

**MINUTES  
CITY COUNCIL REGULAR MEETING  
NOVEMBER 3, 2014  
5:00 P.M.**

---

CALL TO ORDER: James Grogan called the meeting to order at 5:00 p.m.

ROLL CALL: Present were Mayor James Grogan, Councilmember Mike Sosebee, Councilmember Jason Power, Councilmember Angie Smith, Councilmember Chris Gaines, City Attorney Dana Miles, City Clerk Bonnie Warne, Public Works Director Gary Barr, Russ Chambers and Trampas Hansard.

INVOCATION AND PLEDGE: Invocation and pledge was led by Angie Smith.

AGENDA: Motion to approve the agenda by: J. Power/M. Sosebee. Vote unanimous in favor.

MINUTES: Motion to approve the minutes of the regular meeting October 6, 2014 and the called meeting October 20, 2014 as presented by: C. Gaines/J. Power. Motion carried unanimously.

Proclamation on Farm Cities Week: Mayor Grogan read the proclamation into the minutes. Tammy Wood asked the Mayor to sign the official proclamation at the luncheon.

Water Department Write Offs: Mayor Grogan spoke on the utility billing accounts spreadsheet created by Betty McGehee, Utility Billing Clerk, of outstanding balances from terminated accounts. These are terminated accounts that have not been paid. Betty continues to work on collecting the unpaid debt. Council approved authorizing the uncollected debt of \$4198.61 to be written off of the books: M. Sosebee/J. Power. The motion carried unanimously. Exhibit "A"

GMA Health Insurance Plan Cost: Mayor Grogan stated that the health insurance cost has increased. Motion for the City to pay the increase by: J. Power/M. Sosebee. Council opposed to City paying increase: A. Smith/C. Gaines. Mayor Grogan broke the tie to vote in favor of the City paying the increased cost of the health insurance.

Quit Claim Deed – Howser Mill: Attorney Miles spoke on the Quit Claim Deed between the City of Dawsonville and the Howser Mill HOA to maintain the stormwater retention area. Motion to approve the Mayor to execute the deed by: M. Sosebee/J. Power. Exhibit "B"

**PUBLIC HEARINGS:**

An Ordinance Of The City Of Dawsonville To Provide For Street And Infrastructure Improvements In Existing Unfinished Developments; To Provide For Severability; To Repeal Conflicting Ordinances; And For Other Purposes. 2<sup>nd</sup> Hearing

Attorney Dana Miles presented the ordinance. Motion to open the public hearing was unanimous in favor: J. Power/A. Smith. Nobody spoke in favor or opposition. C. Gaines/J. Power motioned to close the public hearing, carried unanimously, and the meeting was turned over to the Mayor. Motion made to approve the ordinance by A. Smith/M. Sosebee. Motion carried unanimously in favor. Exhibit "C"

An Ordinance To Repeal The Historic Preservation Ordinance Of The City Of Dawsonville Georgia And To Adopt A New Historic Preservation Ordinance For The Same, To Provide For A Historic Preservation Commission; To Provide For The Adoption Of Design Standards; To Provide For Definitions; To Provide For The Designation Of Historic Properties And Historic Districts; To Provide For Amendments To Historic Properties And Historic Districts; To Provide For A Certificate Of Appropriateness; To Provide Review Guidelines; To Provide For Hearings; To Provide For An Application Process; To Provide For Enforcement And Penalties; To Provide For Severability; To Provide For A Designation Of Boundaries Of Historic Districts By Map, To Provide For An Effective Date, And For Other Purposes. 2<sup>nd</sup> Hearing

**MINUTES  
CITY COUNCIL REGULAR MEETING  
NOVEMBER 3, 2014  
5:00 P.M.**

---

Attorney Dana Miles presented the ordinance. Motion to open the public hearing was unanimous in favor: A. Smith/C. Gaines. Nobody spoke in favor or opposition. A. Smith/M. Sosebee motioned to close the public hearing, carried unanimously, and the meeting was turned over to the Mayor. The Council will appoint the Commission at the Dec. 1<sup>st</sup> Council meeting. Motion made to approve the ordinance by M. Sosebee/C. Gaines. Motion carried unanimously in favor. Exhibit "D"

ANX 2014-002: David L. James and Beverly M. James have petitioned for annexation into the City limits of Dawsonville for the -1 acre at TMP 090 084, located at 119 Gold Bullion Drive W.

ZA-2014-339: David L. James and Beverly M. James have requested a zoning map amendment, upon annexation, for the -1 acre at TMP 090 084, located at 119 Gold Bullion Drive W. Current County zoning is RPC (Residential Planned Community). Applicant requests to rezone to: R2 (Single Family Residential) within PUD (Planned Unit Development).

The 2<sup>nd</sup> hearing on the annexation and rezoning application were heard together for same parcel. The public hearing was unanimously opened by: J. Power/A. Smith. Attorney Dana Miles presented the applications. Nobody spoke in favor or opposition on either application. The public hearing was unanimously closed by: A. Smith/J. Power. Motion made to approve the annexation by J. Power/M. Sosebee. Motion carried unanimously in favor. Dawson County's objection has not been withdrawn on the annexation, and per GA law we cannot continue until they do.

ANX 2014-03: Kenneth D. Vermillion and Barbara E. Vermillion have petitioned for annexation into the City limits of Dawsonville for the -1 acre at TMP 090 059, located at 23 Gold Bullion Drive E.

ZA-2014-340: Kenneth D. Vermillion and Barbara E. Vermillion have requested a zoning map amendment, upon annexation, for the -1 acre at TMP 090 059, located at 23 Gold Bullion Drive E. Current County zoning is RPC (Residential Planned Community). Applicant requests to rezone to: R2 (Single Family Residential) within PUD (Planned Unit Development).

The 2<sup>nd</sup> hearing on the annexation and rezoning application were heard together for same parcel. The public hearing was unanimously opened by: A. Smith/J. Power. Attorney Dana Miles presented the applications. Nobody spoke in favor or opposition on either application. The public hearing was unanimously closed by: J. Power/C. Gaines. Motion made to approve the annexation by J. Power/C. Gaines. Motion carried unanimously in favor. Dawson County's objection has not been withdrawn on the annexation, and per GA law we cannot continue until they do.

ANX 2014-04: Jon O. Steiner and Sarah S. Steiner have petitioned for annexation into the City limits of Dawsonville for the 1.05 acres at TMP 090 076, located at 67 Nugget Lane. 2<sup>nd</sup> Hearing

ZA-2014-341: Jon O. Steiner and Sarah S. Steiner have requested a zoning map amendment, upon annexation, for the 1.05 acres at TMP 090 076, located at 67 Nugget Lane. Current County zoning is RPC (Residential Planned Community). Applicant requests to rezone to: R2 (Single Family Residential) within PUD (Planned Unit Development).

The 2<sup>nd</sup> hearing on the annexation and rezoning application were heard together for same parcel. The public hearing was unanimously opened by: C. Gaines/A. Smith. Attorney Dana Miles presented the applications. Nobody spoke in favor or opposition on either application. The public hearing was unanimously closed by: A. Smith/J. Power. Motion made to approve the annexation by C. Gaines/J. Power. Motion carried unanimously in favor. Dawson County's objection has not been withdrawn on the annexation, and per GA law we cannot continue until they do.

**MINUTES  
CITY COUNCIL REGULAR MEETING  
NOVEMBER 3, 2014  
5:00 P.M.**

---

ANX 2014-007: James T. and Barbara A. Watson have petitioned for annexation into the City limits of Dawsonville for the 13.75 Acres at TMP081 001.015, located at 303 Stillwater Lane.

ZA-2014-351: James T. and Barbara A. Watson have requested a zoning map amendment, upon annexation, for the 13.75 Acres at TMP 081 001.015, located at 303 Stillwater Lane. Current County zoning is RSR (Residential Sub Rural). Applicant requests to rezone to R1 (Restricted Single Family)

The 2<sup>nd</sup> hearing on the annexation and rezoning application were heard together for same parcel. The public hearing was unanimously opened by: A. Smith/J. Power. Chris Gaines recused himself. Attorney Dana Miles presented the applications. James Watson spoke in favor and John Stegall spoke in opposition on the applications. The public hearing was unanimously closed by: A. Smith/J. Power. Motion made to deny the annexation by A. Smith/M. Sosebee. Motion carried unanimously to deny the applications. 3-0-1 Gaines recused.

ANX 2014-006: David and Daphanie Waddy have petitioned for annexation into the City limits of Dawsonville for the 4.26 Acres at TMP081 001.017, located on Stillwater Lane, Lot 17 Pigeon Creek Subdivision.

ZA-2014-350: David and Daphanie Waddy have requested a zoning map amendment, upon annexation, for the 4.26 Acres at TMP 081 001.017, located on Stillwater Lane, Lot 17 Pigeon Creek Subdivision. Current County zoning is RSR (Residential Sub Rural). Applicant requests to rezone to R1 (Restricted Single Family)

The 2<sup>nd</sup> hearing on the annexation and rezoning application were heard together for same parcel. The public hearing was unanimously opened by: A. Smith/J. Power. Chris Gaines recused himself. Attorney Dana Miles presented the applications. James Watson & Curtis Wright spoke in favor and John Stegall & Roger Schulz spoke in opposition on the applications. The public hearing was unanimously closed by: J. Power/A. Smith. Motion made to deny the annexation by A. Smith/M. Sosebee. Motion carried unanimously to deny the applications. 3-0-1 Gaines recused.

ANX 2014-005: Applicants: Christopher and Jessica Gaines with property owners: Stephen and Malissa Coleman have petitioned for annexation into the City limits of Dawsonville for the 2.04 Acres at TMP 081 001.018, located at 228 Stillwater Lane.

ZA-2014-349: Applicants: Christopher and Jessica Gaines with property owners: Stephen and Malissa Coleman have requested a zoning map amendment, upon annexation, for the 2.04 Acres at TMP 081 001.018, located at 228 Stillwater Lane. Current County zoning is RSR (Residential Sub Rural). Applicant requests to rezone to R1 (Restricted Single Family)

The 2<sup>nd</sup> hearing on the annexation and rezoning application were heard together for same parcel. The public hearing was unanimously opened by: A. Smith/J. Power. Chris Gaines recused himself. Attorney Dana Miles presented the applications. James Watson spoke in favor and John Stegall spoke in opposition on the applications. The public hearing was unanimously closed by: J. Power/A. Smith. Motion made to deny the annexation by A. Smith/M. Sosebee. Motion carried unanimously to deny the applications. 3-0-1 Gaines recused.

Staff Reports: City Clerk Bonnie Warne provided the financial reports for September 2014 and mentioned that everything is in balance, the revenue and expenditures are within budget. Public Works Director Gary Barr stated that the new gate is installed at the maintenance shop and

**MINUTES  
CITY COUNCIL REGULAR MEETING  
NOVEMBER 3, 2014  
5:00 P.M.**

---

everything is good after the fall festival. In the roads department, Trampas Hansard stated that Howser Mill has been paved and a seal coat has been put down in Shoal Creek.

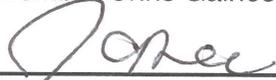
Attorney Report: Attorney Dana Miles informed Council that our current Municipal Court Judge has retired and has recommended Ron Reemsnyder. Motion to appoint Ron Reemsnyder as City Judge by: A. Smith/M. Sosebee. Vote unanimous in favor.

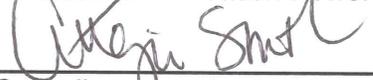
Mayor/Council Reports: Mayor Grogan stated that the Moonshine Festival was a success, that there were more events that happened in the city hall area which included the largest car show to date. Jason Power mentioned that the Board of Health met and discussed a variety of topics including rabies in the County.

ADJOURNMENT: With there being no further business or executive session to attend to the regular meeting closed and adjourned at 6:20 p.m. The motion carried unanimously; J. Power/M. Sosebee.

  
\_\_\_\_\_  
Mayor W. James Grogan

RESIGNED  
\_\_\_\_\_  
Councilmember Chris Gaines

  
\_\_\_\_\_  
Councilmember Jason Power

  
\_\_\_\_\_  
Councilmember Angie Smith

  
\_\_\_\_\_  
Councilmember Mike Sosebee

Attested:   
\_\_\_\_\_  
Bonnie Warne, City Clerk

Terminated Accounts/Lost Revenue  
 Total # of Active Accounts = 1088  
 # of Accounts to be written off = 14  
 to be written off as of November 3, 2014 City Council Meeting

Account #	Customer Name	Service Address	Balance Due	Reason for Termination
March - 2014				
Account #				
		March Total =	\$0.00	
APRIL - 2014				
Account #	Customer Name	Service Address		Reason for Termination
4201	MELISSA GEHRKE	504 HWY 53 W	\$48.44	Customer called in on April 8, saying she has moved - account terminated. Final Bill Not paid (RENTER)
1402	ALEX GORDON	34 CROCKETT DR	\$241.53	Customer called in - they have been moved for several week - account terminated. Final Bill Not paid (OWNER)
1223	DEKOTA GRANT	264 ACDEMY AVE	\$683.43	Account locked off due to non-payment (OWNER)
2142	STEVEN PILCHER	398 STEGALL PLACE	\$322.89	Midnight Mover- Account Terminated (OWNER)
4613	THOMAS PONTHER & KATHERINE BANISTER	606 MAPLE ST S	\$209.67	Midnight Mover -(RENTER)
3700	KIMBERLY REED	34 PEARL CHAMBERS DR	\$387.30	Midnight Mover -(RENTER)
4547	RANDY & SHERRI WILLIAMS	368 STEGALL PL	\$407.21	Customer Moved - Last ck written was NSF (RENTER)
		April Total =	\$2,300.47	
MAY - 2014				
Account #	Customer Name	Service Address		Reason for Termination
		May Total =	\$0.00	
JUNE - 2014				
Account #	Customer Name	Service Address		Reason for Termination
3125	TERRI LYNN PRATT	24 SANDBERG WAY	\$82.83	Final bill not paid - (OWNER)
		June Total =	\$82.83	
JULY-2014				
Account #	Customer Name	Service Address		Reason for Termination
4564	JIMMY EMBLER	136 MAPLE ST S. APT #1	\$843.20	Water locked off in May-2014 due to non-payment- Account finalized in system in July2014. (RENTER)
		July Total =	\$843.20	
AUGUST - 2014				
Account #	Customer Name	Service Address		Reason for Termination
4699	TONY JONES	241 PEARL CHAMBERS DR	\$144.66	Midnight Mover - Account Terminated (RENTER)
4520	CHRISTIE MARTIN & HEATHER PARKS	47 RIDGE WATER LN	\$174.86	Account locked off due to non-payment on account (RENTER)
1076	DOYLE OGLE	455 HWY 9 N	\$98.09	Account locked off due to non-payment - Account Terminated - Final Bill not paid (OWNER)
		August Total =	\$417.61	
SEPTEMBER - 2014				
Account #	Customer Name	Service Address		Reason for Termination
2152	KAREN MORRIS	54 DIDA LN	\$304.89	Account locked off due to non-payment on account (OWNER)
4663	TIMOTHY & HEATHER KOHLER	160 BURTS CROSSING DR	\$249.61	Midnight Mover - (RENTER)
		September Total =	\$554.50	
			\$4,198.61	
		Total Water =	\$1,158.31	
		Total Sewer =	\$1,507.36	
		Total Garbage =	\$574.27	
		Total Penalty =	\$958.67	
		Total To Be Written Off =	\$4,198.61	

EXHIBIT "A"

Filed in Office: 12/10/2014 12:35PM  
Deed Doc: QCD  
Blk 01135 Pg 0246-0247  
Georgia Transfer Tax Paid : \$1.00  
Justin Power Clerk of Court  
Dawson County  
0422014001473

After recording,  
Please mail original to:

CITY OF DAWSONVILLE  
P.O. BOX 6  
DAWSONVILLE, GA 30534

After-Recording-Return to:  
Dana B. Miles, Esq.  
Miles Patterson Hansford Tallant, LLC  
202 Tribble Gap Road, Suite 200  
Cumming, Georgia 30040

*Please Cross Reference:*  
Deed Book 01124, Page 0467

**STATE OF GEORGIA  
COUNTY OF DAWSON**

**QUITCLAIM DEED**

THIS INDENTURE, made this 19<sup>th</sup> day of November, 2014 between the **City of Dawsonville, Georgia**, (hereinafter called "Grantor") and **Howser Mill Homeowners Association, Inc.** (hereinafter called "Grantee"), "Grantor" and "Grantee" to include the singular as well as the plural, and the respective heirs, successors and assigns where the context requires or permits.

WITNESSETH that Grantor, for and in consideration of the sum of One Dollar and other good and valuable consideration, the receipt of which is hereby acknowledged, has bargained, sold, and does by these presents, bargain, sell, remise, release, and forever quitclaim to Grantee in all the right, title, interest, claim, or demand which the Grantor has or may have in and to the following described Property, to wit:

*All that tract or parcel of land lying and being in Land Lots 370, 371 and 379 of the 4<sup>th</sup> District, 1<sup>st</sup> Section of Dawson County, Georgia, containing 6.67 acres, being designated as Open Space, per plat recorded in Plat Book 64, Page 007, Dawson County, Georgia records, and being a portion of the property described in Deed Book 563, Page 332, aforesaid records.*

TOGETHER WITH all the rights, members, and appurtenances to the said described Property in anywise appertaining or belonging. TO HAVE AND TO HOLD the said Property unto the said Grantee, so that neither the Grantor nor its successors or assigns nor any other person or persons claiming under Grantor shall at any time claim or demand any right, title, or interest to the said Property or its appurtenances.

By and upon acceptance of this deed, Grantee agrees that said Property is to be used as a storm water retention facility for the land located in Howser Mill subdivision owned by the membership of Grantee. Grantee further agrees to accept said Property "as is" and to take all actions necessary to maintain and upkeep said Property in accordance with the land use ordinances and regulations of the City of Dawsonville, as the same may be amended from time to time.

IN WITNESS WHEREOF the said Grantor and Grantee have signed and sealed this Deed the day and year above written.

(signatures only on next page)

2014  
14.00 Rec  
1.00 TT  
K

Signed, sealed and delivered  
in the presence of

**Grantor**  
**City of Dawsonville, Georgia**

[Signature]  
Unofficial Witness

By: W. James Hogan (Seal)

[Signature]  
Notary Public

**BONNIE M WARNE**  
**NOTARY PUBLIC**  
**DAWSON COUNTY, GEORGIA**

Accepted by:  
**Grantee**  
**Howser Mill Homeowners Association, Inc.**

**MY COMMISSION EXPIRES:**  
**JULY 24, 2017**

By: Randy Davis - President (Seal)

[Signature]  
Unofficial Witness

[Signature]  
Notary Public

**BONNIE M WARNE**  
**NOTARY PUBLIC**  
**DAWSON COUNTY, GEORGIA**

**MY COMMISSION EXPIRES:**  
**JULY 24, 2017**

FIRST READING 10-6-2014  
PUBLISHED OCT 15+22, 2014  
SECOND READING &  
PASSED 11-3-2014

**DEVELOPMENT STREET AND INFRASTRUCTURE IMPROVEMENTS ORDINANCE OF THE CITY OF DAWSONVILLE**

**AN ORDINANCE OF THE CITY OF DAWSONVILLE TO PROVIDE FOR STREET AND INFRASTRUCTURE IMPROVEMENTS IN EXISTING UNFINISHED DEVELOPMENTS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Dawsonville has several developments with the City limits which, as a result of the economic downturn, were platted and partially constructed but never completed;

WHEREAS, in several of these developments, the developer is no longer involved, either due to bankruptcy, foreclosure, or other circumstances, leaving the homeowners in these partially built-out developments to suffer with unfinished streets and infrastructure;

WHEREAS, these developments do not meet the City of Dawsonville's requirements for street and infrastructure dedication, yet their maintenance and performance bonds are either nonexistent or insufficient to meet the needs of the development;

WHEREAS, it is in the best interest of the citizens of the City of Dawsonville that these developments be completed in a cost-effective manner so as to improve safety and preserve the value of the community as a whole;

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and City Council for the City of Dawsonville, Georgia, and it is now, therefore, hereby ordained by the authority of the City Charter and state law as follows:

**SECTION ONE**

Chapter 101 of the Dawsonville Code of Ordinance, General and Administrative Provisions of Dawsonville's Land Development Regulations, is hereby amended to add Section 101-3, entitled Development Street and Infrastructure Improvements, as follows:

**(a) Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Infrastructure project* means a site improvement required to provide water distribution, sewer collection, stormwater management, sidewalks, or street lights within a specifically identified residential development that are necessary to bring the development into compliance with the standards set forth in the Development Regulations of the City of Dawsonville. Such an improvement is intended for the use and convenience of the occupants or users of the residential development alone and is not designed to provide service to the community at large.

- (2) *Infrastructure* means the water distribution, sewer collection, stormwater management, sidewalks, and street light systems contained within the final plat for a residential development recorded with the Office of the Clerk of the Superior Court of Dawson County.
- (3) *Streets* means the streets contained within the final plat for a residential development recorded with the Office of the Clerk of the Superior Court of Dawson County.
- (4) *Street project improvement* means a site improvement to a substandard street contained within a specifically identified residential development that is necessary to bring the street into compliance with the standards set forth in the Development Regulations of the City of Dawsonville. Such an improvement is intended for the use and convenience of the occupants or users of the residential development alone and is not designed to provide service to the community at large.
- (5) *System improvement* means an improvement designed to provide service to the community at large, in contrast to a street project improvement or an infrastructure project improvement.
- (6) *Vacant lot* means a lot within a residential development upon which no residential structure has been constructed or for which no certificate of occupancy has been issued by the City.

**(b) Applicability.**

This section shall apply to those residential developments meeting the following criteria:

- (1) A final plat for the development has been lawfully recorded in Office of the Clerk of the Superior Court of Dawson County, but all or a portion of the streets or infrastructure therein have not been dedicated to and accepted by the City of Dawsonville for perpetual maintenance;
- (2) All or a portion of the streets or infrastructure shown on the final plat do not comply with the Development Regulations of the City of Dawsonville; and
- (3) The bonds or other security instruments posted or which should have been posted for the residential development have failed to provide sufficient funds to the City for proper completion of the streets and associated infrastructure within the residential development.

This section shall not apply to any homeowner's association, residential development, or vacant lot which is the subject of a voluntary project improvement agreement with the City of Dawsonville.

**(c) Street and infrastructure project improvement fee.**

- (1) Where the City of Dawsonville determines that a residential development meets the criteria set forth in sub-section (b) above, the Building Official, or his designee, may condition issuance of a building permit or certificate of occupancy for the remaining vacant lots within the development upon payment of a street and infrastructure project improvement fee.
- (2) The street and infrastructure project improvement fee shall be determined by the City of Dawsonville by finding the average of three (3) estimates obtained by the City for the anticipated costs to complete the residential development in compliance with the Development Regulations and dividing said average by the number of vacant lots existing within the residential development. Once the first street and infrastructure project improvement fee for a specific residential development is determined, the fee will remain constant for the remaining vacant lots within that residential development.
- (3) No street and infrastructure project improvement fee may exceed \$10,000.00 per lot.

**(d) Expenditure of street and infrastructure project improvement fees.**

- (1) Street and infrastructure project improvement fees shall be used solely to pay for expenses incurred by the City in bringing the streets and associated infrastructure of the specific residential development for which they were assessed into compliance with the development regulations. No such fees may be utilized for System Improvements.
- (2) Street and infrastructure project improvement fees shall be accounted for and categorized separately for each individual residential development for which they were assessed.
- (3) Upon collection of 75% of the street and infrastructure project improvement fees to bring the streets and associated infrastructure of a residential development into compliance with the Development Regulations, the City shall commence construction of the improvements; however this provision does not preclude the City from commencing such construction at an earlier date. The City shall continue collecting the street and infrastructure project improvement fees until 100% of the fees are paid.

**SECTION TWO**

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION THREE**

If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

**SECTION FOUR**

This ordinance shall be effective upon passage by the Mayor and Council of the City of Dawsonville, Georgia.

**CITY OF DAWSONVILLE, GEORGIA**

By: W. James Grogan  
W. James Grogan, Mayor

Mike Sosebee  
Mike Sosebee, Council Member

Angie Smith  
Angie Smith, Council Member

Jason Power  
Jason Power, Council Member

Chris Gaines  
Chris Gaines, Council Member



ATTESTED TO BY:

Bonnie Warne  
Bonnie Warne, City Clerk

## HISTORIC PRESERVATION ORDINANCE

**State law references:** Historic preservation, O.C.G.A. § 44-10-1 et seq.; local ordinances, O.C.G.A. § 44-10-20 et seq.; exemptions, O.C.G.A. § 44-10-23.

FIRST READING: 10-6-2014  
PUBLICATION: Oct 15+22, 2014  
SECOND READING: 11-3-2014

**AN ORDINANCE TO REPEAL THE HISTORIC PRESERVATION ORDINANCE OF THE CITY OF DAWSONVILLE GEORGIA AND TO ADOPT A NEW HISTORIC PRESERVATION ORDINANCE FOR THE SAME, TO PROVIDE FOR A HISTORIC PRESERVATION COMMISSION; TO PROVIDE FOR THE ADOPTION OF DESIGN STANDARDS; TO PROVIDE FOR DEFINITIONS; TO PROVIDE FOR THE DESIGNATION OF HISTORIC PROPERTIES AND HISTORIC DISTRICTS; TO PROVIDE FOR AMENDMENTS TO HISTORIC PROPERTIES AND HISTORIC DISTRICTS; TO PROVIDE FOR A CERTIFICATE OF APPROPRIATENESS; TO PROVIDE REVIEW GUIDELINES; TO PROVIDE FOR HEARINGS; TO PROVIDE FOR AN APPLICATION PROCESS; TO PROVIDE FOR ENFORCEMENT AND PENALTIES; TO PROVIDE FOR SEVERABILITY; TO INCORPORATE THE PRIOR DESIGNATION OF BOUNDARIES OF HISTORIC DISTRICTS BY MAP, TO PROVIDE FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.**

**WHEREAS**, the City Council of the City of Dawsonville, Georgia is authorized and empowered pursuant to O.C.G.A. § 44-10-20, et. seq. to provide for and regulate historic properties and districts within the City of Dawsonville;

**WHEREAS**, Dawsonville's historic, cultural, architectural, archaeological and aesthetic heritage is among its most valued and important assets;

**WHEREAS**, Dawsonville's heritage is important to the education, culture, traditions, and economic well-being and potential of the City, and the preservation of Dawsonville's heritage is essential to the promotion of the health, prosperity and general welfare of its people;

**WHEREAS**, it is in the best interests of the City of Dawsonville to further the goals of preserving historic resources and maintaining its quality of life as stated in the City's comprehensive plan;

**WHEREAS**, in order to stimulate revitalization of historic business districts and neighborhoods and to stabilize and improve property values in the process, it is necessary to adopt a Historic Preservation Ordinance;

**WHEREAS**, the adoption of a Historic Preservation Ordinance will protect and enhance local historic and aesthetic attractions for tourists and thereby promote and stimulate business and strengthen the local economy;

**WHEREAS**, in order to enhance the opportunities for federal or state tax benefits under relevant provisions of their respective tax laws it is proper to adopt a Historic Preservation Ordinance;

**WHEREAS**, it is necessary to adopt a Historic Preservation Ordinance to provide for the designation, protection, preservation and rehabilitation of historic properties and historic districts and to participate in federal or state programs to do the same; and

**WHEREAS** the adoption of a Historic Preservation Ordinance will foster civic pride in the history, culture, architecture and appearance of the City.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Dawsonville, Georgia, and it is now, therefore, hereby ordained by the authority of the City Charter and the above-referenced authority, as follows:

**Section 1. Repealer and Adoption of New Historic Preservation Ordinance**

Chapter 104, Articles II, III, and IV of the Code of the City of Dawsonville, Georgia, along with all amendments thereto, are deleted in their entirety, and this ordinance is substituted in place thereof, effective as provided herein below once approved by the City Council of the City of Dawsonville, Georgia. All ordinances in conflict with this Ordinance are hereby repealed.

**Section 2. Purpose**

In support and furtherance of its findings and determination that the historical, cultural and aesthetic heritage of the City of Dawsonville is among its most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people;

In order to stimulate revitalization of the business districts and historic neighborhoods and to protect and enhance local historic and aesthetic attractions to tourists and thereby promote and stimulate business;

In order to enhance the opportunities for federal or state tax benefits under relevant provisions of federal or state law; and

In order to provide for the designation, protection, preservation and rehabilitation of historic properties and historic districts and to participate in federal or state programs to do the same;

The City of Dawsonville City Council hereby declare it to be the purpose and intent of this Ordinance to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, objects, and landscape features having a special historical, cultural or aesthetic interest or value, in accordance with the provisions of the Ordinance.

**Section 3. Definitions**

- A. “Building” – A building is a structure created to shelter any form of human activity, such as a house, barn, church, hotel or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and barn.
- B. “Certificate of Appropriateness” – Means a document evidencing approval by the Historic Preservation Commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.
- C. “Exterior Architectural Features” – Means the architectural style, general design and general arrangement of the exterior of a building, structure or object, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, features, details or elements relative to the forgoing.
- D. “Exterior Environmental Features” – Means all those aspects of the landscape or the development of a site which affect the historic character of the property.
- E. “Historic District” – Means a geographically definable area, possessing a significant concentration, linkage, or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history. A Historic District shall further mean an area designated by the City of Dawsonville City Council as a Historic District pursuant to the criteria established in Section Five B of this Ordinance.
- F. “Historic Property” – Means an individual building, structure, site, or object including the adjacent area necessary for the proper appreciation thereof designated by the City of Dawsonville City Council as a historic property pursuant to the criteria established in Section Five C of this Ordinance.
- G. “Material Change in Appearance” – Means a change that will affect either the exterior architectural or environmental features of a historic property or any building, structure, site, object, or landscape feature within a historic district, such as:
  - 1. A reconstruction or alteration of the size, shape or façade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;
  - 2. Demolition or relocation of a historic structure;
  - 3. Commencement of excavation for construction purposes;
  - 4. A change in the location of advertising visible from the public right-of-way; or

5. The erection, alteration, restoration or removal of any buildings or other structure within a historic property or district, including walls, fences, steps and pavements, or other appurtenant features, except exterior paint alterations.
- H. "Object" – An object is a material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.
- I. "Site" – A site is the location of a significant event, a prehistoric or historical occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure.
- J. "Structure" – A structure is a work made up of interdependent and inter-related parts in a definite pattern of organization. Constructed by man, it is often an engineering project large in scale.

#### **Section 4. Creation of Historic Preservation Commission**

A. Creation of the Commission:

There is hereby created a commission whose title shall be "City of Dawsonville Historic Preservation Commission" (hereinafter "Commission").

B. Commission Position within the City Government:

The Commission shall be part of the planning functions of the City of Dawsonville.

C. Commission Members: Number, Appointment, Terms and Compensation:

The Commission shall consist of five (5) members appointed by the Mayor and ratified by the City Council. All members shall be residents of City of Dawsonville and shall be persons who have demonstrated special interest, experience or education in history, architecture or the preservation of historic resources.

To the extent available in the City, at least three (3) members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archaeology or related professions.

Members shall serve three-year terms. Members may not serve more than two (2) consecutive terms. In order to achieve staggered terms, initial appointments shall be: one (1) member for one (1) year; two (2) members for two (2) years; and two (2) members for three (3) years. Members shall not receive a salary, although they may be reimbursed for expenses.

D. Statement of Commission's Power:

1. The Preservation Commission shall be authorized to:

- a. Prepare and maintain an inventory of all property within the City of Dawsonville having the potential for designation as historic property;
- b. Recommend to the City of Dawsonville City Council specific districts, sites, buildings, structures, or objects to be designated by ordinance as historic properties or historic districts;
- c. Review application for Certificates of Appropriateness, and grant or deny same in accordance with the provisions of this Ordinance;
- d. Recommend to the City of Dawsonville City Council that the designation of any district, site, building, structure or object as a historic property or as a historic district be revoked or removed;
- e. Restore or preserve any historic properties acquired by the City of Dawsonville;
- f. Promote the acquisition by the City of Dawsonville of façade easements and conservation easements, as appropriate, in accordance with the provisions of the *Georgia Uniform Conservation Easement Act of 1992* (O.C.G.A., Section 44-10.1 through 5)
- g. Conduct educational programs on historic properties located within the City and on general historic preservation activities;
- h. Make such investigation and studies of matters relating to historic preservation, including consultation with historic preservation experts, the City of Dawsonville City Council or the Commission itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources;
- i. Seek out local, state, federal or private funds for historic preservation, and make recommendations to the City of Dawsonville City Council concerning the most appropriate uses of any funds acquired;
- j. Submit to the Historic Preservation Division of the Department of Natural Resources a list of historic properties of historic districts designated;
- k. Perform historic preservation activities as the official agency of the City of Dawsonville historic preservation program;
- l. Employ persons, if necessary, to carry out the responsibilities of the Commission;

m. Receive donations, grants, funds, or gifts of historic property and acquire and sell historic properties. The Commission shall not obligate the City of Dawsonville without prior consent.

n. Review and make comments to the Historic Preservation Division of the Department of Natural Resources concerning the nomination of properties within its jurisdiction to the National Register of Historic Places; and

o. Participate in private, state and federal historic preservation programs and with the consent of the City of Dawsonville City Council, enter into agreements to do the same.

E. Commission's Power to Adopt Rules and Standards:

1. The Commission shall adopt rules and standards for the transaction of its business and for consideration of application for designation of Certificates of Appropriateness, such as by-laws, removal of membership provision, and design guidelines and criteria. The Commission shall have the flexibility to adopt rules and standards without amendment to this Ordinance. The Commission shall provide for the time and place of regular meetings and a method for the calling of special meetings. The Commission shall select such officers as it deems appropriate from among its members. A quorum shall consist of a majority of the members.

F. Conflict of Interest:

1. The Commission shall be subject to all conflict of interest laws set forth in Georgia Statutes and in the City of Dawsonville Charter.

G. Commission's Authority to Receive Funding from Various Sources:

1. The Commission shall have the authority to accept donations and shall ensure that these funds do not displace appropriated governmental funds.

H. Records of Commission Meetings:

A public record shall be kept of the Commission resolution, proceedings and actions.

## **Section 5. Recommendation and Designation of Historic Districts and Properties**

A. Preliminary Research by the Commission:

1. Commission's Mandate to Conduct a Survey of Local Historical Resources: The Commission shall compile and collect information and conduct surveys of historic resources within the City of Dawsonville.

2. Commission's Power to Recommend Districts and Buildings to the City of Dawsonville City Council for Designation: The Commission shall present to the City of Dawsonville City Council recommendations for historic districts and properties.
3. Commission's Documentation of Proposed Designation: Prior to the Commission's recommendation of a historic district or historic property to the City of Dawsonville City Council for designation, the Commission shall prepare a Report for Nomination consisting of:
  - a. a physical description;
  - b. a statement of the historical, cultural, architectural and/or aesthetic significance;
  - c. a map showing district boundaries and classification (*i.e. contributing, non-contributing*) of individual properties therein, or showing boundaries of individual historic properties; and
  - d. representative photographs.

B. Designation of a Historic District:

1. Criteria for selection of historic districts: A Historic District is a geographically definable area, which contains buildings, structures, sites, objects, and landscape features or a combination thereof, which:
  - a. has special character or special historic/aesthetic value or interest;
  - b. represents one or more periods, styles or types of architecture typical of one or more eras in the history of the municipality, county, state or region; and
  - c. causes such area, by reason of such factors, to constitute a visibly perceptible section of the municipality or county.
2. Boundaries of a Historic District: Boundaries of a Historic District shall be included in the separate ordinances designating such districts and shall be shown on the Official Zoning Map of the City of Dawsonville and on the Historic Preservation Map, City of Dawsonville, Georgia.
3. Evaluation of properties within Historic Districts: Individual properties within historic districts shall be classified as:
  - a. Contributing (contributes to the district);
  - b. Non-contributing (does not contribute to the district, as provided for in B.1.)

C. Designation of a Historic Property:

1. Criteria for selection of Historic Properties: A Historic Property is a building, structure, site, or object; including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of value to the City of Dawsonville, the region or the State of Georgia for one of the following reasons:
  - a. it is an outstanding example of a structure representative of its era;
  - b. it is one of the few remaining examples of a past architectural style;
  - c. it is a place or structure associated with an event or persons of historic or cultural significance to the City of Dawsonville, State of Georgia, or the region; or
  - d. it is the site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the municipality, county, state or region.

D. Requirements for Adopting an Ordinance for the Designation of Historic Districts and Historic Properties:

1. Application for Designation of Historic Districts of Property: Designations may be proposed by the City of Dawsonville City Council, the Commission, or:
  - a. for historic districts – a historical society, neighborhood association or group of property owners may apply to the Commission for designation;
  - b. for historic properties – a historical society, neighborhood association or property owner may apply to the Commission for designation.
2. Required Components of a Designation Ordinance: Any ordinance designating any property or district as historic shall:
  - a. list each property in a proposed historic district or describe the proposed individual historic property;
  - b. set forth the name(s) of the owner(s) of the designated property or properties;
  - c. require that a Certificate of Appropriateness be obtained from the Commission prior to any material change in appearance of the designated property; and
  - d. require that the property or district be shown on the Official Zoning Map of the City of Dawsonville, the Historic Preservation Map of the City and be kept as a public record to provide notice of such designation.

3. **Require Public Hearings:** The Commission or the City of Dawsonville City Council shall hold a public hearing on any proposed ordinance for the designation of any historic district or property. Notice of the hearing shall be published in at least three (3) consecutive issues in the principle newspaper of local circulation, and written notice of the hearing shall be mailed by the Commission to all owners and occupants of such properties. All such notices shall be published or mailed not less than ten (10) nor more than twenty (20) days prior to the date set for the public hearing. A notice sent via the United States mail to the last-known owner of the property shown on the City tax digest and a notice sent via attention of the occupant shall constitute legal notification to the owner and occupant under this ordinance.
4. **Notification of Historic Preservation Division:** No less than thirty (30) days prior to making a recommendation on any ordinance designating a property or district as historic, the Commission must submit the report, required in Section Five A3, to the Historic Preservation Division of the Department of Natural Resources.
5. **Recommendations on Proposed Designations:** A recommendation to affirm, modify or withdraw the proposed ordinance for designation shall be made by the Commission within fifteen (15) days following the Public Hearing and shall be in the form of a resolution to the City of Dawsonville City Council.
6. **The City of Dawsonville City Council Actions on the Commission's Recommendation:** Following receipt of the Commission recommendation, the City of Dawsonville City Council may adopt the ordinance as proposed, may adopt the ordinance with any amendments they deem necessary, or reject the ordinance.
7. **Notification of Adoption of Ordinance for Designation:** Within thirty (30) days following the adoption of the ordinance for designation by the City of Dawsonville City Council, the owners and occupants of each designated historic property, and the owners and occupants of each structure, site or work of art located within a designated historic district, shall be given written notification of such designation by the City of Dawsonville City Council, which notice shall apprise said owners and occupants of the necessity of obtaining a Certificate of Appropriateness prior to undertaking any material change in appearance of the historic property designated or within the historic district designated. A notice sent via the United States mail to the last-known owner of the property shown on the City tax digest and a notice sent via United States Mail shall constitute legal notification to the owner and occupant under this ordinance.
8. **Notification of Other Agencies Regarding Designation:** The Commission shall notify all necessary agencies within the City of Dawsonville of the ordinance for designation.
9. **Moratorium on Applications for Alteration or Demolition while Ordinance for Designation is Pending:** If an ordinance for designation is being considered, the Commission shall have the power to freeze the status of the involved property.

## **Section 6. Application to Preservation Commission for Certificates of Appropriateness**

### A. Approval of Material Change in Appearance in Historic Districts or Involving Historic Properties:

After the designation by ordinance of a historic property of a historic district, no material change in the appearance of such historic property, or of a contributing or non-contributing building, structure, site or object within such historic district, shall be made or be permitted to be made by the owner or occupant thereof, unless or until the application for a Certificate of Appropriateness has been submitted to and approved by the Commission. A building permit shall not be issued without a Certificate of Appropriateness.

### B. Submission of Plans to Commission:

An Application for a Certificate of Appropriateness shall be accompanied by such drawings, photographs, plans and documentation as may be required by the Commission.

### C. Interior Alterations:

In its review of applications for Certificates of Appropriateness, the Commission shall not consider interior arrangement or use having no effect on exterior architectural features.

### D. Technical Advice:

The Commission shall have the power to seek technical advice from outside its members on any application.

### E. Public Hearings on Applications for Certificates of Appropriateness, Notices, and Right to Be Heard:

The Commission shall hold a public hearing at which each proposed Certificate of Appropriateness is discussed. Notice of the hearing shall be published in the legal organ of the City and written notice of the hearing shall be mailed by the Commission to all owners and occupants of the subject property. The written and published notice shall be provided in the same manner and time frame as notices are provided before a Public Hearing for Rezoning.

The Commission shall give the property owner and/or applicant an opportunity to be heard at the Certificate of Appropriateness hearing.

### F. Acceptable Commission Reaction to Applications for Certificate of Appropriateness:

Commission Action: The commission may approve the Certificate of Appropriateness as proposed, approve the Certificate of Appropriateness with any modifications it deems necessary, or reject it.

1. The Commission shall approve the application and issue a Certificate of Appropriateness if it finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property or the historic district. In making this determination, the Commission shall consider, in addition to any other pertinent factors, the following criteria for each of the following acts:

- a. Reconstruction, Alteration, New Construction or Renovation:

The Commission shall issue Certificates of Appropriateness for the above proposed actions if those actions conform in design, scale, building materials, setback and site features, and to the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

- b. Relocation: A Decision by the Commission approving or denying a Certificate of Appropriateness for the relocation of a building, structure, or object shall be guided by:

1. the historic character and aesthetic interest the building, structure or object contributes to its present setting.
2. whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be.
3. whether the building, structure or object can be moved without significant damage to its physical integrity.
4. whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, site or object.

- c. Demolition: A decision by the Commission approving or denying a Certificate of Appropriateness for the demolition of buildings, structures, sites, trees judged to be 50 years old or older, or objects shall be guided by:

1. the historic, scenic or architectural significance of the building, structure, site, tree or object.
2. the importance of the building, structure, site, tree, or object to the ambiance of a district.

3. the difficulty or the impossibility of reproducing such a building, structure, site, tree, or object because of its design, texture, material, detail, or unique location.
4. whether the building, structure, site, tree, or object is one of the last remaining examples of its kind in the neighborhood or the city.
5. whether there are definite plans for use of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be.
6. whether reasonable measures can be taken to save the building, structure, site, tree, or object from collapse.
7. whether the building, structure, site, tree, or object is capable of earning reasonable economic return on its value.

G. Undue Hardship:

When, by reason of unusual circumstances, the strict application of any provision of this Ordinance would result in the exceptional practical difficulty or undue economic hardship upon any owner of a specific property, the Commission, in passing upon applications, shall have the power to vary or modify strict provisions, so as to relieve such difficulty or hardship; provided such variances, modifications interpretations shall remain in harmony with the general purpose and intent of said provisions, so that the architectural or historical integrity, or character of the property, shall be conserved and substantial justice done. In granting variances, the commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this Ordinance. An undue hardship shall not be a situation of the person's own making.

H. Deadline for Approval or Rejection of Application for Certificate of Appropriateness:

1. The Commission shall approve or reject an application for a Certificate of Appropriateness within forty-five (45) days after the filing thereof by the owner or occupant of a historic property, or of a building structure, site, or object located within a historic district. Evidence of approval shall be by a Certificate of Appropriateness issued by the Commission. Notice of the issuance or denial of a Certificate of Appropriateness shall be sent by United States mail to the applicant and all other persons who have requested such notice in writing filed with the Commission.
2. Failure of the Commission to act within said forty-five (45) days shall constitute approval, and no other evidence of approval shall be needed.

I. Necessary Action to be Taken by Commission upon Rejection of Application for Certificate of Appropriateness:

1. In the event the Commission rejects an application, it shall state its reasons for doing so, and shall transmit a record of such actions and reasons, in writing, to the applicant. The commission may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. The applicant, if he or she so desires, may make modifications to the plans and may resubmit the application at any time after doing so.
2. In cases where the application covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of the application for a Certificate of Appropriateness by the Commission shall be binding upon the building inspector or other administrative officer charged with issuing building permits and, in such a case, no building permit shall be issued.

J. Requirement of Conformance with Certificate of Appropriateness:

1. All work performed pursuant to an issued Certificate of Appropriateness shall conform to the requirements of such certificate. In the event work is performed not in accordance with such certificate, the Commission shall issue a cease and desist order and all work shall cease.
2. The Commission and the City of Dawsonville City Council shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in appearance of a designated historic property or historic district, except those changes made in compliance with the provisions of this ordinance or to prevent any illegal act or conduct with respect to such historic property or historic district.

K. Certificate of Appropriateness Void if Construction not Commenced:

A Certificate of Appropriateness shall become void unless construction is commenced within six (6) months of date of issuance. A Certificate of Appropriateness shall be issued for a period of eighteen (18) months and is renewable.

L. Recording an Application for Certificate of Appropriateness:

The Commission shall keep a public record of all applications for Certificates of Appropriateness and all of the Commission's proceedings in connection with said application.

M. Acquisition of Property:

The Commission may, where such action is authorized by the City of Dawsonville City Council and is reasonably necessary or appropriate for the preservation of a unique

historic property, enter into negotiations with the owner for the acquisition by gift, purchase, exchange, or otherwise, to the property or any interest therein.

N. Appeals:

Any person adversely affected by any determination made by the Commission relative to the issuance or denial of a Certificate of Appropriateness may appeal such determination to the City of Dawsonville City Council. Any such appeal must be filed with the City of Dawsonville City Council within fifteen days after the issuance of the determination pursuant to Section Six H1 of this Ordinance or, in the case of a failure of the Commission to act, within fifteen days of the expiration of the forty-five day period allowed for the Commission action pursuant to Section Six H2 of this Ordinance. Appeals for properties within the City of Dawsonville shall be made to the City of Dawsonville City Council. The City of Dawsonville City Council may approve, modify, or reject the determination made by the Commission, if the governing body finds that the Commission abused its discretion in reaching its decision. Appeals from decisions of the City of Dawsonville City Council may be taken to the Superior Court of Dawson County by petition for writ of certiorari.

**Section 7. Maintenance of Historic Properties and Buildings and Zoning Code Provisions**

A. Ordinary Maintenance or Repair:

Ordinary Maintenance or repair of any exterior architectural or environmental feature in or on a historic property to correct deterioration, decay, or to sustain the existing form, and that does not involve a material change in design, material or outer appearance thereof, does not require a Certificate of Appropriateness.

B. Failure to Provide Ordinary Maintenance or Repair:

Property owners of historic properties or properties within historic districts shall not allow their buildings to deteriorate by failing to provide ordinary maintenance or repair. The Commission shall be charged with the following responsibilities regarding deterioration by neglect.

1. The Commission shall monitor the condition of historic properties and existing buildings in historic districts to determine if they are being allowed to deteriorate by neglect. Such conditions as broken windows, doors and exterior openings which allow the elements and vermin to enter, or the deterioration of a buildings structural system shall constitute failure to provide ordinary maintenance or repair.
2. In the event the Commission determines a failure to provide ordinary maintenance or repair, the Commission will notify the owner of the property and set forth the steps which need to be taken to remedy the situation. The owner of such property will have thirty (30) days in which to do this.

3. In the event that the condition is not remedied in thirty (30) days, the owner shall be punished as provided in Section Eight of this Ordinance and, at the direction of the City of Dawsonville City Council, the Commission may perform such maintenance or repair as is necessary to prevent deterioration by neglect. The owner of the property shall be liable for the cost of such maintenance and repair performed by the Commission.

C. Affirmation of Existing Building and Zoning Codes:

Nothing in this Ordinance shall be constructed as to exempt property owners from complying with existing City building and zoning codes, nor prevent any property owner from making any use of this property not prohibited by other statutes, ordinances or regulations.

**Section 8. Penalty provisions**

Violations of any provisions of this article shall be punished in the same manner as provided for punishment of violations of other validly enacted ordinances of the City.

**Section 9. Severability**

In the event that any section, subsection, sentence, clause or phrase of this article shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses or phrases of this article, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof.

**Section 10. Boundaries of local historic districts**

A. *Official historic preservation map.*

1. The boundaries of various historic districts and properties shall be shown on a map of the City of Dawsonville entitled "Historic Preservation Map, City of Dawsonville, Georgia" and shall be amended thereafter by the City of Dawsonville City Council from time to time in conformance with this Code.
2. The existing "Historic Preservation Map, City of Dawsonville, Georgia" is hereby incorporated and adopted as the official historic districts and property map and is hereby made a part of this Code, and all notations, references and other information shown on it shall be a part of this Code.
3. The official historic preservation map, as adopted by the City of Dawsonville City Council and subsequently amended by its action, shall be maintained by the historic preservation staff of the City of Dawsonville.
4. The official historic preservation map shall be printed and available to the public.

B. *Changes to the official historic districts and property map.* Changes to the official historic preservation map shall be made in accordance with provisions listed herein.

**Section 11. Effective date**

This article shall become effective immediately upon its adoption by the City Council of Dawsonville, Georgia.

Passed, adopted and ordained this 3<sup>rd</sup> day of November, 2014.

**CITY OF DAWSONVILLE, GEORGIA**

By: W James Grogan  
W. James Grogan, Mayor

Mike Sosebee  
Mike Sosebee, Council Member

Angie Smith  
Angie Smith, Council Member

ATTESTED TO BY:

Bonnie Warne  
Bonnie Warne, City Clerk

Jason Power  
Jason Power, Council Member

Chris Gaines  
Chris Gaines, Council Member