatible commercial or recreational purposes.

3.2.2. Uses

As defined in Article 7 (Use Provisions), Sec. 7.2 (Allowed Use Table).

3.2.3. Dimensional Standards

See Table 3.2.1 for district standards and Sec. 2.1 (Measurements and Exceptions) for additional requirements.

Table 3.2.1. AR-1 Dimensional Standards

<b>Site</b>	
Density:	1 dwelling per lot
Site coverage:	35% max.
<b>Lots</b>	
Lot area: (note 1)	43,560 sq. ft. min. when serviced by public water  65,340 sq. ft. min. otherwise
Lot frontage (regular street, cul-de-sac):	50 ft. min.
Lot width (curved street):	See 2.1.3.E.
<b>Yards</b>	
Front yard:	40 ft. min. or average per Sec. 2.1.4.C.
Side yard:	15 ft. min.
Rear yard:	25 ft. min.

<b>Building Height</b>	
Maximum:	50 feet
Table Notes: 1. Lots of record as of December 9, 1991, 2 acres in size or less which are serviced by public water and a private septic system may be subdivided into lots at least 30,000 square feet in area through the minor subdivision process.	

**3.2.4. Overlay Compliance**

See [Article 6](#) (Special and Overlay Districts) for additional or alternative standards which may be applicable in overlay districts.

**3.2.5. Other Standards**

See [Article 2](#) (Rules Common to All Districts), [Article 7](#) (Use Provisions) and [Article 8](#) (Site Development) for additional standards which may be applicable.

Sec. 4.3. - Residential 1 (R-1)

4.3.1. Intent

The R-1 district is to be utilized and reserved for low-density single-family residential and agricultural purposes on medium sized lots.

4.3.2. Uses

As defined in Article 7 (Use Provisions), Sec. 7.2 (Allowed Use Table).

4.3.3. Dimensional Standards

See Table 4.3.1 for district standards and Sec. 2.1 (Measurements and Exceptions) for additional requirements.

Table 4.3.1. R-1 Dimensional Standards

<b>Site</b>	
Density:	1 dwelling per lot
Site coverage:	35% max.
<b>Lots</b>	
Lot area: (notes 1, 2)	21,780 sq. ft. min. when serviced by public sewer or private system  35,000 sq. ft. min. otherwise
Lot frontage (regular street, cul-de-sac):	50 ft. min.
Lot width:	See Sec. 2.1.3.E.
<b>Yards</b>	
Front yard:	30 ft. min. or average per Sec. 2.1.4.C.
Side yard:	10 ft. min.

Rear yard:	20 ft. min.
<b>Building Height</b>	
Maximum:	50 feet
<p>Table Notes:</p> <ol style="list-style-type: none"> <li>1. Health department requirements regarding minimum lot size and width may differ from these requirements and will prevail where they exceed these requirements.</li> <li>2. Lots of record as of December 1, 1991, 2 acres in size or less which are serviced by public water and a private septic system may be subdivided into lots at least 30,000 square feet in area through the minor subdivision process.</li> </ol>	

#### 4.3.4. Overlay Compliance

See [Article 6](#) (Special and Overlay Districts) for additional or alternative standards which may be applicable in overlay districts.

#### 4.3.5. Other Standards

See [Article 2](#) (Rules Common to All Districts) and [Article 7](#) (Use Provisions) and [Article 8](#) (Site Development) for additional standards which may be applicable.

Sec. 6.5. - SF-TH, Single-Family Attached Townhome District.

- (a) *Purpose and Description.* This zoning district is intended exclusively for the development and construction of single-family attached townhomes in accordance with the comprehensive plan. This district is also intended to implement the "urban density community" character area established in the comprehensive plan. The regulations that apply to the SF-TH district are designed to encourage the formation and continuance of a stable, healthy, and attractive living environment for its residents.
- (b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts."
- (c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts."
- (d) *Design Requirements.* See Articles 10, 12, and 40 of this Zoning Ordinance.

(Ord. No. 733, § 1(Exh. A), 3-20-2025)

Use	A	R-1	R-2	MHP	SF-TH	RMU
Accessory apartment, attached	X	X	C	X	X	C
Accessory apartment, detached	X	C	C	X	X	C
Accessory building, structure, or use	P	P	P	P	X	P
Agriculture, production of field crops, fruits, nuts, and vegetables	P	P	X	X	X	X
Agriculture, raising of poultry or livestock	P	C	X	X	X	X
Cemetery	P	C	C	X	X	X
Church, temple, synagogue, or place of worship, including specified accessory uses (see <u>Sec. 14.3</u> ) (Ord. 348-11)	C	C	C	X	X	X
Club or lodge, nonprofit, sponsored by a civic or similar organization	C	C	C	X	X	C
Community recreation	P	P	P	P	P	P
Conservation areas and passive recreational facilities	P	P	P	P	P	P
Conservation subdivision	C	C	P	P	X	X
Construction field office (temporary use)	X	X	P	P	P	P

Use	A	R-1	R-2	MHP	SF-TH	RMU
Dwelling, single-family detached, fee-simple	P	P	P	X	P	X
Dwellings, single-family detached, condominium	X	X	X	X	P	X
Dwelling, townhouse (single-family attached, fee-simple)	X	X	X	X	P	X
Dwelling, two-family (duplex); three-family (tri-plex)	X	X	X	X	P	X
Dwelling, multi-family (apartment, attached residential condominium)	X	X	X	X	X	C
Garden, non-commercial, accessory to single-family detached dwelling	P	P	P	X	X	X
Golf course	P	P	P	X	P	C
Guest house (accessory building/use)	P	P	P	X	X	X
Home occupation (Office Use Only)	P	P	P	P	P	P
Horse stables, non-commercial, as accessory to single-family residential use	P	C	X	X	X	X
Leasing or sales office for a subdivision or residential development (accessory or principal use)	P	P	P	P	P	P

Use	A	R-1	R-2	MHP	SF-TH	RMU
Manufactured home, Class A	C	X	X	P	X	X
Model home for single-family subdivision or townhomes (temporary)	P	P	P	X	P	X
Public or semi-public use	P	P	P	X	P	P
School, private, elementary, middle, or high (Ord. 348-11)	C	C	X	X	X	X
School, special	C	X	X	X	X	X
Temporary use	P	P	P	X	P	P

Requirement (measurement unit)	A	R-1	R-2	MHP	SF-TH	RMU
Maximum height (feet)	75	35	35	35	35	55
Maximum height (number of stories)	3	3	3	1	3	3 stories on slab; 3-4 split on a basement construction. Front elevation 3 story.
Maximum density (Net)	0.333*	2.18*	4*	4*	6*	10*
Minimum lot size for detached single-family dwelling (square feet) (1)	130,680	20,000	15,000	10,000	6,700	N/A
Minimum lot size for attached townhome, duplex and triplex (square feet) (1)	N/A	N/A	N/A	N/A	3,500	N/A
Minimum lot size for other uses (square feet) (1)	130,680	43,560	15,000	10,000	10,000	10,000

Requirement (measurement unit)	A	R-1	R-2	MHP	SF-TH	RMU
Minimum lot width for detached single-family. (square feet) (1)	200	90	75	50	40	N/A
Minimum unit width (feet) for single-family attached townhomes, duplex and tri-plex.	N/A	N/A	N/A	N/A	24 wide with rear entry garage; 26 wide with front entry garage.	N/A
Minimum heated floor area per dwelling unit (square feet)	2,500	2,200	2,000	1,000	1,500	1,000
Minimum front yard setback from lot line, all principal buildings, (feet)	80	35	25	25	25 (0 if dwellings are alley accessed with rear entry garages)	25

Requirement (measurement unit)	A	R-1	R-2	MHP	SF-TH	RMU
Minimum side setback, interior lot line, all principal buildings (feet)	25	25	15	20	10 (min. 20 between buildings)	20 (min. 10 between buildings)
Minimum side setback, corner lot, all principal buildings (feet)	60	35	25	20	10	20
Minimum rear setback, all principal buildings (feet)	35	25	20	20	20; minimum distance of 25' from garage to sidewalk or back of curb for rear entry garages.	20
Minimum setback, all principal or accessory buildings and structures abutting residential	Side and rear setbacks shall apply	50	50	100	50	50

Requirement (measurement unit)	A	R-1	R-2	MHP	SF-TH	RMU
Minimum width of natural buffer abutting residential	None			40	35	50
Minimum landscape strip required along rights-of-way for any nonresidential use if permitted (width in feet)	15	15	10	10	20	20
Minimum landscape strip required along rights-of-way for any apartment or condominium (residential multi-unit) use (width in feet)	N/A	N/A	N/A	N/A	N/A	20
Minimum landscape strip required alongside property lines for any nonresidential use if permitted (width in feet)	5	5	5	5	5	5

Requirement (measurement unit)	A	R-1	R-2	MHP	SF-TH	RMU
Maximum coverage of principal and accessory buildings (percent of lot)	25	25	35	50	75	50
Minimum landscaped open space, all principal uses except detached, single-family residential lots (percent)	20	20	15	15	15	20

# City of Flowery Branch Annexation - Highpoint Development



Date: 2/27/2026