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ORDINANCE NO.: _____

CITY OF DAWSONVILLE LAND USE & ZONING ORDINANCE

**Approved and Adopted by the Mayor and City Council of Dawsonville,
Georgia
JULY 19, 2004**

ZONING ORDINANCE
OF
DAWSONVILLE, GEORGIA

Ordinance Number: _____

ORIGINAL SIGNED BY MAYOR & COUNCIL MEMBERS

DAWSONVILLE MAYOR AND CITY COUNCIL

JOE LANE COX, MAYOR
MIKE SOSEBEE
MIKE WILSON
JONATHAN COX
TIM WIMPEY
BETTY CLOER, City Clerk

For Public Hearing July 19, 2004

Approved and Adopted by
THE MAYOR AND CITY COUNCIL OF THE CITY OF DAWSONVILLE

JULY 19, 2004

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ZONING ORDINANCE
CITY OF DAWSONVILLE GEORGIA

AN ORDINANCE REPEALING THE ZONING ORDINANCE OF THE CITY OF DAWSONVILLE, GEORGIA ADOPTED ON JUNE 2, 2003, AS AMENDED, AND ADOPTING A NEW ZONING ORDINANCE FOR THE CITY OF DAWSONVILLE, GEORGIA FOR THE PURPOSE OF REGULATING THE LOCATION, HEIGHT, BULK, NUMBER OF STORIES AND THE SIZE OF BUILDINGS AND STRUCTURES; THE AMOUNT OF LOT WHICH MAY BE OCCUPIED; THE SIZE OF YARDS, COURTS, AND OTHER OPEN SPACE; THE DENSITY AND DISTRIBUTION OF POPULATION; THE USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY, COMMERCE, RESIDENCE, RECREATION, AGRICULTURE, CONSERVATION, WATER SUPPLY, SANITATION, PUBLIC ACTIVITIES, AND OTHER PURPOSES; CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT: DEFINING THE POWERS AND DUTIES OF THE PLANNING COMMISSION, BOARD OF APPEALS, HISTORIC COMMISSION, BUILDING INSPECTOR, AND GOVERNING AUTHORITY; PROVIDING PENALTIES FOR VIOLATION; REPEALING CONFLICTING REGULATIONS; AND FOR OTHER PURPOSES.

"This document has been approved as to its legal form and sufficiency by the legal counsel of the local government prior to its adoption."

ARTICLE I

PREAMBLE AND ENACTMENT CLAUSE

Pursuant to the authority conferred by the 1983 Georgia State Constitution, Article IX, Section II, Paragraph IV, and for the purpose of promoting the health, safety, convenience, order, prosperity, and general welfare of the present and future inhabitants of the City of Dawsonville and the State of Georgia, including among other purposes the lessening of congestion in the streets; securing safety from fire, flood, panic, and other dangers; promoting health and the general welfare; providing adequate light and air; preventing the overcrowding of land and avoiding both undue concentration of population and urban sprawl; facilitating the adequate provision of transportation, water, sewerage service, schools, parks, and other public requirements; promoting such distribution of population, classification of land uses, distribution of land uses and distribution of land development and utilization as will tend to facilitate and promote desirable living conditions and the sustained stability of neighborhoods; preserving buildings, structures and uses in areas having national, regional, state or local historic or environmental significance; improving the aesthetic appearance of the City; protecting property against blight and depreciation; securing economy in governmental expenditures; conserving the value of buildings; and encouraging the most appropriate use of land, buildings and structures throughout the City of Dawsonville, all in accordance with a comprehensive plan for the development of the

City of Dawsonville, the City Council does hereby ordain and enact into law the following Articles and Sections.

ARTICLE II

SHORT TITLE

These regulations shall be known and may be cited as the "Zoning Ordinance of the City of Dawsonville."

ARTICLE III

DEFINITIONS OF TERMS USED IN ORDINANCE

Section 301. Definitions.

When used in this Ordinance, the following words and phrases shall have the meaning given in this Article. Terms not herein defined shall have their customary dictionary definitions where not inconsistent with the context. The term "shall" is mandatory. When not inconsistent with the context, words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the future.

Abutting: Having property or district lines in common, or having property separated by only an alley. Separation by a street right-of-way is not considered abutting.

Accessory Building or Use: A building or use which: is subordinate to and serves a principal building or principal use; is subordinate in area, extent, or purpose to the principal building or use served; contributes to the comfort, convenience or necessity of occupants of the principal building or principal use; and is located on the same lot as the principal building or principal use.

Agriculture: The cultivation or growth of a field or horticultural crop, including dairying, livestock and poultry raising, farm forestry, and other similar enterprises or uses.

Airport: Any area of land, water or mechanical structure which is used for the landing and take off of aircraft, including any appurtenant structures and areas which are used or intended to be used for airport buildings, other airport facilities, rights-of-ways or easements.

Alley: A private or public thoroughfare, which affords only a secondary means of access to a building or abutting property and is not intended for general traffic circulation.

Alteration: Any change in the supporting members of a building, any modification or change in construction, any addition which increases the area or height, any change in

use from that of one district classification to another, or movement of a building from one location to another.

Animal Hospital: A facility operated by a licensed veterinarian specifically for the practice of veterinary medicine.

Antique Shop: A store or shop for the sale of relics, objects of ancient times or of an earlier period, works of art, pieces of furniture or decorative objects made at a much earlier period than present.

Apartment House: A multi-family dwelling located on a parcel of land under a single ownership, designed for use by three or more housekeeping units, living independently of each other, and doing their own cooking on the premises.

Architectural Features, Exterior: The architectural style, general design and general arrangement of the exterior of a building or other structure, 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 foregoing.

Appeals Board: The Planning and Zoning Commission will hear all appeals.

Area of Shallow Flooding: A designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Art Gallery: A facility, structure or building used for the display of sculptures, paintings, photographs or other artistic works for public viewing with only incidental sales.

Automated Teller: An accessory facility through which certain banking functions such as deposits and withdrawals can be completed without the personal assistance of a bank employee.

Bakery, Bake Shop: The use of a structure or building for the production and retail sale of bakery products, including but not limited to breads, cakes, pastries and doughnuts. Wholesale bakeries are not included in this definition.

Basement: That portion of a building located wholly or partly underground but having less than one-half of its height above the grade.

Bed and Breakfast Inn: A dwelling unit, or portion thereof, where short-term lodging rooms, with or without meals, are provided for compensation, and where the operator of the inn resides on the premises.

Berm: An earthen structure used as a screening device in conjunction with the planting of grass, shrubbery and trees.

Boarding House: A building, where for compensation, both lodging and meals are provided for persons, provided that a single family dwelling shall not be deemed to be a boarding house by reason of a contribution to or expense sharing arrangement with the owner or tenant occupying the dwelling by a person related by blood or marriage.

Broadcasting Studio: A room or suite or rooms operated as a radio or television broadcasting studio or station with local broadcast capability or intended for satellite distribution of programs.

Buffer: A landscaped open space and/or screen located between incompatible land uses for the purpose of visibly separating uses through distance and to shield or block noise, light, glare, or visual or other nuisances; that portion of a given lot, not covered by buildings, pavement, parking, access and service areas, established for the purpose of screening and separating properties with incompatible land uses, the width of which is measured from the common property line and extending the developed portion of the common property line. A buffer consists of trees, shrubs and other natural vegetation undisturbed by grading or site development and replanted where sparsely vegetated or where disturbed for approved access and utility crossings.

Buildable Area: The portion of a lot remaining after required yards, buffers and building setbacks have been provided, where construction of principal buildings is permitted.

Building: Any structure, either temporary or permanent, above or below ground, having a roof or other covering, and designed, built, or used as a shelter or enclosure for persons, animals, or property of any kind, including tents, awnings, or vehicles used for purposes of a building.

Building Addition: Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

Building, Elevated: A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

Building Official: The City Clerk or Building Official shall act as the administrative officer of the City of Dawsonville, or his authorized representative.

Building, Principal: A building or structure in which is conducted the main use of the property on which the building or structure is located. In any residential district, any structure containing a dwelling unit shall be defined to be the principal building on the lot on which said structure is located.

Building Setback Line: A line establishing the minimum allowable distance between the main or front wall of a building, including any covered porches, and the street right-of-way or property line when measured perpendicularly thereto. In the case of corner lots or double frontage lots, front yard requirements shall be observed for those areas adjacent to street right-of-ways.

Bulk: A term used to describe the size and shape of a building or structure and its relationship to other buildings, to the lot area for a building and to open spaces and yards.

Bus Terminal: An area and building where buses stop to load and unload passengers and luggage or packages and which may include the sale of bus tickets.

Campground: Land containing two (2) or more campsites which are located, established or maintained for occupancy by people in temporary lodging units such as camp tents, or cabins, for recreation, education or vacation purposes.

Car Wash: An establishment engaged in the business of washing domestic vehicles with self serve, automated or staffed facilities.

Carport: An accessory structure or portion of a principal structure, consisting of a roof and supporting members such as columns or beams, unenclosed from the ground to the roof on at least two (2) sides, and designed or used for the storage of motor vehicles or boats.

Cemetery: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, but not including crematories and mortuaries.

Centerline of Street: That line surveyed and monumented by the Governing Body and designated as the center of a public street. If a centerline has not been surveyed, it shall be the line running midway between the outside curbs, ditches or pavement ends of such street.

Certificate of Occupancy: A legal statement or document issued by the Building Official indicating that the building and use or reuse of a particular building or land is in conformity with all applicable codes and regulations, and that such building or land may be occupied for the purpose stated therein.

Church: An institution that people regularly attend to participate in or hold religious services, meeting and other purposes, including education, day care and recreation facilities when owned and operated by such church.

Circus: The temporary use of land offering entertainment and instruction in the form of such things as thrill rides, games of chance and skill, educational exhibits, display of oddities and the like. The term also includes carnivals and fairs.

City Engineer: The Engineer of the City of Dawsonville, or his authorized representative.

Clinic: A building designed and used for the diagnosis and treatment of patients that does not include overnight care facilities.

Club: A building or facilities owned or operated by a group for social, educational or recreational purposes, but not customarily for profit or to render a service that is customarily carried on for gain.

College: A degree-granting establishment, accredited or qualified, which provides formal academic education and generally requiring for admission at least a high school diploma or equivalent academic training. Accessory uses under this definition include but are not limited to dormitories, cafeterias, bookstores, research facilities, sports facilities and auditoriums.

Commercial-Residential Group Project: One or more buildings containing both a permitted commercial operation(s) and a residential use(s) within such building(s). It is typically characteristic of a commercial-residential group project to have the residential unit or units occupied by the owners, operators, lessees, or employees of the shop, business or office which occupies the same building or project.

Compatibility: The characteristics of different uses or activities that permit such uses or activities to be located near each other in harmony and without conflict. Some elements affecting compatibility include: intensity of occupancy as measured by dwelling units per acre or gross square footage per acre; pedestrian or vehicular traffic generated; volume of goods handled, and such environmental affects as noise, vibration, odor, glare, air pollution or radiation.

Comprehensive Plan: Those coordinated plans or portions thereof which have been prepared by or for the Governing Body for the physical development of the jurisdiction; or any plans that designate plans or programs to encourage the most appropriate use of the land in the interest of public health, safety and welfare.

Conditional Use: A use which would not be appropriate without restriction throughout a zoning district and is not automatically permitted by right within a zoning district, but which may be permitted within a zoning district subject to meeting specific conditions (such as controls on number, size, area, location and activities) contained in these regulations or required by the Governing Body in accordance with the regulations established herein.

Conditional Zoning: The granting or adoption of zoning for property subject to compliance with restrictions as to use, size, density or actions stipulated by the Governing Body to mitigate adverse impacts that are anticipated without imposition of such conditions.

Condominium (Residential Building): A building or complex of multiple-unit dwellings in which a tenant holds full title to his unit and joint ownership in the common grounds.

Contractor's Establishment: An establishment engaged in the provision of construction activities including but not limited to plumbing, electrical work, building, paving, carpentry and other such contracting activities, including the storage of materials and the overnight parking of commercial vehicles.

Convalescent Home: A home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, wherein two (2) or more persons are professionally cared for.

Convenience Store: A small retail store, 5,000 square feet or less, which sells convenience items as its primary sales. A convenience store may include the sale of gasoline and diesel fuel but such sales shall be accessory to the primary sale of convenience goods.

Conversion: Any change in the original use or purpose of a building or lot to a different use.

Cul-de-sac: A street having one end open to traffic and being permanently terminated by a vehicular turn-around.

Curb Cut: A provision for vehicular ingress and/or egress between property and an abutting public street.

Day Care Center: A childcare facility, pre-kindergarten, play or other special school for young children (other than at public or private elementary schools) providing, for compensation, care and maintenance to seven (7) or more children under age 17 for a period of twelve (12) hours or less, typically during normal daytime hours. A day care center of six (6) children or less is considered to be a home occupation.

Deciduous: Falling off or shedding seasonally or at a certain stage of development in the life cycle.

Density: The number of dwelling units developed, or to be developed, per gross acre of land, or the gross square footage of a building per acre of land.

Department Store: A retail facility which offers the sale of various goods and merchandise and serves a regional market as opposed to a facility serving only neighborhood markets. A Department Store is typically at least 40,000 square feet in area and serves as an anchor for smaller retail stores and shops, usually located in a shopping mall or center.

Development: Any man-made change or improved or unimproved real estate including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or permanent storage of materials or equipment.

Developmentally Disabled Person: A person with a disability resulting in substantial functional limitations in such person's major life activities which disability is attributable to mental retardation, cerebral palsy, epilepsy, or autism or is attributable to any other condition related to mental retardation because such condition results in impairment of general intellectual functioning or adaptive behavior similar to that of mentally retarded persons.

District, Zoning: A geographical area or areas, designated with the use of symbols on the Official Zoning Map, wherein uses of land are restricted in type, size, height and other limitations as established in these regulations.

Dormitory: A building that is owned and/or operated by an educational institution, the primary purpose of which is to provide living accommodations for individuals associated with the institution, but which does not include individual kitchen facilities.

Drive-in: A retail or service enterprise wherein service is provided to the customer within a motor vehicle on the outside of the principal building.

Drive-in Theater: A facility designed for the outdoor projection of motion pictures onto a permanent screen to be viewed from the patron's auto.

Dry Cleaners: An establishment engaged in providing laundry, dyeing and dry cleaning services to individual customers.

Dry Cleaning Plant: An establishment engaged in providing laundry, dyeing and dry cleaning services on a large scale for institutions, businesses or other such establishments.

Dwelling: A building, other than a manufactured home or house trailer, designed, arranged or used for permanent living, and/or sleeping quarters.

Dwelling Unit: A building, or portion thereof, designed, arranged and used for living quarters for one (1) or more persons living as a single housekeeping unit with cooking facilities, but not including manufactured homes and units in hotels or other structures designed for transient residence.

Dwelling, Multi-Family: A building designed for or occupied exclusively by two (2) or more single housekeeping units with separate kitchen or house-keeping facilities for each family or housekeeping unit, including apartments, duplexes, row houses, condominiums, town houses, and similar housing types but not including motels, hotels, lodging houses, hospitals, nursing homes, or public institutions such as prisons and mental institutions.

Dwelling, Single-Family: A building designed or arranged to be occupied by one (1) single housekeeping unit only.

Easement: A non-possessory interest in land; a grant by a property owner for the use by the public, a corporation or persons, of a portion of land for a specified purpose or purposes.

Exterminator: An establishment engaged in the service of killing insects, mice, rats or other pests.

Facade: The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Family: An individual, or two (2) or more persons related by blood, marriage, adoption or

guardianship, or a group of not more than four (4) unrelated persons, occupying a single dwelling unit and using the same cooking facilities; provided however that domestic servants employed on the premises may be housed on the premises without being counted as a separate family or families. Any group which is licensed by the State of Georgia, or any political subdivision thereof, which contains up to six developmentally disabled persons and up to two supervisors or surrogate parents residing on the premise at one time shall constitute a family.

Farm: An area of land principally devoted to agriculture.

Farm Supply Store: An establishment engaged in the retail sale of animal feeds, fertilizers, agricultural chemicals, pesticides, seeds and other such farm supplies.

Fence: A structural barrier for enclosure, screening or demarcation, presenting a solid face or having openings amongst or between its constituents members; also, a wall separate from or extending from a building.

Flea Market: The use of land, structures or buildings for the sale of produce or goods, usually second or cut-rate.

Flood, Base: The flood having a one percent chance of being equaled or exceeded in any given year, also known as the one hundred year flood.

Flood, Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Hazard Area, Special: Special flood hazard areas are those lands subject to periodic flooding and shown on the Flood Insurance Rate Map and/or Flood Hazard Boundary Map as a numbered or unnumbered "A" zone, subject to a one percent or greater chance of flooding in any one given year.

Flood Hazard Boundary Map (FHBM): An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A.

Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study: The official report provided by the Federal Insurance Administration containing flood profiles as well as the Flood Hazard Boundary-Floodway Map and the water surface elevation of the base flood.

Flood Proofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood Plain: An area within the flood contour elevations subject to periodic flooding as designated by federal, state, regional, county or local studies.

Flood Way: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor: The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Floor Area: The gross heated, finished horizontal area of the floor or floors of a dwelling unit, exclusive of basement, attic, carport or garage.

Floor, Habitable: Any floor usable for living purposes, which includes sleeping, working, eating, cooking or recreation, or a combination thereof. A floor used for storage only is not a habitable floor.

Floor, Lowest: The floor of least elevation including basement and garage.

Funeral Home: A building or part thereof used for human funeral services, which may contain space and facilities for: embalming and the performance of other services used in preparation of the dead for burial; performance of autopsies; storage of caskets; and chapel services.

Furniture Finishing and Repair: An establishment engaged in the stripping, cleaning, painting, staining, sealing, varnishing, or other like refinishing of the wood or metal components of furniture or the replacement or repair of broken or missing portions of a piece of furniture.

Garage: An accessory building or portion of a principal building used only for the private storage of motor vehicles and other personal property as an accessory use.

Glare: A sensation of brightness within the visual field that causes annoyance, discomfort, or loss in visual performance and visibility.

Governing Body: The Mayor and City Council of the City of Dawsonville, duly elected by the citizens within the jurisdiction.

Grade: The average of the finished ground levels at the center of all walls of a building.

Greenhouse: A building designed or used for growing or propagating plants, with walls or roof usually designed to transmit light. Greenhouses shall not be construed to include commercial horticultural activities.

Guest House: A lodging unit for temporary guests in an accessory building. No such lodging unit shall contain independent cooking or kitchen facilities and shall not be rented or otherwise used as a separate dwelling.

Height, Building: The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the decklines of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof.

Heliport: An area, either at ground level or elevated on a structure, licensed or approved for the landing and take off of helicopters, and including auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

Helistop: A heliport, but without auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

Historic Commission: The Planning Commission shall serve as the Historic Commission for all purposes under this Ordinance.

Historic Structure: Any structure that is: listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior, or directly by the Secretary of the Interior in states without approved programs.

Home Occupation: Any use, occupation or activity conducted entirely within the dwelling by the residents thereof, which is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof, and in connection with which there is no display, no stock-in-trade nor commodity sold or stored on the premises; and where only those persons residing on the premises are employed specifically in connection with the home occupation. Provided further, that no mechanical equipment is installed or used except such as is normally used for domestic purposes.

Hospital: An institution providing health services, for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patients department, training facilities, central service facilities and staff offices.

Hotel: A public commercial lodging facility intended for use as temporary residence including meals, entertainment and various personal services provided for compensation to persons traveling for business, tourism or other visitation purposes in which ingress and egress from all rooms is made through an inside lobby or office supervised by a person in charge at all hours.

Household Pet: An animal which is customarily kept for company or pleasure within a home or yard which is not exhibited to the public, nor raised for commercial purposes. Household pets include domestic canines, felines, tropical birds, fish, rabbits, rodents and other animals customarily sold in pet stores.

Inoperable Vehicle: Any motorized vehicle, other than those vehicles temporarily disabled, incapable of immediately being driven. Any motorized vehicle without a current vehicle registration tag shall be considered an inoperable vehicle.

Junk/Salvage Yard: Any property involving the abandonment, parking, storage or disassembly of junked or inoperable vehicles or junked machinery, the abandonment, storage, sale, or resale of used auto parts, tires, scrap iron, metal, used plumbing fixtures, old stoves, refrigerators and/or other old household appliances, used brick, wood, or other building/structural materials, used paper, rags or other scrap materials.

Kennel: The housing, breeding, boarding or training of four (4) or more dogs, cats, or other domestic animals, whether or not it is operated for the purpose of providing income or revenue.

Laboratory: A place devoted to experimental study, such as testing and analyzing, but not including the manufacturing of product or products.

Land-Disturbing Activity: Any grading, scraping, excavating, or filling of land; clearing of vegetation; any other alteration of land which causes land and stream bank erosion, siltation or water pollution; and any construction, rebuilding or alteration of a structure.

Landfill: An area wherein solid wastes are placed, compacted and covered but specifically excluding hazardous or radioactive wastes.

Landscape Strip: That portion of a given lot, not covered by buildings, pavement, parking, access and service areas, established as landscaped open space, the width of which is measured from a given property line and extending the developed portion of the property line. A landscape strip, as distinguished from a buffer, may be disturbed by grading or side development but shall be maintained as landscaped open space. A landscape strip may consist of grass lawns, decorative planting, berms, walls, fences or other approved features designed and arranged to produce an aesthetically pleasing effect within and outside of the development.

Landscaping: Changing, rearranging or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by moving the earth, as well as preserving the original vegetation.

Landscaping Service: An establishment engaged in performing a variety of lawn and landscaping services such as lawn fertilizing, mowing, spraying and planting, and the planting and maintenance of landscaping.

Laundromat: A business that provides home-type washing and drying machines for hire to be used by customers on the premises.

Library: A building in which literary, musical, artistic or reference materials are kept for use but not generally for sale.

Loading and Unloading Space: A space, typically with dimensions of twelve (12) feet by sixty (60) feet, logically and conveniently located for pickups and/or deliveries or for loading and/or

unloading, scaled to delivery vehicles to be used, and accessible to such vehicles.

Lodging House: A fraternity house, sorority house, dormitory, or other such building designed and occupied, with or without separate kitchen or housekeeping facilities for each unit.

Lot: A parcel of land occupied or capable of being occupied for a use, by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same, and having principal frontage on a public street; a developed or undeveloped tract of land in one ownership legally transferable as a single unit of land.

Lot Area: The total horizontal area within the lot lines of a lot, exclusive of public street right-of-ways.

Lot, Corner: A lot abutting upon two or more streets at their intersection.

Lot Coverage: The part or percent of a lot occupied by buildings and structures, including accessory buildings and structures, but not including unenclosed parking areas.

Lot Depth: The mean horizontal distance from the front lot line to the rear lot line.

Lot, Double Frontage: Any lot, other than a corner lot, which has frontage on two (2) streets that do not intersect at a point abutting the property.

Lot, Flag: A tract or lot of land of uneven dimensions in which the portion fronting on a public street is less than the required minimum width for construction of a building or structure on that lot.

Lot Frontage: The width in linear feet of a lot where it abuts the right-of-way of any public street.

Lot of Record: A lot which is part of a subdivision, a plat of which has been recorded in the records of the County Superior Court Clerk; or a parcel of land, the deed of which has been recorded in the same office.

Lot Width: The horizontal distance between side lot lines measured at the minimum required front yard (regulatory front building set back) line.

Mail Order Office: An establishment which engages in the taking of requests for mail order or

catalog merchandise by telephone, but not including the storage or distribution of such merchandise. The establishment where orders are picked up or taken in person is not considered a mail order office.

Manufacturing, Processing and Assembling: The mechanical or chemical transformation of materials or substances into new products. The land uses engaged in these activities are usually described as plants, factories or mills and characteristically use power driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this definition if the new product is neither a fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastic resins or liquors.

Marina: A facility for storing, servicing, fueling and securing and launching of boats and other private pleasure craft.

Marquee: A permanent roof-like structure made of metal or other durable material affixed to the wall of a building.

Material Change in Appearance: A change that will affect either the exterior architectural or environmental features of a historic property or any building, structure, site, object, landscape feature or work of art within a historic district.

Metes and Bounds: A system of describing and identifying land by distances or measures (metes) and bearings or direction (bounds) from an identifiable point of reference, such as a monument or other marker or the corner of intersecting streets.

Mini-Warehouse: A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized stalls or lockers used for storage, including accessory office and/or night watchman's residence, but not including retail sale on the premises, commercial repair or other services, manufacturing or any other commercial use.

Manufactured Home: A new or used, currently or formerly transportable structure, equipped or used now or previously for residential purposes, originally constructed to be

towed on its chassis and suitable for year-round occupancy and containing the same water supply, waste disposal, and electrical conveniences as in manufactured housing. It can consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or two or more units separately towable but designed to be joined only by incidental hookups, but excluding motorized homes; Or a structure transportable in one or more sections built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning (if any), and electrical systems contained therein; Or that certain type of manufactured housing which is regulated by the Georgia Department of Community Affairs, including any structure or component whereof wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for ultimate installation or assembly on a building site and has been manufactured in such a manner where all parts cannot be inspected at the installation site without disassembly, damage to, or destruction thereof; Or a factory-fabricated home built in one or more sections, which must adhere to a national code for construction.

Manufactured Home Park: A parcel of land or any portion thereof under single ownership, which has been designed, planned, or improved for the placement of two or more manufactured homes for residential use, including land, buildings, and facilities used by the occupants of manufactured homes on such property.

Manufactured Home Space: A parcel of land within a manufactured home park that is reserved or leased for the placement of an individual manufactured home and accessory structures for the exclusive use of its occupants.

Modular Home: Any structure or component thereof, designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation, or assembly and installation, on the building site, and which is designed and constructed to conform to the local building code rather than a national housing or construction code.

Motel: A public commercial lodging facility intended for use as temporary residence including meals, entertainment and various personal services provided for compensation to persons traveling for business, tourism or other visitation purposes, distinguished from a hotel in that ingress and/or egress to and from all rooms is made primarily from an exterior walkway rather than from an interior lobby.

Museum: An establishment engaged in the procurement, care, study, and display of objects of historical, educational and cultural value and interest.

New Construction: Any structure for which the building permit was obtained or construction starts after the effective date of these regulations. The term also includes any subsequent improvements to such structure.

Non-Conforming Lot: A lot, the area, width, or other characteristic of which fails to meet requirements of the zoning district in which it is located and which was of record as of July 5, 2004. Any lot, which was subsequently annexed into the Dawsonville City limits, which does not meet the requirements of the particular zoning district shall also be considered a non-conforming lot.

Non-Conforming Structure: Any building or structure which does not conform to the regulations governing the bulk, location, height or size of buildings or structures permitted in the district.

Non-Conforming Use: Any building or use of land or building lawfully existing at the effective date of these regulations or as a result of subsequent amendments to these regulations, which does not conform to the permitted use provisions established herein for the district in which it is located.

Nuisance: Anything that interferes with the use or enjoyment of property, endangers public health or safety, or is offensive to the senses.

Nursing Home: Any building in which aged, chronically ill or incurable persons are housed and furnished with meals and professional nursing care for compensation, but not including hospitals and mental health institutions.

Office: A building or portion thereof wherein services are performed involving predominantly administrative, professional or clerical operations and not involving retail sales or other sales of any kind on the premises.

Official Zoning Map: The map, which accompanies the zoning ordinance text, that delineates the geographic location of the boundaries of zoning districts established in this ordinance in relation to natural features, man-made features and/or property uses.

Open Air Business: Any commercial establishment that displays products in a non-enclosed area.

Open Space, Landscaped: That portion or portions of a given lot, not covered by buildings, pavement, parking, access and service areas, set aside and maintained as a buffer, landscape strip or other approved open area.

Outdoor Display, Outdoor Storage and Outdoor Sales: The keeping, in an unenclosed area, of any goods, junk, material or merchandise in front of a business,

building or establishment or in an area visible from a public street, for display, advertisement or purposes for attracting rental or sales. Such definition shall not be construed as to include the temporary loading or unloading of such goods, junk, material or merchandise to or from an enclosed area in which the period of time of storage is less than twenty-four hours and said items are not offered for attracting rental or sales during the temporary storage period. Further, this definition shall not include outdoor display, storage and sales in non-residential zones of the City of Dawsonville, provided that: (1) the display, storage and sales are to be conducted by nonprofit organizations; (2) said nonprofit organizations must be civic or religious entities which maintain a local organization located within the boundaries of Dawson County, Georgia; (3) the nonprofit organization must have received a permit from the City of Dawsonville and countersigned by the Sheriff of Dawson County for this activity at least thirty (30) days in advance of the date upon which sales will occur; and (4) the display, storage and sales are not conducted upon any public road and are not conducted on a door-to-door basis.

Parking Lot: Any public or private open area used for the express purpose of temporary storage of private motor vehicles. A parking lot may be the principal use on a given lot or an accessory use to the principal use on a given lot.

Parking Space: An area having typical dimensions of not less than nine (9) feet by twenty (20) feet and three hundred (300) square feet including maneuvering space within a parking lot, to be used exclusively as a temporary storage space for a motor vehicle.

Permitted Use: A use by right which is specifically authorized in a particular zoning district.

Person: An individual, firm, partnership, corporation, company, association or institution, including any trustee, assigns or other representative.

Personal Care Home: A dwelling in which the aged or infirmed persons are boarded and receive personal care on a 24-hour basis, but not including professional treatment.

Photography Studio: An establishment engaged in photography for the general public, including but not limited to portrait, passport, wedding and other special occasion photographs.

Planned Unit Development: A form of development usually characterized by a unified site design for a number of housing units, clustered buildings, common open space, density increases, and a mix of building types and land uses.

Planning Commission: The Dawsonville Planning Commission as established in this Ordinance.

Premises: A lot as otherwise used in this Ordinance.

Public Use: Any building, structure or use owned and/or operated by the Federal Government, State of Georgia, Dawson County or other county, the City of Dawsonville or other municipality, or any authority, agency, board or commission of the above governments, which is necessary to serve a public purpose, such as but not limited to the following: government administrative buildings, police and fire stations, public health facilities and hospitals, public works camps, parks and intake, collection and treatment and pumping facilities, public housing facilities, jails and correctional centers.

Recreation Facility, Commercial: A use of land involving some form of recreational activity or activities operated as a business and open to the public for a fee.

Recreational Vehicle: A vehicular type portable structure which can be towed, hauled or driven and is primarily designed as temporary living accommodations for recreational, camping and travel uses.

Recreational Vehicle (RV) Park: Any lot of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy on a temporary basis by recreational vehicles of the general public as temporary living quarters by campers, vacationers or travelers.

Recycling Collection Center: A principal or accessory use that serves as a neighborhood or regional drop-off point for temporary storage of recoverable resources such as cans, bottles and newspapers, but specifically excluding processing of such resources.

Recycling Plant: A facility in which recoverable resources such as cans, bottles and newspapers are recycled, reprocessed and treated to return such products to a condition in which they may again be used in packaging or for production.

Rehabilitation: The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions of the property which are significant to its historic, architectural and cultural values.

Rehabilitation Center: Facilities authorized or licensed by appropriate agencies for the primary purpose of rehabilitation of: offenders against the law; persons with drug or alcohol abuse problems; mentally handicapped; and physically handicapped.

Residence For Caretaker or Night Watchman: An accessory residence, which may be a manufactured home, located inside or in addition to the principal structure or use of a parcel of land, designed or occupied by security personnel for security reasons only.

Residential District: Any Residential Zoning District as indicated on the Official Zoning Map.

Restaurant: Any place or premises used for sale, dispensing or service of food, refreshment or beverages.

Restaurant, Drive-in: Any place or premises used for sale, dispensing or service of food, refreshment or beverage to person(s) in auto, including those establishments where customers may eat or drink on the premises.

Rezoning: An amendment to or a change in the official zoning map.

Right-of-Way: That area, distinguished from an easement, which is owned in fee-simple title by the governing body or other government, for the present or future use of roads, streets, and highways, together with its drainage facilities and other supporting uses and structures.

Rooming House: A building where, for compensation, lodging only is provided.

Sanitarium: A hospital used for treating chronic and usually long-term illness.

Satellite Dish Antenna: A round, parabolic antenna intended to receive signals from orbiting satellites and other sources.

School: A facility that provides a curriculum of elementary and secondary academic instruction. A school is considered public if operated by the County Board of Education.

School, Trade, Technical, Business: An establishment in which is offered, for compensation, instruction in a trade, craft, technical field, or business skills.

Screening: A method of shielding, obscuring or buffering one use or building from another use or building by fencing, walls, berms, densely planted vegetation, natural vegetation or other means; a visual and acoustical barrier which is of such nature and density that provides year-round maximum opacity from the ground to a height of at least six (6) feet or that screens structures and activities from view from the normal level of a first story window on an abutting lot.

Semi-Public Use: Any building, structure or use owned and/or operated by private utilities or private companies for a public purpose, or which is reasonably necessary for the furnishing of

adequate service by such utilities, such as but not limited to the following: underground or overhead gas, electrical, steam or water distribution or transmission lines or systems, electric power substations, wires, towers, cables, and poles.

Service Station: Any building, structure or land used for the retail sale of motor vehicle fuel, oil, accessories, and motor vehicle servicing, except that major repairs, body repairs, and painting of motor vehicles shall not be considered motor vehicle servicing.

Setback: The minimum horizontal distance between a right-of-way or the property boundary lines of a lot and the front, rear, or sidelines of a building located on that lot.

Shopping Center: A group of commercial establishments, planned, developed, owned and managed as a unit, with off-street parking on the property.

Site Plan: A graphic illustration, two-dimensional, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a lot or tract and the location of all buildings, structures, uses and principal site development features proposed for a specific lot or tract of land.

Slaughterhouse: An establishment where animals are killed, butchered and prepared for further processing.

Story: That portion of a building comprised between a floor and the floor or roof next above.

Street: A public or private thoroughfare which is open to the general public and which affords the principal means of access to abutting property.

Street, Arterial: Unless otherwise specified by the Comprehensive Plan, Transportation element of the Comprehensive Plan or Major Thoroughfare Plan, arterial streets are those streets and highway facilities, including full and partial access controlled highways and major urban area entrance highways, which are designed to carry the highest traffic volumes and the longest trips through and within an urban area.

Street, Collector: Unless otherwise specified by the Comprehensive Plan, Transportation element of the Comprehensive Plan or Major Thoroughfare Plan, collector streets are those streets that collect traffic from minor streets or other collector streets and channel it to the arterial system. Collector streets provide land access and traffic circulation within residential neighborhoods, commercial and industrial areas.

Street, Public: A dedicated and accepted public right-of-way which affords the principal means of access to abutting properties.

Structure: Anything constructed or erected, the use of which requires more or less permanent location on the ground, or which is attached to something having more or less permanent location on the ground, not including utility poles.

Subdivision: The division of a parcel or tract of land into two (2) or more lots for the purposes of creation of lots for development, the rearrangement of existing lot lines, or for the purpose of transfer of ownership.

Substantial Improvement: Any combination of repairs, reconstruction, alteration, or improvement to a building, taking place during the life of a building, in which the cumulative cost equals or exceeds fifty percent of the market value of the building. The market value of the building should be (1) the appraised value of the building prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the building prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions.

Taxi Cab Station: An establishment engaged in furnishing passenger transportation by auto or van, not operating on regular schedules or between fixed terminals and containing space for taxicab fleets and related office facilities.

Temporary Use: A prospective use, intended for a specified limited duration.

Townhouse: One (1) of a group of three (3) or more attached dwelling units under fee simple ownership.

Transitional Use: A permitted use, building or structure that by nature or level and scale of activity acts as a transition or buffer between two or more incompatible uses.

Travel Trailer: A portable dwelling or lodging unit, distinguished from a manufactured home, designed for short-term travel, recreational or vacation use, including pickup campers and motor homes.

Tree: Any self-supporting, woody perennial plant having a single trunk diameter of two (2) inches or more which normally grows at maturity to an overall height of a minimum of fifteen (15) feet.

Tree Protection Zone: All areas of a lot or tract of land defined as the combined minimum front yard, minimum side yards, minimum rear yard or minimum buffer required by the particular district regulations within which such property is located.

Truck Stop: An area principally devoted to the service re-fueling, temporary storage or parking of trucks, including accessory buildings, structures and uses such as restaurants.

Truck Terminal: An area where cargo is stored for routing or reshipment and where trucks load and unload cargo on a regular basis, or an area in which semi-trailers and/or trucks are parked and stored.

Unenclosed Area: Any area of a given lot or structure which is not covered with a roof and protected by opaque walls on each of the sides of said area or structure.

Use: Any purpose for which a building or structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or structure or on a tract of land.

Variance: A minimal relaxation or modification of the strict terms of the height, area, placement, setback, yard, buffer, landscape strip, parking and loading regulations as applied to specific property when, because of particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make a profit.

Warehouse: A building or group of buildings for the storage of goods or wares, with access to contents only through management personnel.

Wetland: An area that is inundated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Wholesale Distribution: An establishment engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users or to other wholesalers.

Wrecked Motor Vehicle Compound: An area used to store disabled motor vehicles until such time as their disposition (either by junk, salvage or repair) has been determined by the insurance company, the owner of the vehicle, or his legal representative.

Yard: A space on the same lot with a principal building, which is open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted. A yard may contain parking and/or loading area unless otherwise specified by these regulations.

Yard, Front: A space on the same lot with a principal building, extending the full width of the lot, and situated between the street right-of-way and the front line of the building projected to the side lines of the lot. In the case of a corner lot, both spaces with street frontage shall be considered front yards. In the case of double frontage lots, the spaces as defined above shall both be considered front yards.

Yard, Rear: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the sidelines of the lot.

Yard, Side: A space on the same lot with a principal building, situated between the building and the side lot line and extending from the rear line of the front yard to the front line of the rear yard.

Yard Sale: The temporary sale of home furniture, appliances, clothing and/or domestic items owned by an occupant of a residential dwelling and taking place on the premises on which such occupant resides, whether in the yard or in a carport or garage, usually as a result of the occupant moving/relocating to another place of residence. Yard sales which do not take place on the premises on which such occupant resides are considered open-air businesses and are permitted only as a conditional use in the CHB, Commercial Highway Business District.

Zero Lot Line: The location of a building on a lot in such a manner that one or more building sides have no side building set back and rest directly on a side lot line.

Zoning: A police power measure in which the community is divided into districts or zones within which permitted uses, and in some cases conditional uses, are established as well as regulations governing lot size, bulk, height and other development requirements.

**ARTICLE IV
ESTABLISHMENT OF DISTRICTS:
OFFICIAL ZONING MAP**

Section 401. Use Districts.

For the purpose of this Ordinance, the City of Dawsonville is hereby divided into use districts as set out below:

R1-	<u>Restricted Single Family Residential District</u>
R2 -	Single Family Residential District
R3 -	Multiple Family Residential
R3R-	Manufactured Home Subdivision
RHMT -	Manufactured Housing Temporary (12 months)
PUD -	Planned Unit Development District
PCS -	Planned Conservation Subdivision District
NB -	Neighborhood Business District
HB -	Highway Business District
TB -	Town Business (Historical District)
CBD -	Central Business District
INST-	Institutional District
O -	Office District
LI -	Light Industrial District
CIR -	Restricted Industrial

Section 402. Official Zoning Map.

The location and boundaries of the above listed districts are hereby established as shown on a map entitled Official Zoning Map of the City of Dawsonville Georgia. Said map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bear the seal of the City or that of a Notary Public under the following words: "This is to certify that this is the Official Zoning Map referred to in Article IV of the Zoning Ordinance, City of Dawsonville, Georgia", together with the date of the adoption of the Ordinance.

If in accordance with the provisions of this Ordinance and the applicable laws of the State of Georgia, changes are made in boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, with appropriate entry or indication of such amendment on the Official Zoning Map. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon

except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance.

Regardless of the existence of purported copies of the Official Zoning Map which may from

time to time be made or published, the Official Zoning Map shall be located in the Office of the

Mayor, City of Dawsonville and shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.

Section 403. Replacement Of Official Zoning Map.

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to

interpret because of the nature or number of changes and additions, the City Council may adopt a

new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official

Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any

subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bear the seal of the City or a Notary public under the following words: "This is to certify that this Official Zoning Map

supersedes and replaces the Official Zoning Map adopted the 2nd day of June 2003 as part of the Zoning Ordinance of the City of Dawsonville, Georgia."

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

Section 404. Interpretation Of District Boundaries.

404.1 Where boundaries are indicated as approximately following the centerline of streets or highways, street right-of-way lines or railroad right-of-way lines or such lines extended, such centerline, street right-of-way lines, or railroad right-of-way lines shall be construed to be such boundaries.

404.2 Where boundaries are indicated as approximately following the corporate limit line of the city, such corporate limit line shall be construed to be such boundaries.

404.3 Where boundaries are indicated as approximately following property lines or such lines extended, such property lines or such lines extended, as indicated by boundary survey, deed or legal description maintained in the official file of said zoning adoption or amendment, if available, shall be construed to be such boundaries.

404.4 Where boundaries are indicated as approximately following the centerline of streambeds or riverbeds, such centerline shall be construed to be such boundaries.

404.5 In the case where the exact location of a boundary cannot be determined by the foregoing methods, the Planning Commission shall, upon application, determine the location of the boundary.

Section 405. Boundary Line Divides A Lot Of Single Ownership.

Where a boundary line as appearing on the Official Zoning Map divides a lot in single ownership at the time of the enactment of these regulations, the requirements for the district in which the greater portion of the lot lies may be extended to the balance of the lot without recourse or amendment procedure, provided that this provision shall not apply to a double frontage lot. In the case of a double frontage lot, the restrictions of the

district applying to the adjoining lots which front on the same street as the lot frontage in question shall apply.

Section 406. Designation After Street Abandonment.

Where a public street, alley or other right-of-way is officially vacated or abandoned, the regulations applicable to the property to which it reverted shall apply to such vacated or abandoned public street, alley, or right-of-way.

ARTICLE V

NON-CONFORMING LOTS, BUILDINGS, AND USES

Section 501. Purpose And Intent.

Within the districts established by this ordinance, there exist certain incompatible lots, buildings, structures, signs and uses of land which were lawful before these regulations were adopted but which would be prohibited, regulated or restricted under the terms of these regulations or future amendments. It is the intention of this article to permit these non-conformities to continue, but not to encourage their survival. It is further the intent of these regulations that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for variances or for adding other structures or uses prohibited elsewhere in the same district.

Section 502. Continuance Of Non-Conforming Use.

The lawful use of any building, structure, sign, or land existing at the time of enactment of these regulations may be continued, subject to the limitations of Section 503, even though such use does not conform with the provisions of these regulations, except that the use of a principal building, structure or land containing a non-conforming use shall not be:

502.1 Changed to another non-conforming use;

502.2 Reestablished after discontinuance or abandonment for six (6) months;

502.3 Expanded, enlarged or extended, unless such use is changed to a use permitted in the district in which such use is located;

502.4 Rebuilt, altered or repaired after damage exceeding fifty (50%) percent of its replacement cost at the time of destruction as determined by the Building Official, and provided such rebuilding, alteration or repair is completed within one (1) year of such damage;

502.5 Moved in whole or in part to any other portion of the lot occupied by such use, except in

conformity with these regulations. Nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition any building, structure, or portion thereof, declared to be unsafe by an official charged with protecting the public safety or health, upon order of such official. Changes in ownership or tenancy of a non-conforming use are permitted.

502.6 Notwithstanding anything to the contrary, if the non-conforming use is a manufactured house and the owner desires to replace the manufactured home, the replacement shall comply with all requirements of R3R and all current Development Regulations.

Section 503. **Expansion of Non-Conforming Buildings.**

A non-conforming building which contains a conforming use may be expanded, enlarged or extended, provided that any such additions meet the applicable yard and building setbacks, buffer and landscape strip requirements and all other regulations for the district in which it is located. This section shall not, however, be construed as to authorize the expansion of a non-conforming building for a use which is not permitted by the regulations for the district within which such building is located.

Section 504. **Buildings Under Construction.**

Nothing in this Article shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the adoption of these regulations.

ARTICLE VI

OFF-STREET PARKING, LOADING AND ACCESS REQUIREMENTS

Section 601. **Off-street Parking And Loading Spaces Required.**

Off-street auto parking and loading spaces shall be provided, as specified in this Article, for uses and structures hereafter established in all districts at the time of initial construction of any principal building, unless otherwise exempted from this Article. For developments phased in timing, parking and loading requirements may also be phased in accordance with the requirements applying for each particular time phase of development. Any building or use that is subsequently enlarged or converted to another use shall meet the off-street parking and loading space requirements of this Article, for the enlarged or new use. Required parking and loading spaces shall be maintained and shall not be encroached upon by refuse containers, signs, or other structures, unless an equal number of spaces are provided elsewhere in conformance with these regulations. Required parking and loading spaces shall be provided with vehicular access to a public street or alley, unless such access is prohibited by these regulations. Off-street parking and loading facilities required shall be located on the same lot as the principal building or use. However, as much as fifty (50%) percent of the required number of parking

spaces may be located within four hundred (400) feet of the principal building or use, provided proof of ownership or a valid lease agreement for use of such premises is provided to the Building Official. Such distance shall be measured between the nearest point of the parking facility and the nearest point of the principal building or use.

Section 602. **Minimum Number Of Off-street Parking Spaces Required.**

The minimum number of required off-street parking spaces for each type of permitted use shall be as indicated below. For uses not specifically listed, the off-street parking requirements shall be those of the most similar use as determined by the Building Official. When the application of these parking requirements results in a fractional space requirement, the fractional space requirement shall be construed to mean one (1) additional space.

**USE CLASSIFICATION
PARKING SPACE REQUIREMENTS**

Art Gallery:

One space for each 300 square feet of gross floor area Auditorium, stadium, assembly hall, gymnasium or community center one space per four fixed seats in largest assembly room or area.

Bank or financial institution:

One space for each 200 square feet of gross floor area.

Barber or beauty shop:

Three spaces for each operator or chair.

Billiard hall, amusement arcade:

One space for each 200 feet of gross floor area.

Boarding or rooming house:

One space for each two guests plus one additional space for each resident manager or owner.

Bowling alley:

Three spaces for each alley.

Church or place of worship:

One space per four fixed seats in largest assembly room.

Convenience retail store:

One space for each 200 square feet of gross floor area.

Dance Studio or school:

One space for each employee plus one space per 150 Square feet of gross floor area.

Day Care Center:

One space for each eight children, plus one space per employee.

Food Store:

One space per 200 square feet of gross floor area.

Funeral home or mortuary:

One space for each four seats in largest assembly room.

Furniture or appliance store:

One space per 600 square feet of gross floor area.

Gasoline service station:

Two spaces per gasoline pump plus three spaces per service bay.

Golf Course:

Three spaces for each hole plus one space for each two employees.

Health Club, spa:

One space for each 150 square feet of gross floor area.

Hospital, clinic, nursing home:

One space for each two beds plus one space for each staff or visiting doctor, plus one space for each three employees.

Hotel, motel:

One space for each guest room plus one space for each two employees on largest shift.

Industrial or manufacturing:

Two spaces for each three employees on largest shift.

Laundry, self service:

One space for each washer-dryer combination.

Library, museum:

One space for each 200 square feet of gross floor area.

Lodge, club:

One space for each three seats in largest assembly room.

Miniature golf course:

Three spaces per hole.

Multiple-family residential uses (R3, R3R and PUD):

Two spaces per dwelling unit plus four spaces per leasing office, ten spaces per clubhouse or recreation center and one-half visitor space per dwelling unit.

Office, general or professional:

One space for each 250 square feet of gross floor area.

Office, medical or dental:

Six spaces per practitioner.

Personal service establishment:

One space for each 200 square feet of gross floor area.

Restaurant or lounge:

One space for each 100 square feet of gross floor area.

Retail business:

One space for each 200 square feet of gross floor area.

Sanitarium, rest, and convalescent home, personal care home:

One space for each four patient beds plus one space for each doctor and staff member.

School, elementary:

Two spaces per classroom and administrative or staff person.

School, high:

Ten spaces per classroom plus one space for each administrative or staff person.

School, college, trade, vocational:

Ten spaces per classroom plus one space for each administrative or staff person.

Self-service storage facility, mini-warehouse:

One space for each twenty storage stalls, plus two spaces for resident manager's office.

Shopping center:

One space for each 200 square feet of gross floor area.

Single-family residential uses (R1 and R2):

Two spaces per dwelling unit plus ten spaces per clubhouse or recreation center.

Theater, cinema:

One space for each three seats.

Wholesale:

One space for each 500 square feet of gross floor area.

Section 603. Handicapped Parking Requirements.

Each parking area of six (6) or more spaces devoted to uses other than residential shall provide handicapped parking spaces (a minimum of twelve feet in width), counted as a part of the total parking required, in accordance with the following scale:

TOTAL PARKING REQUIREMENTS	HANDICAPPED SPACES REQUIRED
6 - 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 - 300	7

301 - 400	8
401 - 500	9
501+	2% of total required

Section 604. Minimum Number Of Off-street Loading Spaces Required.

On the same lot with every building, structure or part thereof, erected or occupied for manufacturing, storage, warehouse, truck freight terminal, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, retail business or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for the standing, loading and unloading services to avoid undue interference with public use of streets and alleys. Such loading and unloading space, unless otherwise adequately provided for, shall be an area twelve (12) feet by sixty (60) feet, with fourteen (14) foot height clearance, and shall be provided according to the following schedule.

Square feet of gross floor area or fractional part thereof. Uses in excess of 25,000 square feet shall provide loading spaces according to the following schedule:

SQUARE FEET	NUMBER OF SPACES
25,001 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 349,999	5
for each additional 100,000 or fraction thereof	1 additional

All plans for off-street loading areas shall be subject to the approval of the Building Official.

Section 605. Parking And Loading Area Design Requirements.

605.1 Improvement of Parking Lots:

All parking areas containing more than five (5) spaces shall meet the following requirements:

- a. They shall be graded to insure proper drainage, surfaced with concrete or asphalt, and maintained in good condition free of obstructions.
- b. Parking areas shall not be used for the sale, repair, dismantling or servicing of any vehicle, equipment, materials or supplies.
- c. Each parking space shall be clearly marked and directional arrows or signs shall be provided wherever necessary. Markers, directional arrows, and signs shall be properly maintained at all times.

- d. A parking lot pavement setback of ten (10) feet from any public street right-of-way and five (5) feet from any exterior property line shall be provided, except where access points and interconnections to other parcels have been approved. The parking lot pavement setback shall be increased to ten (10) feet where such lot abuts a residential district. Concrete or other suitable curb stops shall be installed so as to prevent vehicle encroachment onto setback areas.
- e. Not less than ten (10%) percent of the total area devoted to parking shall be landscaped open space.
- f. Any lighting facilities installed shall be so arranged to prevent the direct illumination of adjacent residential properties or public streets.
- g. A site plan indicating property lines, parking areas, location of parking spaces, pavement set backs, drainage facilities, paving materials, access, landscaped open space and other features required to ensure compliance with this Article shall be submitted to the Building Official. A permit shall be required prior to the construction of new parking areas, or for the expansion or alteration of existing parking areas.

605.2 Curb Cut And Access Specifications:

Access from public streets to all parking areas, regardless of the number of parking spaces provided, shall meet the following requirements:

- a. Curb cuts or access breaks for service drives, entrances and exits on public streets shall not be located within one hundred (100) feet of the intersections of two (2) Curb lines, street pavement lines, such lines extended, or any street intersection nor within fifty (50) feet of another curb cut or access break on the same side of the street.
- b. Curb cuts shall be no less than twenty eight (28) feet in width for all residential subdivisions. Curb cuts can be located no closer than twenty (20) feet to any property line, unless common use of driveways for an abutting lot is required or approved by the City Engineer.
- c. No more than two (2) curb cuts or access breaks shall be permitted for any lot or parcel with a frontage of two hundred (200) feet or less on any one (1) street.
- d. All curb cuts or access breaks onto public streets, except for those serving single-family detached residences, shall require a permit from the Building Official.
- e. Curb cuts for driveways that serve commercial, office or industrial zoning districts shall not be permitted to pass through residential zoning districts or to access alleys that abut a residential zoning district.
- f. Where the side of an accessed public street or alley does not contain curbing, such curbing or other method of approved access control shall be provided.
- g. Curb cuts for all commercial zoning uses shall be specified in width by the City Engineer based upon the proposed use of the property.

Section 606. Exemption of Town Business (Historical) District.

The requirements of this Article shall not apply to any use of building existing or hereafter initiated or erected within the TB, Historical Business District.

Section 607. Parking Areas Must Be Appropriately Zoned.

Parking areas, parking lots or parking garages which constitute the principal use of a lot shall only be permitted in OI, TB & CBD zoning districts. In cases where parking areas, parking lots or parking garages exist or are proposed to serve as accessory parking for a particular building or use, regardless of whether such parking is required by this Article, such land, area or lot, including all access drives, shall require the same or less restrictive zoning district as that within which such building or use it serves is located. Similarly, in cases where accessory parking serves a building or use which requires, or was approved as, a conditional use, such parking area and access drives shall require the same conditional use approval as that for which such conditional use or building it serves.

ARTICLE VII

GENERAL PROVISIONS

Section 701. Use, Occupancy And Erection.

No building, structure, land, open space or water shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, structurally altered or maintained, and no new use or change shall be made or maintained of any building, structure, land, open space or water, unless in conformity with all the regulations herein specified for the district in which it is located.

Section 702. Minimum Requirements.

Within each district, the regulations set forth shall be minimum requirements and shall apply uniformly to each class or kind of building, structure or land.

Section 703. Height Limitations.

No building or structure shall hereafter be erected, constructed, reconstructed, or altered, except as otherwise specifically exempted in this ordinance, to exceed the height of: thirty-five (35) feet; provided, however, that the Governing Body may permit buildings and structures to exceed these height limitations upon approval of a conditional use as specified in Article XXVII of these regulations. Within the TCB, Town Commercial Business District, no building or structure shall be erected to a height which is greater than the height of the existing building or structure with the greatest height within said district.

The height limitations established herein shall not apply to chimneys, smokestacks, church spires and steeples, domes, flag poles, public monuments, observation towers, water towers, non-commercial radio and television towers, electricity transmission towers, utility poles and similar structures.

Section 704. **Every Use Must Be Upon A Lot.**

No building or structure shall be erected or use established unless upon a lot of record as defined by these regulations except as otherwise provided herein.

Section 705. **One Principal Building On A Lot.**

Only one principal building and its accessory buildings may hereafter be erected on any one lot intended for such use; provided, however, that more than one multiple dwelling, office, institutional, commercial or industrial building may be located upon a lot, subject to setbacks and separation as provided in these regulations.

Section 706. **Separation Between Principal Buildings.**

No principal building shall be located closer than twenty (20) feet to another principal building, except that in the HB Commercial Highway business, TB Town Business District, and CBD Central Business District, such principal building separation shall not apply.

Section 707. **Reduction In Lot Size Prohibited.**

No lot shall be reduced, divided or changed in size so that lot width, size of yards, lot area per dwelling unit or any other requirement of these regulations is not maintained, unless said reduction or division is necessary to provide land which is acquired for a public purpose.

Section 708. **Annexation.**

Any land area subsequently added to the incorporated area of Dawsonville shall automatically be classified R-1 (Single-Family Residential District) until or unless otherwise classified by amendment to the Official Zoning Map.

Section 709. **Street Frontage Requirement.**

No building or structure shall hereafter be erected on a lot that does not abut for at least thirty (30) feet on a public street unless the lot upon which the building permit is requested is an approved lot in an approved Planned Unit Development..

Section 710. Use Prohibited When Not Specified.

Unless otherwise stated, any use not specifically permitted in a use district as provided in these regulations shall be prohibited in that district.

Section 711. Accessory Buildings And Uses.

Accessory buildings and uses shall be permitted only in side or rear yards, except as otherwise provided by these regulations. Accessory buildings and uses shall be permitted only if they meet the following:

1. No accessory building shall be erected on a lot prior to the time of construction of the principal building to which it is accessory.
2. With the exception of R1 zoning, only two (2) accessory buildings shall be permitted on a residential lot.
3. Accessory buildings and uses shall be setback according to zoning classifications.
4. Where an accessory building is structurally attached to the principal building, it shall be subject to and must conform to all regulations applicable to the principal building.
5. In the case of double frontage lots, accessory buildings shall observe front yard requirements on both streets.
6. Accessory buildings in residential districts shall not be used for any type of commercial operation, whether permanent, part-time or as part of a home occupation.
7. No accessory building on a residential lot shall exceed the height of the primary structure.
8. Detached accessory buildings shall be located a minimum of ten (10) feet from the principal building on a lot.
9. In no instance shall an accessory building exceed the gross ground floor area of the principal building.

Section 712. Regulations For Specific Accessory Structures.

The following specified structures shall conform to the following regulations:

1. Fences and Walls:

All fences and walls shall conform to the following:

- a. A permit shall be obtained from the Building Official.
- b. No fence or wall shall exceed ten (10) feet in height, except for required retaining walls.
- c. No fence or wall shall be erected closer than five (5) feet from a public right-of-way or in such a manner as to obstruct vision on a public right-of-way.
- d. Barbed wire top strands six (6) feet above the ground may be permitted in commercial and industrial zoning districts.

2. Gasoline Pumps:

Gasoline pumps and pump island shall be setback a minimum of seventy-five (75) feet from any public right-of-way or property line.

3. Canopies:

Canopies and other attached or detached structures intended for cover shall be setback a minimum of ten (10) feet from any public right-of-way or property line.

4. Offices in Manufactured homes:

Manufactured homes or other temporary structures shall not be used as a permanent or temporary office in any district; provided, however that such manufactured homes or structures may be used for a temporary construction office for a licensed contractor in any district, upon issuance of a permit by the Building Official. Said permit shall be temporary but renewable once after a period of six (6) months.

5. Satellite Dishes:

Satellite receiving dish antennas shall be permitted as accessory structures only in rear yards or upon the rear of the building unless it can be documented that reception is impaired by such a location. In such a case an antenna may be permitted in a side or front yard but not within a required front setback.

6. Swimming Pools:

Swimming pools accessory to residences shall be enclosed by a security fence a minimum of six (6) feet in height. Said fence shall offer security against unauthorized use of a swimming pool. A permit shall be obtained from the Building Official.

Section 713. Home Occupations.

A home occupation as defined by these regulations shall conform to the following requirements:

1. Only residents of the dwelling may be engaged in the home occupation. Employment of person(s) not residing in the dwelling is expressly prohibited.
2. The home occupation shall be clearly incidental and secondary to the residential use of the dwelling and shall not change the residential character of the building or lot.
3. No storage or display of products or materials shall be visible from the adjoining street or adjacent properties, and only products produced on the premises may be sold on the premises.
4. Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of a home occupation.
5. No internal or external alterations of the dwelling solely for the accommodation of a home occupation are permitted.
6. No chemical, electrical, or mechanical equipment that is not normally a part of domestic or household equipment shall be used primarily for commercial purposes, other than reproduction equipment and other equipment approved by the Building Official for permitted home occupations.
7. No business identification sign shall be permitted.
8. Home occupations are not permitted, in whole or part, within accessory buildings.
9. A business license shall be obtained from the City of Dawsonville prior to the operation of any home occupation. Said business license shall require approval by the Building Official.
10. The following uses are allowable as home occupations (not all inclusive): Tutoring, consultation and instruction in music, dance, arts, crafts and similar subjects, limited to two (2) students at one time; day care centers serving six (6) or less persons; professional services (i.e., attorneys, architects, accountants, realtors, insurance and travel agents; secretarial services and answering services; mail order and general offices not involving storage of equipment, materials or vehicles; phone solicitations; beauty salons and barber shops limited to two patrons at a time; food catering).

11. The following uses are specifically prohibited as home occupations (not all inclusive): cabinet shops and or metal cutting; doctors, dentists or other medical professions. The failure of a home occupation licensee to comply with any of the above conditions shall be reasonable grounds for revocation of a home occupation business license.

Section 714. Visibility At Intersections.

No fence, wall, sign, hedge or planting which obstructs the sight lines at elevations between two (2) and twelve (12) feet above any roadway shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines, or such lines extended, and a line connecting such right-of-way lines at points fifty (50) feet from the intersection of the right-of-way lines.

Section 715. Parking Or Storage Of Recreational Vehicles.

Recreational equipment such as boats, boat trailers, travel trailers, pick-up campers or coaches, motorized dwellings, motor coaches, tent trailers and other vehicles may be parked or stored only in side yards, rear yards, carports, or in an enclosed building, provided however, that such equipment may be parked or stored anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading and unloading.

Section 716. Abandoned, Wrecked Or Junked Vehicles And Materials.

Except as otherwise expressly permitted, it shall be prohibited in all districts to park or continuously store abandoned, wrecked, junked or inoperable vehicles, power-driven construction equipment, used lumber or metal, appliances or any other miscellaneous scrap material in quantity that is visible from a public street or adjacent or abutting property. Said prohibition shall not be construed as to prohibit the temporary repair or maintenance of autos with current tags reflecting payment of ad valorem tax on the vehicle owned by the property owner or the storage of such vehicles, equipment or other materials within an enclosed building, provided that such vehicles, equipment or materials are not for commercial sale and are repaired within thirty (30) days or less.

Section 717. Subdivision Plats Must Meet Zoning Requirements.

No proposed plat of a subdivision, nor any plat of re-subdivision, shall hereafter be approved by the Governing Body or by the Planning Commission unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various zoning districts in these regulations and unless such plat fully conforms with the statutes of the State of Georgia and regulations of the Governing Body.

Section 718. Yard Sales.

Yard sales, are subject to the following requirements:

1. Yard sales may be allowed in the CHB and CCB zoning districts by permit only, and may be held only by groups with non-profit status as classified by the Internal Revenue Service (IRS).
2. Yard sales will be allowed in all residential zoning districts but limited to two (2) per dwelling and two (2) per calendar year
3. The duration of any yard sale shall not exceed forty-eight (48) hours. This time limit includes clean-up.
4. Sales must be operated in such a manner so as not to be a nuisance to the neighbors or obstruct streets, sidewalks or driveways, etc.

ARTICLE VIII
R-1, RESTRICTED SINGLE-FAMILY RESIDENTIAL DISTRICT

Section 801. Purpose And Intent.

The Restricted Single-Family Residential District is an area where substantial investment in permanent residence has been made or planned, Uses which will devalue investment and undermine environmental quality are prohibited. This district is intended to establish and preserve quiet, stable single-family residential neighborhoods at low densities (up to approximately one unit per acre) free from other uses except those which are compatible with and convenient to the residents of such a district and should be located away from intensive or commercial development, manufactured, industrialized, relocated or temporary housing.

Section 802. Permitted Uses.

1. Single-family detached dwellings, but not including manufactured homes, travel trailers used as residences, or modular homes.
2. Accessory buildings and uses customarily incidental to the principal residential use of the property, including home gardens, non-commercial greenhouses, and shelters or enclosures for three (3) or less household pets that meet applicable health requirements. The keeping of four (4) or more animals shall constitute a kennel. The keeping of one (1) non-commercial livestock is allowed (with the exception of hogs) on lots with a minimum of five (5) acres, provided that any buildings or enclosures for the maintenance or shelter of animals shall be setback a minimum of one hundred fifty (150) feet from any property line. Noise and smell from the non-commercial livestock must be kept to a minimum.
3. Churches, temples, synagogues and places of worship, and their solely owned and operated customary accessory facilities, including cemeteries, provided such uses are located on a lot with a minimum area of two (2) acres, principal buildings are setback a minimum of fifty (50) feet from any property line, and parking areas are located outside of the required front yard and separated from any side or rear property line by a minimum six (6) foot high, opaque fence or wall, or a densely planted landscape strip of at least ten (10) feet in width.

4. Home occupations, as defined in Article III and limited in Section 713.
5. Parks, playgrounds, community centers, tennis courts, swimming pools, golf courses and other recreational facilities, operated on a non-profit basis.
6. Public and semi-public buildings and uses, as defined in Article III.
7. Schools, public elementary, middle and secondary.
8. Schools, parochial and private offering courses in general education substantially similar to that of a public school, not offered for profit.

RESTRICTED SINGLE FAMILY RESIDENTIAL DISTRICT: R-1

Minimum Lot Size	Front setback	Side setback	Rear setback	Minimum Sq. footage	Maximum Height of Structure
1 Acre	50'	20'	40'	1500'	35'

ARTICLE IX

R-2, SINGLE-FAMILY RESIDENTIAL DISTRICT

Section 901. **Purpose and Intent.**

The R-2, Single-Family Residential District is intended to provide suitable land for single-family detached dwelling types at medium densities (up to two (2) units per area) in areas served by public water and sanitary sewer.

Section 902. **Permitted Uses.**

1. Any use permitted in the R-1, Restricted Single-Family Residential District, as specified in Section 802 of these regulations, subject to the same restrictions.
2. Pet animals, Dogs and cats are permitted when their number in relation to area does not create a nuisance to neighbors.

SINGLE FAMILY RESIDENTIAL DISTRICT: R-2

Minimum Lot Size	Front setback	Side setback	Rear setback	Minimum Sq. footage	Maximum Height of Structure
20,000 sq. ft.	40'	15'	30'	1400'	35'

ARTICLE X

R-3, MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Section 1001. Purpose And Intent.

The R-3, Multiple-Family medium to high densities (up to 6 units per acre) in areas served by public water and sanitary sewer.

Section 1002. Permitted Uses.

1. Any use permitted in the R-2, Single-Family Residential District, as specified in Section 902. of these regulations and subject to the same restrictions, except as indicated in Article XX provided both water and sewer are available (otherwise the lot size would be governed by the requirements of the State of Georgia Health Department Rules/Regulations). .
2. Single-family attached dwellings (townhouses), provided that no dwelling is located closer than fifty (50) feet to a R-1 District boundary, subject to the requirements of Section 1004.
3. Two family dwellings (duplexes).
4. Residential condominiums, provided that no dwelling is located closer than fifty (50) feet to a R-1 District boundary, subject to the requirements of Section 1005.
5. Apartments, provided that no dwelling is located closer than one hundred (100) feet to a R-1 District boundary.
6. Personal care homes, homes for the elderly, boarding homes, lodging houses and dormitories serving ten (10) residents or less, provided that no such buildings shall be located closer than one hundred (100) feet to a R-1 District boundary, and provided a copy of the approved state license or permit is filed with the Building Official prior to the issuance of a Certificate of Occupancy.
7. Day care centers, kindergartens and nursery schools serving twelve (12) or less persons, provided that no such principal building shall be located closer than one hundred (100) feet to a R-1 District boundary, that all applicable regulations of the Georgia Department of Human Resources regarding fencing and play area are met, and provided a copy of the approved state license or permit is filed with the Building Official prior to the issuance of a Certificate of Occupancy.
8. All structures will be constructed with a non-flammable brick or masonry firewall between units and extending two feet above the roofline. A fire retardant product may be used in place of the firewall.
9. Parking shall be off street and within 100' of the unit served.

Section 1003. Conditional Uses.

1. Personal care homes, homes for the elderly, boarding homes, lodging houses and dormitories serving more than ten (10) residents, provided that no such buildings shall be located closer than one hundred (100) feet to a R-1 District boundary, and provided a copy of the approved state license or permit is filed with the Building Official prior to the issuance of a Certificate of Occupancy.
2. Day care centers, kindergartens and nursery schools serving more than twelve (12) persons, provided that no such principal buildings shall be located closer than one

hundred (100) feet to a R-1 District boundary, that all applicable regulations of the Georgia Department of Human Resources regarding fencing and play area are met, and provided a copy of the approved state license or permit is filed with the Building Official prior to the issuance of a Certificate of Occupancy.

3. Convalescent homes, nursing homes, group homes, rehabilitation centers, sanitariums and similar institutionalized residential facilities involving professional care and treatment, provided such use is located on property fronting an arterial or collector street, that no such dwelling is located closer than one hundred (100) feet to a R-1 District boundary, and provided a copy of the approved state license or permit is filed with the Building Official prior to the issuance of a Certificate of Occupancy.

Section 1004. Townhouse Development Regulations.

All developments containing fee-simple townhouses shall conform to the following requirements:

1. Lots - Each townhouse shall be located on its own lot of record, and subdivision plat approval shall be required in accordance with the City of Dawsonville Regulations.

2. Streets - All streets within a townhouse development shall be built to City specifications as provided in the City of Dawsonville Development Regulations and dedicated to the City.

3. Parking - Insofar as practicable, off-street parking facilities shall be grouped in bays, either adjacent to streets or in the interior of blocks. No off-street parking space shall be more than one hundred (100) feet by the most direct pedestrian route from a door of the dwelling unit it is intended to serve.

4. All structures will be constructed with a non-flammable brick or masonry firewall between units and extending two feet above the roofline. A fire retardant product may be used in place of the firewall.

Section 1005. Residential Condominium Development Regulations

All developments containing residential condominiums shall conform to the following requirements:

1. Site plan approval by the Governing Body shall be required.

2. Condominium developments shall meet all applicable state laws, including the Georgia Condominium Act.

3. Proposed condominium bylaws shall be submitted with the application for site plan approval. Format and content of the by-laws and declarations are subject to the approval of the City Attorney.

4. Parking - Insofar as practicable, off-street parking facilities shall be grouped in bays, either adjacent to streets or in the interior of blocks. No off-street parking space shall be more than one hundred (100) feet by the most direct pedestrian route from a door of the dwelling unit it is intended to serve.

Section 1006. Density Calculation.

No more than 20% of flood plain or other unusable land from a development prospective may be used to calculate allowed density.

MULTIPLE FAMILY RESIDENTIAL DISTRICT: R-3

R3 Multiple-Family Residential district	Maximum # of Units	Min. lot Size	Front setback	Side setback	Rear setback	Minimum sq. footage	Maximum Bldg. Height
Single Family	3	75'x100'	30'	10'	20'	1200'	35'
Duplex	4	100x100	30'	10'	20'	1100'	35'
Townhouses	6	28'x 100'	30'	10'	20'	1200'	35'
Condominium	6		30'	10'	20'	1100'	35'
Apartments	6		30'	10'	20'	700'	35'

**ARTICLE XI
R3R, MANUFACTURED HOME SUBDIVISION DISTRICT**

Section 1101. Purpose And Intent.

The Manufactured Home Subdivision District is intended to provide areas for manufactured homes, which are subdivided for individual ownership, that are served by public water, sanitary sewer and recreational amenities.

Section 1102. Permitted Uses.

1. Manufactured homes within manufactured subdivisions, for manufactured homes on individual lots under separate ownership. Commercial uses or home occupations within individual manufactured homes parks are not permitted.
2. Community centers and recreation facilities intended to serve residents of the district.
3. Customary accessory uses and structures clearly incidental to one or more permitted use and structures.
4. Public and semi-public buildings and uses.

Development for manufactured home subdivisions in the R3-Single Family Residential Restricted District shall conform to the following regulations:

1. Site Plan Approval Required: All manufactured home subdivisions shall require site plan approval by the Governing Body in accordance with the procedures and requirements established in The City of Dawsonville Development Standards.

2. Location and Frontage: R3R - Single Family Residential Restricted Manufactured Home Subdivision District development shall be located on property with a minimum frontage of 200 feet on a public street.
3. Street Requirement: Interior roads serving the development shall be constructed to City standards as specified in the City of Dawsonville Development Standards, and in addition shall have a minimum pavement width of thirty (30) feet. If dedicated to the public, the roads within the development shall have a minimum right-of-way width of fifty (50) feet.
4. Lot Area and Width: An R3R - Single Family Residential Restricted Manufactured Home District development shall have a minimum area of twenty-five (25) contiguous acres and a lot width of at least 200 feet.
5. Density: The maximum density of an R3R - Single Family Residential Restricted Manufactured Home District development is three (3) units per acre.
6. Recreation and Other Community Facilities: Not less than fifteen (15%) percent of the total area of the development shall be devoted to recreation and other community use facilities.
7. Perimeter Setback Required: No manufactured home or other building or structure shall be located closer than sixty (60) feet to any manufactured home subdivision perimeter property boundary.
8. Perimeter Screening Required: A landscaped screen consisting of dense evergreen trees and/or shrubs and having a minimum width of ten (10) feet along all property lines shall be required. A minimum six (6) foot high, opaque fence or wall may be erected along the perimeter in lieu of such landscaped screen.
9. Utilities: All manufactured home and subdivisions shall be served by public water and public sanitary sewer systems and shall be subject to approval by the Dawson County Health Department.
10. Lot Addressing: Each manufactured home lot shall be provided with a Street address by the City of Dawsonville's Building Official.
11. Only doublewides with pitched roofs are allowed in Manufactured Home Subdivisions.

Section 1103. Lot size requirements and setbacks:

1. Space Size, Width and Setbacks: Each manufactured home lot within the subdivision will comply with R3 zoning lot size and set back requirements for single family residences..
2. Foundations and Tie-Downs: Each manufactured home in a subdivisions shall be supported by piers and foundations and shall be anchored to the ground in accordance with building code requirements, to secure the manufactured home against uplift, sliding, rotation and overturning.
3. Skirting: The space beneath each manufactured home subdivision shall be enclosed, with the exception of ventilation and access openings. The enclosing materials shall extend from the lower edge of the exterior walls of the manufactured home to the ground surface level. All such enclosures shall be permanently installed and consist of opaque, rust and rot resistant materials. All ventilation and access openings shall be

covered with wire mesh screen. Such skirting shall not be required for those homes with a complete masonry perimeter foundation.

4. Landing or Deck and Steps: At the time of installation and set-up, each manufactured home with a door threshold height of 14 inches or greater from the ground shall have attached and affixed at each such door a landing not smaller than 48 inches by 48 inches. If the floor of the deck is more than 32 inches from the ground at any point, a railing 42 inches in height with

picket spacing not to exceed six inches shall also be required and installed, except for that part of the deck where steps lead to the ground. Steps shall be not less than 36 inches in width and shall be of accepted tread height and depth for residential use. At the time of installation and set-up, each manufactured home with a door threshold height of 7 inches or greater from the ground, but less than fourteen inches from the ground, shall have attached and affixed at each such door a set of steps not less than 36 inches wide. The construction of the deck and steps must be of pressure treated wood, precast concrete, masonry construction or a reasonable equivalent. Steps constructed on flexible metal stands shall not be permitted. Loose stacks of block or brick steps shall not be permitted.

5. Age of Manufactured Homes: No manufactured home with a Year of Manufacture lower than, or earlier than, the sixth calendar year prior to the current calendar year shall be brought into the City of Dawsonville for use as a dwelling or other structure. No installation permit shall be issued for any manufactured home until the year of manufacture has been adequately shown to be in compliance with this ordinance. The year model as shown on the title or previous tax bill shall be sufficient to create a presumption of year of manufacture.

(a) No manufactured home mover, to include an owner moving an owned home, shall move an older, non-complying, manufactured home into the City of Dawsonville for use as a dwelling or other structure. Any mover moving such a non-complying manufactured home as prohibited by this section shall be guilty of a violation of this ordinance and shall be subject to a fine not to exceed \$500.00 per occurrence and to a sentence not to exceed five days in jail.

(b) No manufactured home installer, to include an owner installing an owned home, shall install an older, non-complying, manufactured home into the City of Dawsonville for use as a dwelling or other structure. Any installer installing such a non-complying manufactured home as prohibited by this section shall be guilty of a violation of this ordinance and shall be subject to a fine not be exceed \$500.00 per occurrence and to a sentence not to exceed five days in jail.

(c) It is the intent of the ordinance that the moving and the installation shall, for the purpose of determining any violation of the terms of this ordinance, be considered separate acts each punishable as provided in this ordinance.

ARTICLE XII RMHT-MANUFACTURED HOUSING TEMPORARY (12 MONTHS)

Section 1201. Purpose and Intent.

RMHT-Manufactured Housing Temporary district is intended for a one family residence in a manufactured home, or an accessory manufactured home where a permanent home already exists. This district is a temporary use classification, which automatically reverts to that land district which existed before this RHMT was approved after twelve (12) months from its approval by the City Council. The use of the manufactured home shall thereafter become a non-conforming use subject to the non-conforming use provision of this Resolution.

Section 1202. Permitted Uses.

(a) One manufactured home as the principal dwelling on a lot with minimum area of one acre and fronting on a public street maintained by the county or state, provided that the owner and occupant of the manufactured home and the owner of the lot are the same person.

(b) One manufactured home (“MH”) as a second and temporary accessory dwelling upon a lot where a home exists, provided the following conditions are met:

1. The MH is an accessory use on a one-acre minimum size lot that meets all requirements of the RMHT District, provided that the occupant of the MH and the owner/occupant of the principal dwelling and lot are as closely related as father, son, mother, daughter, brother, sister, grandparents, or grandchildren;

2. A MH may be located on a lot which has been approved for RA or Commercial use provided that construction of a building or residence begins within 90 days and provided that the MH is removed within 30 days of occupancy of the building that is being constructed or one year from the date of approval of the RMHT application, whichever is earlier; or,

3. The MH shall only be occupied by the individual or family proposed in the application for the RMHT District and the MH shall be removed within 90 days of the date that the occupant no longer needs residence in the MH.

(c) It shall be unlawful for any person to place, store, or maintain any MH in Dawsonville except: as specified under the provisions of the R3R District or the RMHT District; or within a Manufactured Home sales lot or similar use.

(d) This Ordinance specifically reserves in favor of the Planning Commission and City Council the discretion to deny or condition, based upon the factors set forth herein, any individual application submitted hereunder if, after review of the application and careful study hereof, the proposed re-districting is deemed by the City Council not to be in the best interests of the health, safety and welfare of the present and future citizens of Dawsonville.

**ARTICLE XIII
PUD, PLANNED UNIT DEVELOPMENT DISTRICT**

Section 1301. Purpose And Intent.

The Planned Unit Development District is intended to provide flexibility in the application of area, height, bulk, placement, and other zoning controls; provide for mixing a wide

variety of residential housing types and arrangements; provide for the mixing of compatible residential, office, commercial and industrial land uses; encourage imaginative and innovative design for the unified development of tracts of land; provide an alternative for more efficient use of land, resulting in smaller networks of utilities and streets, thereby resulting in lower construction and maintenance costs to the public; preserve the natural amenities of the land by encouraging scenic and functional open areas within the development; and to promote land development in proper relation to the surrounding neighborhood.

Section 1302. Permitted Uses.

Any land uses and combinations thereof, including R2, R3, and Neighborhood Business District, and are restricted to these zoning regulations.

Section 1303. Development Summary Report Required.

Applications for rezoning to a development within a Planned Unit Development District shall require a written report, which explains the type, nature, size, intent and characteristics of the proposed development. As a minimum, the report shall include the following:

1. A complete listing of every land use proposed within the development, including total acreage and the amount of acreage devoted to each use. All uses not specifically included in the report or site plan and approved by the Governing Body are prohibited unless subsequently the application is amended in accordance with applicable procedures.
2. Proposed development standards including minimum lot sizes, minimum lot widths, minimum lot frontages, minimum floor areas or residential dwelling unit sizes, maximum number of dwelling units, maximum square footage figures for non-residential developments, minimum yards/building setbacks, landscape strips and buffers, height limitations, restrictive covenants, and any other such applicable standard or requirement. The report should also indicate any proposed exceptions or variations from the size, setback, frontage, density or other standards, which are required in other conventional zoning districts, along with justification for such proposed exceptions or variations.
3. Time frame of development and provisions for ownership and management of the development.
4. Intended plans for the provision of utilities, including water, sewer and drainage facilities.
5. All streets and common open spaces not proposed for dedication to the public shall have the proposed maintenance and ownership agreements explained in detail.

Section 1304. Site Plan Approval Required.

Applications for rezoning to a development within a Planned Unit Development District shall require a site plan including, as a minimum, those items enumerated in Sections 1303 and 1308 of these regulations. The Building Official, Planning Commission and/or City Council may require, in addition, such other information, studies, plats, plans, or architectural elevations deemed necessary to perform an adequate review of the proposed application.

Site plans shall be prepared by a professional engineer, architect, land surveyor, land planner or landscape architect, and his/her seal of registration or professional initials shall be indicated on such plans.

Section 1305. Report And Site Plan Are Minimum Requirements.

The approved development summary report, site plan, and all other information, studies, plats, plans or architectural elevations submitted in the application, or required to be submitted by the Governing Body, shall establish the standards and minimum requirements for the subject property and shall become the zoning regulations that apply to the subject property, regardless of changes in property ownership.

Section 1306. Revisions To Approved PUD Application.

Any additions in the types of land uses, increases in square footage or density, decreases in lot sizes, changes in the location or dimensions of streets, decreases in dwelling unit floor areas, major alterations in the land use patterns, or other substantial changes which, in the opinion of the Building Official, result in a development of such intent and character which has not been conceptually approved by the Governing Body shall require additional approval in accordance with procedures established in Article XXIV. Otherwise minor changes may be approved by the Building Official prior to issuance of building permits.

Section 1307. Minimum Site Area And Frontage Required.

The minimum site area for a Planned Unit Development District shall be fifteen (15) contiguous acres, and the site must have a minimum of two hundred (200) feet of frontage on a public street, which shall provide access to such public street.

Section 1308. Required Site Planning Guidelines.

The following specifications are not regulations, but recommended guidelines to be utilized in preparation of site plans for Planned Unit Developments:

1. Land uses which have traditionally been viewed as incompatible (e.g. single-family subdivision and a manufacturing plant) should not be proposed in the same Planned Unit Development unless considerable screening and physical separation is provided.
2. Office, commercial and/or industrial uses should be located adjacent to major thoroughfares or in other areas with suitable access that will not result in traffic through residential areas.
3. Lot sizes, lot widths, unit sizes and other characteristics of residential development within the Planned Unit Development should be as R-2 & R-3 Zoning District Requirements.
4. Location of land uses should conform substantially with land use plan goals, policies and suggested types of uses.
5. Street lengths, alignments, patterns and other characteristics should conform to city development regulations or standard planning principles.
6. Proposed developments should make maximum use of natural features of the land and set aside 15% of the total property as green space or recreational common area.
7. For developments that are predominantly residential, only limited commercial uses (up to 10,000 square feet, or 10% of the total development site area) of a convenience retail nature, internally oriented and intended to serve the needs of the residents of the development should be proposed.
8. No more than 20% of flood plain or other unusable land from a developmental perspective may be used to calculate allowed density.

ARTICLE XIV
PCS- PLANNED CONSERVATION SUBDIVISIONS DISTRICTS

Section 1401. Purpose.

It is the purpose of a PCS District to provide flexibility in ensuring preservation of open space within a master-planned residential development. A conservation subdivision design preserves open space while maintaining large lots for residential units of the overall site area.

Section 1402. Permitted Uses.

Neighborhoods surrounded by aesthetically and ecologically important areas are important and adds to the design process to identify and set aside conservation open space areas prior to the delineation of transportation and residential lot layouts. Open space includes wetlands, river or stream buffers, woodlands, playing fields, and meadows.

Section 1403. Intent.

The intent of the conservation subdivision regulations is to:

1. Preserve significant areas of land for ecological, recreational, and agricultural purposes in perpetuity;

2. Encourage more efficient development of land consistent with public health, safety, and general welfare;
3. Afford greater flexibility of design and placement of buildings and structures;
4. Preserve and protect exceptional terrain, natural beauty, or sites of historic interest from inconsequential placement of homes, roadways, utilities and appurtenances;
5. Preserve the streams and tributaries as natural resources.
6. Prevent flooding, erosion, and water pollution, and protect the quality and quantity of drinking water.
7. Preserve wetlands, aquifers, topographical or soil features, marine and wildlife habitat; and other features having conservation values, including views, vistas, and indigenous vegetation; and
8. Promote a less sprawling form of development.

Conservation subdivisions are allowed as a permitted right in accordance with the requirements set for in this zoning Ordinance and is a floating zone, which is allowed in all residential districts.

Section 1404. Open Space:

“Open space” is defined as the undeveloped land, which is set aside permanently for common use by the residents of the subdivision.

Section 1405. Disposition and preservation of open space:

Open space land shall be preserved and maintained solely for the purposes specified above, and shall be maintained solely by the following:

1. Established of a mandatory home owners association to own and maintain the land in common for the open space purposes intended according to the following provision:
 - a. With their application for a permit to build a conservation subdivision, developments will create and submit minimum requirements and structure for the homeowners association before the first lot is sold.
 - b. The homeowners association will maintain, pay taxes, and own the open space.
 - c. Membership in the homeowners association is mandatory for all homeowners, and dues are uniform.
 - d. The homeowners association shall stipulate in its by-laws that the City may enforce the maintenance of the open space through legally enforceable means.
2. Dedication of legally described and platted “open space” to the City of Dawsonville, may be allowed by approval of the City Council.
3. Dedication of legally described and platted “open space” to a land trust may be established in compliance with the requirements of Georgia Law and shall be for conservation purposes.

Section 1406. Open space ownership and maintenance:

The City Council shall require the owner or owners of open space land to execute, acknowledge, and file in the land records of Dawson County, including documents and maps which effectively create a conservation easement or other legal conveyance approved by the City or its designee. These records

1. Will be binding on all future owners of the open space land;
2. May be enforced by the adjoining property owners, the City, or a land trust by appropriate court action for equitable relief in the form of an injunction;
3. Will assure appropriate maintenance by the homeowners' association or as otherwise herein provided, of open space land to the satisfaction of the City;
4. Will provide that if maintenance, preservation, and/or use of the open space no longer comply with the provisions of the easement, the City may take all necessary action to effect compliance and assess the cost against the owners in default.
5. Will provide that such easement may not be modified, altered, or amended.

Section 1407. Septic systems, wells, and storm water management systems:

Easements will allow designated open space to be used for community sewer system drip lines or individual septic systems secondary drain lines, wells, and storm water management structures designed to promote on-site infiltration and/or treatment or runoff.

Section 1408. Significant structures:

Structures of historic, architectural, or cultural significance existing prior to development of the subdivision may be retained within the open space, subject to approval indicating that these structures are compatible with the City of Dawsonville Zoning Ordinance.

Section 1409: Road Specifications:

Design standards for road construction in a conservation subdivision shall be consistent with those set for in the City of Dawsonville Development Standards with the following exceptions:

1. Minimize the number of cul-de-sac streets by providing more than one entrance to the development and interconnect streets as much as possible.
2. For cul-de-sac streets, minimize the amount of impervious surface by limiting the internal turning radius to 60 feet and the width of the paved lane to 20 feet. Use grass and vegetation for the inner circle of turn-arounds, rather than paving the

entire area. Declare the homeowners association responsible for the maintenance of the grassy area in the neighborhood bylaws.

3. Omit curbs wherever possible.
4. As an alternative to curb and gutters, allow runoff from roofs and pavements to pass immediately through grass swales or infiltration basins, Use plant material that will absorb rainwater and act a natural filter for oil and pollution.
5. Utilize permeable pavement for street surfaces, driveways, sidewalks, and pedestrian and bike paths, except where steep slopes, swelling soils, and other site-specific constraints make it unfeasible. Examples of permeable pavement used in neighborhood developments include permeable crushed stone aggregate, open-celled pavers, porous asphalt, and porous concrete. Wooden decks, paving stones, and wood mulch are recommended for pedestrian areas.
6. Provide marked, permeable paved paths for non-vehicular traffic within the development and connecting to neighboring residential and commercial areas.

Section 1410: Area and yard requirements; locations and structures:

1. Large lots allow for the placement of all principal buildings to provide for a safe, quiet, and harmonious grouping as well as adequate privacy by providing increased front, side and rear yards.
2. At least one member of the homeowners association should receive training in wildlife habitat conservation, enhancement and maintenance.
3. Each homeowner should be given site-specific information about indigenous habitat and diversity of species.
4. The homeowners association should develop a long-term conservation plan for each individual lot and the maintenance of common areas. This plan should include examples of environmentally friendly landscaping techniques for homeowners.

PCS- PLANNED CONSERVATION SUBDIVISIONS DISTRICTS

Maximum number of units per 5 acres	Minimum lot size	Front setback	Side setback	Rear setback	Minimum Sq. feet	Maximum bldg. height
1	5 acres	60'	50'	50'	1400'	35'

**ARTICLE XV
NB - NEIGHBORHOOD BUSINESS DISTRICT**

Section 1501. Purpose And Intent.

The Neighborhood Business District is intended to provide areas for limited small-scale commercial uses of a convenience nature serving nearby residential neighborhoods as opposed to a regional market. The district is not intended to accommodate automotive or other types of more intensive commercial activities that are of such magnitude or type that would result in the generation of excessive traffic, noise, odors, pollution, safety hazards, or other adverse impacts which would detract from the desirability of adjacent properties for residential use. In general, the Neighborhood Business District includes offices and retail and service establishments but excludes those highway-oriented uses, which involve use of chemicals and outside sales, storage or display.

Section 1502. Permitted Uses.

1. Accessory uses and structures normally incidental to principal permitted uses and structures.
2. Antique shops.
3. Art and school supply stores.
4. Bays: single bay automated car washes attached to the business.
5. Bake shops and bakeries, but not including wholesale.
6. Banks and financial institutions, including drive-in, drive-through and automatic teller facilities as accessory uses, not to exceed 10,000 square feet of gross floor area.
7. Barber shops and beauty shops.
8. Book or stationary stores.
9. Churches, temples, synagogues and places of worship, and their customary accessory uses and structures, including cemeteries.
10. Clubs, lodges, fraternal institutions and other places of public assembly for membership groups, non-profit or for profit, not to exceed 10,000 square feet of gross floor area.
11. Clothes pressing, repair, sale and rental, but not including department stores.
12. Convenience food and retail stores with or without retail gasoline sales.
13. Day care centers.
14. Dressmaking, millinery, sewing and tailor shops.
15. Drug stores.
16. Dry-cleaners and Laundromats not exceeding 2,500 square feet of total floor area.
17. Electronic equipment sales.
18. Food and grocery stores.
19. Food catering establishments.
20. Florist shops.
21. Gift shops.
22. Hardware stores.
23. Hobby shops.
24. Ice cream and yogurt shops.
25. Instructional studios, such as music, dance, gymnastics aerobics and martial arts.
26. Interior decorating shops.
27. Jewelry stores.

28. Libraries, museums and art galleries.
29. Locksmith shops.
30. Music stores.
31. Offices, business, medical, professional, insurance and real estate, and general.
32. Paint stores.
33. Photocopying, printing and reproduction services not exceeding 2,500 square feet of total floor area.
34. Photography shops and studios.
35. Public and semi-public buildings and uses.
36. Radio and television repair and sales stores.
37. Record, tape, and video rental and sales stores.
38. Recycling collection centers, but not including processing of recyclable materials.
39. Residences, single-family detached, but not including manufactured homes. Home occupations are permitted as accessory uses.
40. Restaurants, but not including drive-in or drive-through facilities.
41. Schools, public elementary, middle and secondary, and public and private colleges and universities.
42. Schools, parochial, private vocational, technical and others, non-profit or operated for profit.
43. Snack and sandwich shops, but not including drive-in or drive-through facilities.
44. Sporting goods stores.
45. Toy stores.
46. Travel agencies.
47. Watch and clock sales and repair shops.

Section 1503. Outdoor Sales, Storage and Display Prohibited.

It shall be unlawful in the Neighborhood Business District, to provide any outdoor storage, outdoor display, or outdoor sales on any portion of a subject lot. A special use permit may be allowed for an event

NEIGHBORHOOD BUSINESS DISTRICT

Minimum lot size	Front setback	Side setback	Rear setback	Minimum sq. feet	Maximum bldg. height
43560 sq. ft.	40' *	20'	20'	1,000'	35'

* Front setback may be greater if located on a State Highway

**ARTICLE XVI
HIGHWAY BUSINESS DISTRICT**

Section 1601. Purpose And Intent.

The Highway Business District is intended to provide adequate space for various types of general business uses that serve residents on a community level rather than neighborhood level, including the retailing of major goods and services of large scale, automotive and other types of more intensive commercial activities and establishments that rely on highway-oriented, passer-by traffic. It is the intent of this district not to permit unenclosed display, sales and/or storage, except for auto, boat, recreational vehicle, farm vehicle, and manufactured home sales and rental.

Section 1602. Permitted Uses.

1. Any use permitted in the Neighborhood Business District as enumerated in Section 1502. of these regulations, but not subject to any specified square footage limitations.
2. Accessory uses and structures normally incidental to permitted principal uses.
3. Agricultural implement and equipment sales, service, rental and repair.
4. Amphitheatres and stadiums.
5. Animal hospitals and veterinary clinics.
6. Assembly halls, auditoriums and meeting halls.
7. Auto, boat, truck, motorcycle, bicycle and other vehicle rental, repair, service and sales.
8. Auto, boat, truck, motorcycle, bicycle and other vehicle parts sales.
9. Auto car washes, single bay automated car washes attached to the business.
10. Banks and financial institutions.
11. Billiard halls, poolrooms and amusement/video arcades.
12. Blueprinting establishments.
13. Bowling alleys.
14. Building materials sales and lumberyards.
15. Bus passenger stations, terminals.
16. Cabinet shops.
17. Camper and recreational vehicle sales, service and repair.
18. Christmas tree sales.
19. Contractor's establishments, building, electrical and plumbing.
20. Convalescent homes, nursing homes, group homes, rehabilitation centers, sanitariums and similar institutionalized residential facilities involving professional care and treatment.
21. Department stores.
22. Dry-cleaning establishments, laundromats and laundries.
23. Equipment rental, sales and service.
24. Exterminators and pest control businesses.
25. Firearms sales and service, including gun clubs and indoor shooting ranges.
26. Firewood sales.
27. Flea markets.
28. Floor covering stores.
29. Funeral homes, mortuaries and mausoleums.
30. Furniture, fixtures and home furnishing stores, including rental, finishing, repair and sales but not manufacturing.
31. Garden supply centers, greenhouses and landscaping services.

32. Golf courses, golf driving ranges, miniature golf courses, and baseball batting cages.
33. Health clubs and spas.
34. Heliports and helistops.
35. Hospitals and clinics.
36. Hotels, motels, and bed and breakfast inns.
37. Kennels.
38. Lawn mower rental, repair and sales and service shops.
39. Mini-warehouses and mini-storage facilities, where no individual storage stall or compartment exceeds 500 square feet of total floor area.
40. Manufactured home and manufactured building sales, but not including residential occupancy of manufactured homes.
41. Monument sales establishments.
42. Palm reading and fortune telling establishments.
43. Parking garages and parking lots.
44. Pawn shops.
45. Pet stores and grooming establishments.
46. Printing establishments.
47. Private clubs operated for profit.
48. Race tracks for Go-Carts only. Minimum of five (5) acres.
49. Radio and television studios, and cable television stations, including broadcasting towers and satellite receiving antennas as accessory uses.
50. Recycling collection centers, but not including the processing of recyclable materials.
51. Repair of household appliances.
52. Research and scientific laboratories.
53. Restaurants, including drive-in and drive-through facilities.
54. Sign fabrication and painting shops, occupying not more than 2,500 square feet of floor area.
55. Skating rinks.
56. Tattoo Parlors.
57. Taxicab and limousine services.
58. Taxidermist shops.
59. Theaters, indoor and outdoor.
61. Truck stops and truck terminals.
61. Welding shops

Section 1603. Conditional Uses.

1. Building materials and lumber sales with open air or unenclosed storage.
2. Auction facilities.
3. Circus.
4. Open storage yards, subject to the screening requirements set forth in Section 2209.
5. Residences for a caretaker or night watchman.
6. Warehousing and storage uses which occupy no more than 10,000 square feet of floor area.

7. Wholesale establishments which occupy no more than 10,000 square feet of floor area.

Section 1604. Outdoor Sales, Storage, and Display Prohibited.

Except as otherwise provided, it shall be unlawful in the Highway Business District to provide any outdoor storage, outdoor display or outdoor sales on any portion of a subject lot; provided, however that said prohibition shall not apply to auto, boat, recreational, farm and manufactured home and other vehicle rental and sales.

COMMERCIAL HIGHWAY BUSINESS

Minimum lot size	Front setback	Side setback	Rear setback	Minimum sq. feet	Maximum height of bldg.
43560 sq. ft.	40'	20'	20'	1000'	35'

Additional requirements for access, curb cuts, deceleration and acceleration lanes, etc. may be required. Additional front set back may be required for State highways.

**ARTICLE XVII
TB- TOWN BUSINESS DISTRICT (Historical District)**

Section 1701. Purpose And Intent.

The Town Business District is intended to protect and promote the educational, cultural, economic, and general welfare of the public through the preservation and protection of the old, historic, architecturally worthy structures in historic areas or neighborhoods which exhibit a distinct aspect of the community and which serve as visible reminders of the history and cultural heritage of the community, state or nation. The district is also intended to assure that new structures and uses within such districts will be architecturally in keeping with the character to be preserved or enhanced.

Section 1702. Permitted Uses.

1. Accessory uses and structures customarily incidental to one or more principal permitted uses.
2. Antique shops.
3. Art and school supply stores.
4. Bake shops and bakeries.

5. Banks and financial institutions, including drive-in, drive-through and automatic teller facilities as accessory uses.
6. Barber shops and beauty shops.
7. Bed & Breakfast Inns.
8. Book or stationery stores, Churches, temples, synagogues and places of worship.
9. Clubs, lodges, fraternal institutions and other places of public assembly for membership groups, non-profit or for profit.
10. Clothes pressing, repair, sale and rental.
11. Convenience food and retail stores with or without retail gasoline sales.
12. Dressmaking, millinery, sewing and tailor shops.
13. Drug stores.
14. Food and grocery stores.
15. Food catering establishments.
16. Florist shops.
17. Gift shops.
18. Hardware stores.
19. Hobby shops.
20. Ice cream and yogurt shops.
21. Instructional studios, such as music, dance, gymnastics, aerobics and martial arts.
22. Interior decorating shops.
23. Jewelry stores.
24. Libraries, museums and art galleries.
25. Locksmith shops.
26. Music stores.
27. Offices, business, medical, professional, insurance and real estate, and general.
28. Parking garages and parking lots.
29. Photocopying, printing and reproduction services not exceeding 2,500 square feet of total floor area.
33. Photography shops and studios.
31. Public and semi-public buildings and uses.
33. Record, tape, and video rental and sales stores.
34. Restaurants, including drive-in or drive-thru facilities.
35. Retail Sales.
36. Schools, public elementary, middle and secondary, and public and private colleges and universities.
37. Schools, parochial, private vocational, and technical, non-profit or operated for profit.
38. Snack and sandwich shops, but not including drive-in or drive-through facilities.
39. Sporting goods stores.
40. Toy stores.
41. Travel agencies.
42. Watch and clock sales and repair shops.

Section 1703. Conditional Uses.

1. Commercial-Residential Group Projects, as defined in Article III.

2. Farmers' markets, flea markets, roadside stands and other similar seasonal or temporary activities.

Section 1704. Outdoor Sales, Storage and Display Prohibited.

Except during a festival or planned event permitted by the Governing Body, it shall be unlawful in the TB Town Business District, to provide any outdoor storage, outdoor display or outdoor sales on any portion of a subject lot.

Section 1705. Alteration of Structures or Buildings.

Prior to any alteration (including painting), demolition, removal of an existing structure or building in whole or in part, or new construction of a structure or building in the Historical Town Business District, a building permit shall be obtained and a design review shall be conducted by the Planning Commission in accordance with the City of Dawsonville Historical District Ordinance. A Certificate of Appropriateness shall be issued by the Planning Commission, where as such alteration, demolition or new construction shall be performed in accordance with the design guidelines of the preservation ordinance.

Nothing in this Article shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any structure or building; nor shall anything in this Article be construed to prevent the construction, reconstruction, alteration or demolition of any such elements which any authorized public official shall certify as required by public health or safety.

Section 1706. Signs.

For the purposes of this section, all signs and other advertising devices are regulated according to the City of Dawsonville Historical Business District Sign Ordinance.

TOWN BUSINESS DISTRICT

Minimum lot size	Front setback	Side setback	Rear setback	Minimum Sq. feet	Maximum height of bldg.
4,900 sq. ft.	0' *	0'	0'	1000'	35'

*** Additional front setbacks may be required if located on a State Highway.**

**ARTICLE XVIII
CBD- CENTRAL BUSINESS DISTRICT**

Section 1801. Purpose and Intent.

The intent of this Article is to establish and preserve a compact central business district convenient and attractive for a wide range of retail uses, business transactions, government and professional offices, places of amusement, employment activities, and services to the public designed primarily to meet the day-to-day shopping and service needs of residents of the City of Dawsonville.

It is further the intent of this Article to ensure that development within the Central Business District is consistent or compatible with development in the, Town Business District. The Governing Body finds that, due to the proximity of the Central Business District (CBD) to the historic downtown square, that development within the Central Business District could either substantially enhance or threaten the character and economic conditions of the historic downtown square, depending upon the type, nature and architectural character of such development. Because of the potential impact development within the CBD could have on the long term economic vitality of properties within the, Town Business District, which such historical properties are found to be of utmost importance to tourism and the economies of Dawsonville and Dawson County, the Governing Body finds that all alterations to structures and development of new structures within this district shall require a review according to the guidelines of the City of Dawsonville Historic District Ordinance. This is required to ensure the integrity, stability and enhancement of the Town Business District. (See Section 1705).

Section 1802. Permitted Uses.

1. Any use permitted in the Neighborhood Business District, as enumerated in Section 1402. of these regulations, but not subject to any specified square footage limitations except as provided in Article XX.
2. Bus stations and terminals.
3. Commercial recreation facilities conducted entirely within an enclosed building.
4. Hospitals and clinics.
5. Hotels, motels, and bed and breakfast inns.
6. Manufacturing and fabrication shops which occupy no more than one thousand (1,000) square feet of floor area.
7. Parking garages and parking lots.
8. Recycling collection centers, but not including the processing of recyclable materials.
9. Residences, single-family attached, duplexes, townhouses, condominiums and apartments. Townhouses and condominiums are subject to all provisions of Section 1004. and Section 1005, respectively.
10. Taxicab and limousine services.
11. Theaters, indoor only.

Section 1803. Conditional Uses.

1. Circuses and carnivals.

- 2. Commercial-Residential Group Projects, as defined in Article III.
- 3. Farmers' markets, flea markets, roadside stands and other similar seasonal or temporary activities.

Section 1804. Outdoor Sales, Storage and Display Prohibited.

Except during festivals and planned events permitted by the Governing Body, it shall be unlawful in the Central Business District to provide any outdoor storage, outdoor display, or outdoor sales on any portion of a subject lot.

Section 1805. Alteration of Structures, New Construction.

Prior to any alteration (including painting), demolition, removal of an existing structure or building in whole or in part, or new construction of a structure or building in the CBD, Central Business District, a building permit shall be obtained and a design review shall be conducted by the Building Official in accordance with the City of Dawsonville Building Code Ordinance. A Certificate of Occupancy shall be issued by the Building Official, where such alteration, demolition or new construction shall be performed in accordance with the design guidelines of the Building Code ordinance.

Nothing in this Article shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any structure or building; nor shall anything in this Article be construed to prevent the construction, reconstruction, alteration or demolition of any such elements which any authorized public official shall certify as required by public health or safety. For the purpose of this section, signs shall not be considered structures, and signs shall not be considered as requiring a certificate of occupancy. All signs and other advertising devices are regulated according to the City of Dawsonville General Sign Ordinance.

CENTRAL BUSINESS DISTRICT

Minimum lot size	Front setback	Side Setback	Rear setback	Minimum sq. feet	Maximum Bldg. Height
10,000 Sq. Ft.	40' •	10'	20'	1,000'	35'

- For developments abutting State Highways a 50' front setback is required.

**ARTICLE XIX
INST- INSTITUTIONAL DISTRICT**

Section 1901. Purpose and Intent.

The Institutional District is intended to accommodate public and semi-public uses primarily owned by governmental entities or private entities for a public purpose (such as a privately owned hospital set up pursuant to a State issued Certificate of Need).

This district is also intended to apply to areas with a transitional character, where such permitted uses provide a buffer or transition between more intensive non-residential and residential districts.

Section 1902. Permitted Uses.

1. Any use permitted within the R-1, Single-Family Residential District for institutional or governmental type use, as enumerated in Section 802 of these regulations and subject to the same restrictions.
2. Public and private elementary, middle and secondary schools.
3. Colleges and universities.
4. City, county, state and federal governmental offices and buildings.
5. Public water and sewer buildings, facilities and related uses.
6. Public parks, public recreational facilities, public fairgrounds, and cemeteries.
7. Public safety facilities (fire, EMT, sheriff).
8. Churches and Church schools.
9. Hospitals, convalescent homes, nursing homes, group homes, rehabilitation centers, sanitariums and similar institutionalized residential facilities involving professional care and treatment, provided such use is located on property fronting an arterial or collector street, that no such building is located closer than one hundred (100) feet to a R-1 District boundary, and provided a copy of the approved state license or permit is filed with the Building Official prior to the issuance of a Certificate of Occupancy.
10. Day care centers, kindergartens and nursery schools, provided that no such principal building shall be located closer than one hundred (100) feet to a R-1 District boundary, that all applicable regulations of the Georgia Department of Human Resources regarding fencing and play area are met, and provided a copy of the approved state license or permit is filed with the Building Official prior to the issuance of a Certificate of Occupancy.
11. Lodges, clubs, fraternal institutions and other places of public assembly for membership groups, operated on a non-profit basis.

INST- INSTITUTIONAL DISTRICT

Minimum lot size	Front setback	Side setback	Rear setback	Minimum Sq. feet	Maximum height of bldg.
20,000 sq. ft.	40' *	10'	20'	1,000'	35'

*** Front set back may be greater if located on a State Highway.**

ARTICLE XX
O- OFFICE DISTRICT

Section 2001. Purpose and Intent.

The Office District is intended to establish and preserve a compatible land use arrangement relative to the development of offices, professional enterprises, and medical and dental facilities.

This district is also intended to apply to areas with a transitional character, where such permitted uses provide a buffer or transition between more intensive non-residential and residential districts.

Section 2002. Permitted Uses.

1. Any use permitted within the R-1, Single-Family Residential District for offices, as enumerated in Section 802 of these regulations and subject to the same restrictions.
2. Colleges and universities.
3. Convalescent homes, nursing homes, group homes, rehabilitation centers, sanitariums and similar institutionalized residential facilities involving professional care and treatment, provided such use is located on property fronting an arterial or collector street, that no such dwelling is located closer than one hundred (100) feet to a R-1 District boundary, and provided a copy of the approved state license or permit is filed with the Building Official prior to the issuance of a Certificate of Occupancy.
4. Day care centers, kindergartens and nursery schools, provided that no such principal building shall be located closer than one hundred (100) feet to a R-1 District boundary, that all applicable regulations of the Georgia Department of Human Resources regarding fencing and play area are met, and provided a copy of the approved state license or permit is filed with the Building Official prior to the issuance of a Certificate of Occupancy.
5. Instructional studios, such as music, dance, gymnastics, aerobics and martial arts.
6. Lodges, clubs, fraternal institutions and other places of public assembly for membership groups, operated on a non-profit basis.
7. Offices, medical, professional, insurance, real estate and general, but not involving retail sales of any kind.
8. Personal care homes, homes for the elderly, boarding homes, lodging houses and dormitories, provided that no such buildings shall be located closer than one hundred (100) feet to a R-1 District boundary, provided a copy of the approved state license or permit is filed with the Building Official prior to the issuance of a Certificate of Occupancy.
9. Photographic studios, but not involving the retail sale of film or photographic equipment.
10. Schools, non-profit or operated for profit.
11. All uses allowed in INST district.

O- OFFICE DISTRICT

Minimum lot size	Front setback	Side setback	Rear setback	Minimum Sq. feet	Maximum height of bldg.
20,000 sq. ft.	40' *	10'	20'	1,000'	35'

* Front set back may be greater if located on a State Highway.

**ARTICLE XXI
LI, LIGHT INDUSTRIAL DISTRICT**

Section 2101. Purpose And Intent.

The Light Industrial District is established with the purpose of reserving certain areas with relatively level topography, adequate water and sewerage facilities, and access to arterial streets for industrial operations, but where such areas' proximity to residential and other districts makes it desirable to limit industrial operations to those that are not objectionable by reason of the emission of noise, vibration, smoke, dust, gas, fumes, odors or radiation and that do not create fire or explosion hazards or other objectionable conditions. Uses within this district do not require substantial quantities of water for manufacturing operations and do not necessarily require rail, air and water transportation. Certain commercial uses having an open storage characteristic, or which are most appropriately located as neighbors of industrial uses, are also included within this district.

Section 2102. Permitted Uses.

1. Accessory uses and structures normally incidental to permitted principal uses, including offices, showrooms and administrative facilities.
2. Agricultural implement rental, repair, sales and service, and farm supply stores and storage yards.
3. Airports and accessory facilities.
4. Blueprinting and printing establishments.
5. Building material and other outside storage yards.
6. Bus passenger stations, terminals.
7. Cabinet shops.
8. Contractor's establishments.
9. Distribution of products and merchandise.
10. Dry-cleaning plants.
11. Exterminators and pest control businesses.
12. Heliports and helistops.

13. Kennels.
14. Lumber yards, planing and sawmills.
15. Machine shops.
16. Mini-warehouse and mini-storage facilities.
17. Parking garages and parking lots.
18. Radio and television broadcasting towers.
19. Repair of household appliances.
20. Recycling plants, including any processing activities.
21. Research and scientific laboratories.
22. Sign fabrication and painting shops.
23. Storage buildings and storage yards.
24. Soft drink bottling and distributing plants.
25. Truck stops and truck terminals.
26. Welding shops.
27. Wholesaling and warehousing facilities.
29. Wrecked motor vehicle compounds, government owned only.

Section 2103. Conditional Uses.

1. Asphalt plants.
2. Canning establishments.
3. Ceramic production facilities.
4. Cold storage, frozen food lockers and ice manufacture.
5. Concrete, cement, clay, mortar and plaster production.
6. Extraction or removal of sand, gravel, top soil, clay, dirt, precious metals, gems, or other natural resources.
7. Feed, grain, or fertilizer manufacture or storage.
8. Food processing plants, including fish and poultry facilities.
9. Manufacturing, processing and assembling of the following products: chemicals, floor coverings, glass, machinery, metals, rubber, textiles, tobacco, and wood.
10. Residences for a caretaker or night watchman.

Section 2104. Industrial Performance Standards.

All uses hereafter established in the LI, Light Industrial District, shall conform to the following performance standards:

1. Lighting:

Exterior illumination on a particular site shall not exceed 1.2-foot candles of illumination at any property line, nor will the light source be directly visible from adjoining residential properties.

2. Noise:

Within an LI District, the loudness or energy level of sound resulting from machinery or activities shall not exceed 70 decibels (dB) for more than five minutes during any one (1) hour, as measured at any given property line abutting a residential district.

3. Electromagnetic Interference:

No use, activity or process shall be conducted which produces electromagnetic interference with radio or television reception in adjacent or neighboring residential areas.

LI, LIGHT INDUSTRIAL DISTRICT

Minimum lot size	Front setback	Side setback	Rear setback	Minimum sq. feet	Maximum height of Bldg.
43560 sq. ft.	40' *	20'	20'	1500'	35'

* **Front setbacks may be greater if located on a State Highway**

**ARTICLE XXII
CIR-RESTRICTED INDUSTRIAL COMMERCIAL DISTRICT**

Section 2201. Purpose and Intent.

Restricted Industrial Commercial Districts are areas where there are manufacturing, processing, fabricating, or other uses, which may generate noise, odors, traffic, activity and may require special energy, waste disposal, or other special utility support services

Section 2202. Permitted Uses:

1. Sawmills, lumber and wood products processing or storage, pulpwood yards.
2. Textile manufacturing, processing, fabrication and assembly.
3. Metals, cement, plastics, or wood products manufacturing, fabrication, or production including furniture manufacturing.
4. Truck or cargo transfer terminals, and bus garages.
5. Wholesale building supply and materials storage or sales.
6. Airports or airfields, after the Planning Commission reviews and approval of the City Council.
7. Any other industrial use that the Planning Commission or the City of Dawsonville City Council determines not to be dangerous, offensive, unhealthy, nor detrimental to the community.

Section 2203. Prohibited Uses:

1. Any industrial or commercial use that the Planning Commission or the City Council determines to be hazard, detrimental, or objectionable to the community.
2. The following uses and activities unless specifically approved by the Planning Commission and the City Council:
 - ❖ Cement or asphalt manufacture
 - ❖ Steel fabrication.
 - ❖ Petroleum refining.

- ❖ Bulk feedlots.
- ❖ Commercial slaughtering of animals.
- ❖ Paper or wood pulp manufactures.
- ❖ Open pit mining.
- ❖ Quarrying or sand/gravel removal operations

CIR-RESTRICTED INDUSTRIAL COMMERCIAL DISTRICT

Minimum lot size	Front setbacks	Side setbacks	Rear setbacks	Minimum sq. feet	Maximum bldg. height
5 acres	40' *	20'	20'	2000'	35'

- **Front setback may be greater if located on a State Highway.**

ARTICLE XXIII

BUFFER, LANDSCAPE, SCREENING AND OPEN SPACE REQUIREMENTS

Section 2301. Purpose And Intent.

The following regulations are designed to promote the health, safety, order, aesthetics and general welfare by protecting against incompatible uses of land, providing for a more attractive urban environment, assuring adequate open space, and reducing noise, night lighting, glare, odor, objectionable views, loss of privacy and other adverse impacts and nuisances through the use of buffers and landscaping. These regulations are also designed to encourage the protection and planting of trees, which are declared to be beneficial public resources, and to prevent the needless, wasteful or purposeless destruction of trees in order to better control problems of flooding, soil erosion and air pollution.

Section 2302. Buffer Required.

Property zoned for commercial and industrial uses shall provide a buffer, as defined by these regulations, along any rear or side property lines abutting a residential district or abutting an alley across from a specified residential district, provided that no buffer shall extend within fifteen (15) feet of a public right-of-way line. Minimum buffer widths shall be established in accordance with the following stipulations.

1. When an HB, CBD, or NB District abuts a R-1, R2, or R-3 District, a setback of forty (40) feet shall be provided, including a thirty (30) foot buffer.
2. When an LI or CIR District abuts a R-1 or R-2 District, a setback of sixty (60) feet shall be provided, including a fifty (50) foot buffer.

3. When any District abuts a TB District, a ten (10) foot planted landscape buffer shall be provided on property which abuts the TB District.

It shall be the responsibility of the developer, upon installation of utilities, streets, etc., to designate required buffers on construction plans and to ensure that existing vegetation within required buffers is maintained unless disturbance of the buffer is approved by the building Official as specifically provided herein.

It shall be the responsibility of the property owner of the lot to be used or built upon to maintain existing vegetation within required buffers and to replant where sparsely vegetated or install fencing, walls, etc. as approved to achieve the desired screening. Installation of vegetation, fencing, walls, etc. may be phased in accordance with approved building plans.

Section 2303. Buffer Specifications.

All buffers required by these regulations shall conform to the following provisions:

1. Utilization will be made of existing vegetation where it has been determined by the Building Official that existing vegetation is appropriate for inclusion within the buffer, or when found not appropriate, shall be supplemented with approved, additional plantings.
2. Disturbance or modification of the natural topography of the land for property improvements or during construction and maintenance activities is to be minimized, except in the following instances that have been approved by the Building Official:
 - a. where the land must be cleared and graded as required by the application of laws to prevent soil erosion or sedimentation;
 - b. where regulations for storm drainage improvements require alteration of the topography;
 - c. where necessary to prevent a nuisance, or to thin natural growth that has become so dense as to prohibit normal growth, or to remove diseased, misshapen, or dangerous or decayed growth;
 - d. where access and/or utility crossings have been approved.
3. Vegetation, except for ground covers, shall be of such type as to be a height of not less than three (3) feet when planted and which will, in normal growth, attain a height of six (6) feet within three (3) years; provided, however that such plant materials can form a hardy screen, dense enough and high enough both to interrupt vision and to reduce the transmission of sound.

Section 2304. Landscape Strip Required.

All properties except those containing single-family detached or attached residences and two-family residences shall provide a landscape strip, as defined by these regulations, of ten (10) feet in width along the developed portion abutting any public street or right-of-way and five (5) feet

in width along the developed portion of side property lines. A five (5) foot wide landscape strip along a side property line may be relocated if required to share a common access drive along said side property line.

It shall be the responsibility of the property owner of a lot to be used or built upon to install and maintain the required landscape strips. Installation of landscape strips may be phased in accordance with approved building plans.

Section 2305. Acceptable Plant Materials.

In those instances where the natural vegetation and topography are insufficient to achieve the desired level of screening required by these regulations, a planted buffer shall be provided and shall consist of plant material of such growth characteristics as will provide an acoustical and visual screen. Planted materials shall conform to the following specifications:

1. Trees used for screening purposes should be native to the region and shall not be deciduous. Trees should be at least three (3) feet in height above the ground when planted or which will, in normal growth, attain a height of six (6) feet within three (3) years.
2. Shrubs that are used to form hedges shall not be deciduous. Shrubs shall be a least three (3) feet above the ground level when planted. They should be spaced in such a way that, when mature, they will form a continuous visual screen (hedge) that is at least six (6) feet in height.

Section 2306. Maintenance Of Buffers And Landscape Strips.

The owner and/or user of the property shall be responsible for installing the trees and shrubs and maintaining them in a neat and orderly appearance. This includes irrigating or watering, fertilizing, pruning and replanting where necessary. In cases of non-compliance, the Building Official shall be empowered to take action as provided by law to ensure maintenance of all plant and landscaping materials.

Section 2307. Tree Protection.

No more than seventy-five (75%) percent of the mature, healthy, existing trees in excess of 10 inches in diameter shall be cut, damaged or destroyed; provided, however, that additional trees may be removed upon approval by the Building Official if one (1) tree is planted and maintained for each one (1) tree removed in excess of 10 inches in diameter.

Section 2308. Parking Area Landscaping Requirements.

Interior landscaping for parking areas shall be required for parking lots designed and constructed for more than five (5) or more spaces. Such interior landscaping shall not be less than ten (10%) percent of the total area devoted to parking on the lot.

In districts where permitted, all outside storage areas shall be screened from all public rights-of-ways with a 100% opaque, solid wooden fence or masonry wall at least six (6) feet in height, or a densely planted landscape strip of at least ten (10) feet in width. The insertion of plastic or metal weaving into chain link fences shall not be considered to be in compliance with the requirements of this Section. Access driveways serving open storage areas shall be provided with a gate that is 100% opaque. In cases where the Governing Body approves an open storage area as a conditional use in the NB or CHB Districts, the Governing Body may require screening in addition to the requirements of this Section.

Section 2309. Screening of Dumpsters Required.

In all zoning districts, dumpsters and trash receptacles shall be screened from view from all public rights-of-ways, either by locating said dumpsters to the rear of a building, or by erection of a 100% opaque, solid wooden fence or masonry wall on three (3) sides of said dumpster.

Section 2310. Administration And Enforcement.

Where buffers are required, the applicant must demonstrate, whether on appropriate plans or after inspection by the Building Official, that the plant materials in place or installed achieve the required screening. All site plans, plot plans and grading and drainage plans shall indicate all required buffers and landscape strips. Required buffers, landscape strips, and parking lot landscaping shall be installed in accordance with approved plans prior to the issuance of a Certificate of Occupancy. However, owing to special conditions or exceptional circumstance such as drought, said buffers and landscape strips may be installed within ninety (90) days after the issuance of a Certificate of Occupancy, provided that a letter of credit, escrow money, performance bond or other approved alternative is submitted to the Building Official prior to the issuance of a Certificate of Occupancy.

ARTICLE XXIV

FLOOD HAZARD AREA REGULATIONS

Section 2401. Purpose And Intent.

The purpose of this Article is to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by the application of

regulations designed to: restrict or prohibit uses which are dangerous due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities; require that uses vulnerable to floods, including facilities which serve such

uses, be protected against flood damage at the time of initial construction; control the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters; control filling, grading, dredging and other development which may increase erosion or flood damage; and prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

It is further the intent of this Article to: protect human life and health; minimize expenditure of public money for costly flood control projects; minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; minimize prolonged business interruptions; minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains; help maintain a stable tax base by promoting the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas; and to insure that potential homebuyers are notified that property is in a flood area.

Section 2402. Application Of Regulations.

The provisions of this Article shall apply to all areas of special flood hazard, as defined by these regulations, within the jurisdiction of the City of Dawsonville.

Section 2403. Establishment Of Special Flood Hazard Areas.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Hazard Boundary Map (FHBM) Revision, dated January 23, 1976, with accompanying maps and any revision thereto, are hereby adopted by reference and declared to be a part of this Ordinance.

Section 2404. Establishment Of Base Flood Elevations.

Where the Flood Insurance Study and accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps establish base flood elevations, such elevations shall govern. However, in the event base flood elevations are not provided by said study and maps, or in the event a study by the U.S. Army Corps of Engineers or other reputable engineering studies prepared by a current state-registered professional engineer establishes base flood elevations for a more specific land area, then said specific elevations prepared by the Corps or registered engineer shall govern, upon acceptance by the Federal Emergency Management Agency (FEMA) and amendment of appropriate maps. When base flood elevations cannot be established by these means, the base flood elevations may be determined by data submitted by a registered land surveyor based on the best information available, subject to the approval of the Building Official.

Section 2405. Encroachment Within Floodway Prohibited.

Within any floodway, as defined by these regulations, no encroachments, including fill, new construction substantial improvements and other development shall be permitted unless certification (with supporting technical data) by a state registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during occurrence of the base flood. All such construction must be in conformance with the provisions of these regulations. No structure or land shall hereafter be located or extended, converted or structurally altered without full compliance with the terms of this Article. Manufactured or manufactured homes shall not be permitted in designated floodways.

Section 2406. Permitted Uses Within Special Flood Hazard Areas.

Notwithstanding the uses permitted by the zoning district applying to the property, only the following uses shall be permitted within a special flood hazard area:

1. Agriculture, including forestry and livestock raising, requiring no structure.
2. Dams, provided they are constructed in accordance with the requirements of this Article and with all applicable State and Federal Regulations.
3. Fences having sufficient open area to permit the free flow of water and/or debris.
4. Grading and other construction necessary to raise a building site above the flood plain, provided that said activities are accomplished in conformance with the development standards of these regulations and all applicable State and Federal Regulations.
5. Identification, regulatory and warning signs.
6. Public, private and commercial parks and recreational areas including boat ramps and docks but not including any temporary or permanent buildings, provided such use is approved by the City Engineer and the U.S. Army Corps of Engineers.
7. Parking lots.
8. Public utility poles, towers, pipelines, sewers, streets, and similar facilities, provided they are constructed in such a manner as to permit the free flow of flood waters.
9. Other uses may be permitted upon approval of a conditional use in accordance with the procedures established in this Ordinance.

Section 2407. Permit Requirements And Procedures.

In all developments that involve change, modification, or alteration of a special flood hazard area, except such agricultural activities as plowing, tilling, seeding and planting, such development shall require a development permit from the Building Official prior to the commencement of activities. No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

Application for a Development Permit shall be made to the City of Dawsonville Building Official on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

2407.1. Application Stage.

- a) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings;
- b) Elevation in relation to mean sea level to which any non-residential building will be flood-proofed;
- c) Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in this Article.
- d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2407.2. Construction Stage.

Provide a floor elevation or flood-proofing certification after the lowest floor is completed, or instances where the building is subject to the regulations applicable to Coastal High Hazard Areas, after placement of the horizontal structural members of the lowest floor. Upon placement of the lowest floor, or flood-proofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the City of Dawsonville Building Inspector a certification of the elevation of the lowest floor, flood-proofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be a the permit holder's risk. The City of Dawsonville Building Official shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

Section 2408. Duties and Responsibilities of the City of Dawsonville Building Official.

Duties of the City of Dawsonville Building Official with regard to this Article shall include, but not be limited to:

- (1) Review all development permits to assure that the permit requirements of this Ordinance have been satisfied;
- (2) Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.
- (3) Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (5) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with this Article.
- (6) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been flood-proofed, in accordance with this Article.
- (7) When flood proofing is utilized for a particular building, the City of Dawsonville Building Official shall obtain certification from a registered professional engineer or architect, in accordance with this Article.
- (8) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the City of Dawsonville Building Official shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article.
- (9) When base flood elevation data or floodway data have not been provided in accordance with this Article, then the City of Dawsonville Building Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of this Article.
- (10) All records pertaining to the provisions of this Ordinance shall be maintained in the office of the City of Dawsonville Building Official and shall be open for public inspection.

Section 2409. Development Provisions.

Development within special flood hazard areas shall conform to the following regulations:

Section 2409.1. General Requirement For New Construction and Substantial Improvements.

New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure; constructed with materials and equipment resistant to flood damage; constructed by methods and practices that minimize flood damage. Any alteration, repair, reconstruction or improvements to a building which is in

compliance with the provisions of this Article, shall meet the requirements for new construction as contained in this Article.

Section 2409.2. River and Stream Channels.

Relocation or realignment of river or stream channels shall be prohibited if such action would reduce the floodway capacity with respect to the base flood elevation, or significantly alter water flow characteristics so as to create a hazard. Prior to any alteration or relocation of a watercourse, adjacent communities and the Georgia Department of Natural Resources shall be notified, and written evidence of such notification shall be submitted to the Federal Emergency Management Agency.

Section 2409.3. Non-Conforming Uses.

Any alteration, repair, reconstruction or improvements to a building, which is not in compliance with the provisions of this Article, if permitted by these regulations, shall be undertaken only if said non-conformity is not furthered, extended or replaced.

Section 2409.4. Residential Structures.

Any new residential structure or substantial improvement thereof, or manufactured or manufactured home in all areas of a special flood hazard area, if permitted by these regulations, shall have its lowest floor, including basement, elevated no lower than three (3) feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with this Article.

Section 2409.5. Non-Residential Structures.

Any new construction or substantial improvement of any commercial, industrial or other non-residential structure (including manufactured or manufactured home), if permitted by these regulations, shall have the lowest floor, including basement, elevated no lower than three (3) feet above the base flood elevation. Buildings located in all A-zones, if permitted by these regulations, may be flood proofed in lieu of being elevated provided that all areas of the building below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic or hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this Article are satisfied.

Section 2409.6. Elevated Buildings.

New construction or substantial improvements of elevated buildings, if permitted by these regulations, that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space

and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

(a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

1. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
2. The bottom of all openings shall be no higher than one foot above grade and
3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(b) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

(c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

Section 2409.7. Filling in Flood Hazard Area.

Lands may be removed from a special flood hazard area by raising the elevation of such land above the base flood elevation, provided the raising of such land is accomplished in accordance with the requirements of this Article and any State and Federal regulations.

Section 2409.8. Residential Lot Area and Subdivision Requirements

In zoning districts which permit residential use, at least fifty (50%) percent of the required minimum lot area established by the zoning district shall be above the base flood elevation. Base flood elevation data shall be provided for subdivision proposals (including manufactured and manufactured home parks and subdivisions) and other proposed development which is greater than the lesser of fifty (50) lots or five (5) acres. All subdivision proposals shall be consistent with the need to minimize flood damage, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage, and shall have adequate drainage provided to reduce exposure to flood hazards.

Section 2409.9. Certain Development Prohibited.

No construction, including grading and filling, shall be permitted which would: raise the base flood elevation beyond the boundaries of the property being developed; reduce the flood storage capacity of the floodway; impede the movement of flood waters; or increase the velocity of flood

waters.

Section 2409.10. Utilities and Equipment.

All new and replacement water supply systems and sanitary sewerage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters. On site sewage disposal systems shall be located to avoid impairment to them or contamination from them during flooding. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Section 2409.11. Standards for Manufactured Homes and Recreational Vehicles.

(a) All manufactured homes, if permitted by these regulations, placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring.

(b) All manufactured homes, if permitted by these regulations, placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

(1) The lowest floor of the manufactured home is elevated no lower than three (3) feet above the level of the base flood elevation, or

(2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above grade.

(3) The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to applicable state requirements for resisting wind forces.

(4) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the all of the standards of this Section.

(c) All recreational vehicles placed on sites must either:

(1) Be fully licensed and ready for highway use, or

(2) The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of Article.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

Section 2410. Warning And Disclaimer Of Liability.

The degree of flood protection provided by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and do occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Article does not imply that land outside of the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the City of Dawsonville, or by any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made hereunder.

Section 2411. Appeals.

In the case of an alleged error in determination or act of an official in the administration or enforcement of this Article, such aggrieved person may appeal said determination or action to the Planning Commission in accordance with Article XXV of these regulations.

Section 2412. Variances.

The Planning Commission shall hear and decide requests for variances from the requirements of this Article, in accordance with Article XXV of these regulations. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

Section 2413. Criteria for Granting Variances to Provisions of This Article.

In passing upon such applications, the Planning Commission shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Section 2414. Conditions of Variance and Limits on Variance Authority.

1. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
2. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building;
3. Variances shall only be issued upon (a) showing of good and sufficient cause, (b) a determination that failure to grant the variance would result in exceptional hardship, and;
(c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
4. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the building is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduces lowest floor elevation.
5. The City of Dawsonville Building Official shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency.

Section 2415. Standards for Streams.

Standards For Streams Without Established Base Flood Elevation and/or Floodways located within the areas of special flood hazard established in this Article, where streams exist but where no base flood data has been provided without floodways, the following provisions apply:

Section 2415.1.

No encroachments, including fill material or structures shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

Section 2415.2.

New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with this Article.

ARTICLE XXV PLANNING COMMISSION

Section 2501. Creation And Appointment.

The Planning Commission for the City of Dawsonville is hereby created. The Planning Commission shall be composed of five (5) members appointed by the Governing Body in such a manner as hereinafter provided three (3) members present shall be required to constitute a
quorum. One (1) such member shall be annually elected chairman of the Planning Commission by the Planning Commission members, and the Chairman shall not vote except in cases of a tie-vote between the other members. In cases of a tie-vote and the Chairman excuses himself from voting, then such tie-vote shall constitute denial of said motion, application or action. All members appointed to the Planning Commission shall be residents of Dawson County with a vested interest inside the City. The members shall serve staggered terms, with three (3) members serving a term of three (3) years, two (2) members serving a term of two (2) years. Thereafter, the members of the Planning Commission shall be appointed for a term of three (3) years and shall serve until their successors are appointed. The compensation of the members of the Planning Commission shall be as established by the Governing Body. Any vacancy in the membership of the Planning Commission shall be filled for the unexpired term of such vacancy in the same manner as the original appointment. The Governing Body may remove any member of the Planning Commission for due cause after written notice to such member and after a public hearing. Members of the Planning Commission shall appoint a secretary, or in lieu of such appointment, the Building Official or City Clerk shall serve as the secretary of the Planning Commission

Section 2502. Meetings And Records.

The Planning Commission shall meet at least one (1) time each month at the call of the Chairman, or at such other times as the Planning Commission may determine, and all such meetings shall be open to the public. The Planning Commission shall adopt rules for the transaction of business, or in lieu of such rules, the Commission shall follow "Robert's Rules of Order," latest edition. The Planning Commission shall keep record of its resolutions, recommendations, transactions, findings, and determinations, and all such records shall be public record and available for purchase by interested parties at a reasonable cost.

Section 2503. Powers And Duties.

The Planning Commission shall have the following functions, powers and duties:

1. With the prior written approval of the Governing Body, contract with or accept funds from federal, state, regional or local public or semi-public agencies or private individuals or corporations; expend such funds; and carry out such cooperative undertakings or contracts.
2. Make expenditures for the purchase of required equipment and supplies within the budget approved by the Governing Body. Expenditures, exclusive of gifts to the Planning Commission or contract receipts, shall be within the amounts appropriated for the purpose by the Governing Body.
3. Conduct surveys and studies of existing conditions and probable future developments and to prepare and recommend to the Governing Body any plans for physical, social and economic growth as will best promote the public health, safety, order, convenience, aesthetics, prosperity or the general welfare of the City of Dawsonville.
4. Prepare and recommend for adoption by the Governing Body zoning regulations and official zoning map, development regulations and other such land use regulations; prepare and recommend for adoption by the Governing Body amendments to any of the land use regulations; and to review and make recommendations concerning applications for zoning map amendment, conditional use approvals, variances, annexation or other such applications.
5. Perform other planning functions and duties as may be required by the Governing Body. Development such as type and time frame of development, background information in support of such application, and any other information deemed pertinent by the applicant. For variance applications, the letter of intent shall address the criteria specified in Section 2507. of these regulations. For zoning map amendment applications, the letter of intent shall address the standards specified in Section 2505. of these regulations. For conditional use permit applications, the letter of intent shall address the standards specified in Section 2506. of these regulations. For PUD applications the letter of intent shall take the form of a development plan summary report, which shall also address the items enumerated in Section 2504.
6. Review and recommend site plans submitted pursuant to Section 2504. Unless otherwise noted in the approval, the site plan submitted in support of an approved application shall be considered a part of the approval and must be followed.
7. Review and recommend Zoning Map Amendments pursuant to Section 2505.
8. Review and recommend Conditional Uses pursuant to Section 2506.
9. Determine variances pursuant to Section 2507.

Section 2504. Site Plan Requirements.

All developments of property shall require an application, a site plan and payment of a fee set by the Governing Body for the application and review of the application and site plan.

Applicants shall submit six (6) copies of any required site plans, development plans, elevation drawings and letters of intent to the Building Official for distribution to the applicable bodies and/or review agencies. The Building Official may require more or less copies depending on the nature and extent of required review. Applications which require action by the Governing Body shall require disclosure of any conflicts of interest as specified in the Georgia Zoning Procedures Act.

All site plans required by this Article shall, at a minimum, contain the following information:

1. Title of the proposed development and the name, address and telephone number of the property owner.
2. The name, address and telephone number of the architect, engineer or other designer of the proposed development.
3. Scale, date, north arrow, and general location map showing relationship of the site to streets or natural landmarks.
4. Boundaries of the subject property, all existing and proposed streets, including right-of-way and street pavement widths; buildings; watercourses; parking and loading areas; and other physical characteristics of the property and proposed development.
5. Building setbacks, buffers, landscape strips, and tree protection zone.

Section 2505. Criteria To Consider For Map Amendments.

Any proposed amendment to the zoning map shall be submitted by application with a copy of the plat and payment of a fee set by the Governing Body for the application and review of the proposed amendment to the zoning map.

Applicants shall submit six (6) copies of any proposed zoning map amendment and plat to the Building Official for distribution to the applicable bodies and/or review agencies. The Building Official may require more or less copies depending on the nature and extent of required review. Applications which require action by the Governing Body shall require disclosure of any conflicts of interest as specified in the Georgia Zoning Procedures Act.

The applicant, staff, Planning Commission and Governing Body should review an application for zoning map amendment with regard to the following criteria:

1. The existing uses and zoning of nearby property and whether the proposed zoning will adversely affect the existing use or usability of nearby property.
2. The extent to which property values are diminished by the particular zoning restrictions.
3. The extent to which the destruction of property values promotes the health, safety, morals or general welfare of the public.
4. The relative gain to the public, as compared to the hardship imposed upon the individual property owner.

5. The physical suitability of the subject property for development as presently zoned and under the proposed zoning district.
6. The length of time the property has been vacant, considered in the context of land development in the area in the vicinity of the property, and whether there are existing or changed conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the rezoning request.
7. The zoning history of the subject property.
8. The extent to which the proposed zoning will result in a use, which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks, or other public facilities.
9. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan, land use plan, or other adopted plans.

The staff, Planning Commission and Governing Body may consider other factors deemed relevant before formulating recommendations and taking action on a particular request.

Section 2506. Criteria To Consider For Conditional Uses.

Any proposed Conditional Use shall require an application for Conditional Use, a copy of the plat, and payment of a fee set by the Governing Body for the application and review of the proposed Conditional Use.

Applications for Conditional Use permits to exceed the height limitations, applications for conditional signs, and applications for Certificates of Appropriateness shall also require architectural elevations of all proposed structures and buildings requested for approval.

Applicants shall submit six (6) copies of any required application, plat and architectural elevations to the Building Official for distribution to the applicable bodies and/or review agencies. The Building Official may require more or less copies depending on the nature and extent of required review. Applications which require action by the Governing Body shall require disclosure of any conflicts of interest as specified in the Georgia Zoning Procedures Act.

The applicant, staff, Planning Commission and Governing Body should review applications for conditional uses with regard to the following criteria:

1. Off-street parking and loading facilities are adequate in terms of location, amount and design to serve the use.
2. The number, size and type of signs proposed are compatible with the surrounding area.
3. The amount and location of open space and the provision of screening is such that buffering of incompatible uses is achieved.
4. Ingress and egress to the property is suitable and safe, and the effect of the proposed activity on traffic flow along adjoining streets is not adverse.

5. The location and intensity of outdoor lighting is such that it does not cast light on adjacent, adjoining or neighboring properties.
6. Hours and manner of operation of the proposed use are not inconsistent with adjacent and nearby uses.
7. Public facilities and utilities are capable of adequately serving the proposed use.
8. The proposed use will not have a significant adverse effect on the level of property values or the general character of adjacent land uses or the general area.
9. The physical conditions of the site, including size, shape, topography and drainage, are suitable for the proposed development.
10. The proposed use is consistent with the goals and objectives of the Comprehensive Plan of the City of Dawsonville.

The staff, Planning Commission and Governing Body may consider other factors deemed relevant before formulating recommendations and taking action on a particular conditional use application.

Section 2507. Variances/Appeals.

The Planning Commission is hereby empowered to authorize upon application in specific cases such variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will in an individual case, result in unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. The existence of a non-conforming use of neighboring land, buildings or structures in the same zoning district or of permitted or non-conforming uses in other districts shall not constitute a reason for the requested variance.

2507.1

A variance may be granted in an individual case of unnecessary hardship, after appropriate application, upon specific findings that all of the following conditions exist. The absence of any one (1) of the conditions shall be grounds for denial of the application for variance.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other land or structures in the same district; and,
2. A literal interpretation of the provisions of these zoning regulations would create an unnecessary hardship and would deprive the applicant of rights commonly enjoyed by other property owners within the district in which the property is located; and,
3. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located; and,
4. Relief, if granted, will be in harmony with the purpose and intent of these regulations and will not be injurious to the neighborhood or general welfare in such a manner as will

interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value; and,

5. The special circumstances are not the result of the actions of the applicant; and,

6. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure; and,

7. The variance is a request to permit a use of land, building or structures which is permitted by right in the district involved.

2507.2.

In exercising its powers, the Planning Commission may, in conformity with the provisions of these regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination of the Building Official or City Administrator related to zoning, development and land use, and to that end, shall have all of the powers of the Building Official and may issue or direct the issuance of a permit. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Official or City Administrator related to zoning, development and land use.

2507.3.

In exercising the powers to grant appeals and approve variances, the Planning Commission may attach any conditions to its approval which it finds necessary to accomplish the reasonable application of the requirements of these regulations.

2507.4.

All decisions of the Planning Commission on variances and appeals shall be final unless within ten (10) days of the decision, an appeal is filed by any aggrieved party to the Governing Body.

Section 2508. Public Notice And Public Hearing Required.

This section shall apply to all applications for amendments to the text of the zoning regulations, amendments to the official zoning map, petitions for variances and appeals to the Planning Commission, requests for conditional use approval, requests for alteration or extension of conditional zoning, applications for site plan approval and petitions for development approval for property within the PUD, Planned Unit Development District.

Upon receipt of a completed application, fees and other information required by this Article, the Building Official shall cause notice of such application to be published at least one (1) time in a newspaper of general circulation in the community at least fifteen (15) days but not more than forty-five (45) days prior to the date of public hearing before the Governing Body. Said published notice shall include, as a minimum, the purpose, location, date and time of the public hearing, before the Governing Body, the purpose, location, date and time of the public hearing before the Planning Commission, the

location of the property being considered, the present zoning classification of the property, and proposed action to be taken, as appropriate, such as proposed zoning district, type of conditional use, variance to particular Articles and Sections, and so forth. The Building Official shall also cause to have posted in a conspicuous place on said property one (1) or more sign(s), each of which shall contain the information specified for published notices. No public hearing shall take place until said sign(s) have been posted for a least fifteen (15) days but not more than forty-five (45) days prior to the date of the public hearing.

All required public hearings shall be held by the Planning Commission and/or the Governing Body, and no action shall be taken on said applications until a public hearing has been held by the Planning Commission and/or the Governing Body.

Public hearings may be delayed, rescheduled or continued at another time and date, provided announcement is given at the time and place of the initially scheduled and advertised public hearing, and provided such date, time and location of the public hearing to be delayed, rescheduled or continued is given. If the applicant of a petition before the Planning Commission or Governing Body fails to attend the public hearing, then the Planning Commission or Governing Body may deny the subject petition or may require re-advertisement of the subject petition at the expense of the applicant. If there is no quorum of the Planning Commission or Governing Body at the scheduled public hearing, then the public hearing(s) shall be rescheduled and re-advertised at the City of Dawsonville's expense.

Section 2509. Recommendation By Building Official.

The Building Official will, as appropriate, customarily submit to the recommending and/or decision making body, prior to a scheduled public hearing, copies of the site plan and letter of intent along with a written recommendation for approval, disapproval, deferral, withdrawal or other recommendation. Said recommendation shall include reasons for said recommendations, considered within the context of the appropriate criteria as specified by these regulations. The recommendations of the Building Official shall have an advisory effect only and shall not be binding on the Planning Commission or Governing Body. Copies of the Building Officials recommendations shall be made available to the applicant and other interested parties upon completion and distribution to the appropriate bodies and at the public hearing.

Section 2510. Planning Commission Recommendation.

Prior to the public hearing held by the Governing Body, the Planning Commission shall hold a public hearing on all applications for amendment to the text of the zoning regulations, amendments to the official zoning map, conditional use permit applications, petitions for alteration or extension of conditional zoning, requests for development plan approval within the PUD, Planned Unit Development District, request for site plan approval.

After completing its studies of the particular petition, the Planning Commission shall submit a recommended action in writing to the Governing Body. The Planning Commission may submit any additional report it deems appropriate. The recommendations of the Planning Commission shall have an advisory effect only and shall not be binding on the Governing Body. Copies of the Planning Commission's recommendations and reports shall be made available to the applicant and other interested parties upon completion and distribution to the Governing Body and at the public hearing before the Governing Body.

The Planning Commission shall have thirty (30) days within which to submit its recommendations. The Governing Body shall not take action on any of said applications, until it has received the recommendation of the Planning Commission within the specified time period. If the Planning Commission fails to submit a recommendation within the thirty (30) day period, it shall be deemed to have approved the proposed application.

Section 2511. Conduct Of Public Hearings.

All public hearings regarding applications considered by the Planning Commission, and Governing Body shall be held in accordance with any procedures adopted by said body and, in addition, shall be governed by the following procedure:

1. The presiding officer shall open the hearing by stating the specific application being considered at the public hearing. At this time the presiding officer may summarize the public hearing procedures.
2. The Building Official will present a description of the proposed application, any applicable background material, his/her recommendation regarding action on said application as appropriate, and the recommendations and reports of the Planning Commission as appropriate.
3. Persons who support the application will be asked to comment first. The petitioner may, upon recognition and upon statement of name and address, present and explain his application. The petitioner, or his designated agent, shall be required to attend the public hearing unless written notice of hardship is received prior to such meeting. Failure of the petitioner or agent to attend the public hearing or meeting, except in cases of hardship, may be due cause for dismissal or denial of such application. A time limitation may be imposed at the discretion of the Chairman.
4. Persons who oppose the application will be asked to comment next. All interested parties after being recognized shall be afforded an opportunity to address the proposed application by standing before the appropriate body and identifying their name, address and interest along with any comments on the proposed application. A time limitation may be imposed at the discretion of the Chairman.
5. The petitioner shall have an opportunity for summary remarks and rebuttal concerning the proposed application.

6. Upon the completion of any comments from interested parties and the petitioner, the public hearing shall be completed and adjourned.

7. All public comments having been heard, the members of the body considering the application may discuss the request among themselves. During this discussion period, the members of the body may call on the petitioner or other interested parties to clarify points made previously or to answer questions. Said petitioner or interested parties may respond upon recognition.

Section 2512. Action By The Appropriate Body.

After completion of the public hearing, if so required by these regulations, the Governing Body may take action to approve or deny the request, refer the application back to the Building Official, or Planning Commission for further study, or the Governing Body may table or defer action until a later meeting.

Section 2513. Conditional Approval Permitted.

The Building Official and Planning Commission may recommend, and the Governing Body may approve, applications for zoning map amendments, conditional use permits, applications for development approval within the PUD, Planned Unit Development District, and applications for site plan approval, subject to certain conditions, provided that said conditions are set forth in the minutes regarding approval of such application. Said conditions of approval may reduce the number or type of permitted uses, limit the nature or scope of permitted uses, restrict certain activities on the property, restrict the number and kind of improvements which can be made on the property, stipulate specific acts which the property owner will perform, or any other conditions directly related to the physical use of land and which are designed to render the proposed zoning or use compatible with nearby properties. Applications for alteration or extension of conditional zoning shall be made in accordance with the requirements of this Article.

Section 2514. Reversion Of Conditional Zoning and/or Conditional Use Approval

If, after twenty-four (24) months from the date the Governing Body approves a map amendment or conditional use permit, action has not been taken to utilize the property, pursuant to such conditions, such as securing a development permit, the approval shall expire. The Governing Body shall, by official action, cause the conditional use approval to expire or the zoning district to revert to the district classification assigned to the property immediately prior to the approval.

Prior to any reversion of approval, the owner of the property in question may petition the Governing Body for a modification or extension of zoning or conditional use approval. Any such extension shall be valid for twenty-four (24) months from the date of approval. Only one (1) such extension shall be permitted.

Section 2515. Approval Required By Appropriate Body.

Applications for amendments to the text of the zoning regulations, zoning map amendments, alterations or extensions of conditional zoning, conditional use permits, development within the PUD, Planned Unit Development District and site plans require approval by the Governing Body before development may be initiated or before such application is made effective. Applications for variances and appeals shall require approval by the Planning Commission in accordance with Section 2407 before development may be initiated or before such application is made effective. Applications for Certificates of Appropriateness require review by the Planning Commission and approval by the Governing Body before development, demolition or alteration may be initiated or before such application is made effective.

Section 2516. Procedure for Approved Zoning Ordinance Text Amendments.

The date of all approved amendments to the text of the zoning ordinance shall be indicated on the title/cover page of the text, and any sections within the zoning ordinance text hereafter amended or repealed shall be so indicated by an asterisk (*, **, ***, etc.) and concurring footnote providing the date such amendment was approved. All such text amendments shall be incorporated within the text without unreasonable delay.

Section 2517. Designation Of Approved Applications On Official Zoning Map

Rezoning changes/zoning map amendments shall be entered onto the Official Zoning Map. In addition, all conditional use approvals, variances and Certificates of Appropriateness shall also be indicated on said Official Zoning Map, with an abbreviation of application type and number. Such entries shall be made on the Official Zoning Map without unreasonable delay.

ARTICLE XXVI

**ADMINISTRATION, INTERPRETATION, ENFORCEMENT,
PENALTIES AND REMEDIES**

Section 2601. Administration and Interpretation.

The provisions of this ordinance shall be administered by the Building Official who shall be appointed by the Governing Body and serve at its pleasure. The Building Official shall be responsible for interpretation of the provisions of these regulations and for maintenance of the official zoning map.

Section 2602. Enforcement.

The provisions of these regulations shall be enforced by the Building Official.

Section 2603. Development Permit Required.

A development permit based upon an approved site plan shall be required for any proposed use of land(s) or building(s) to indicate and insure compliance with all provisions of these regulations before any building permit is issued or any improvement, grading, land disturbing activity or alteration of land(s) or building(s) commences; provided, however, that development permits for individual structures within approved developed single-family residential subdivisions or for single-family dwelling units on individual developed lots shall not be required. Upon payment of applicable Development Permit fees and approval of a preliminary plat in accordance with all applicable provisions of the Development Regulations, development may begin for each subdivision, and upon plan approval of a planned unit development, manufactured home park, or condominium development as specified in these regulations. All development permits shall be issued by the Building Official only after prior approval by the Building Official, who shall in no case approve a development permit for the use, construction, or alteration of any land or building if the land or building as proposed to be used, constructed or altered would be in violation of any of the provisions of these regulations or any other codes and laws. Development permits shall be valid for two (2) years from its issuance. If work described in any development permit has not begun within one hundred twenty (120) days from the date of issuance thereof, said permit shall expire, and further work shall not proceed until a new development permit has been obtained. Development Permit fees shall be set by the Governing Body.

Section 2604. Building Permit Required.

No building, structure or sign, except as specifically exempted by these regulations, shall be erected, moved, extended, enlarged or structurally altered, nor shall any excavation or filling of any lot for the construction of any building be commenced until the Building Official has issued a building permit for such work in conformity with the provisions of these regulations. Building permit fees shall be set by the Governing Body.

All building permits shall be issued by the Building Official. In cases of uncertainty regarding whether a proposed building or structure conforms to any provisions within these regulations, the Building Official shall consult with the City Engineer for his interpretation and ruling. Building permits shall become invalid unless the work authorized by it shall have been commenced within ninety (90) days of its date of issue if the work authorized by it is suspended or abandoned for a period of six (6) months or more, or if the work authorized by it is not completed within one (1) year of its date of issue.

Section 2605. Certificate of Occupancy Required.

A Certificate of Occupancy issued by the Building Official is required in advance of occupancy or use of any lot or change or extension in the use of any lot; any building or structure hereafter erected; or any change in the use of an existing building or structure. All Certificates of Occupancy shall be issued by the Building Official, and no such Certificate shall be issued unless the proposed use of a building or land conforms to the applicable provisions of these regulations. Business licenses shall not be issued until the business conforms to the regulations of the district in which it is located and a valid Certificate of Occupancy is issued.

Section 2606. Penalties For Violation.

Any person, firm or corporation violating, neglecting or refusing to comply with any of the provisions of these regulations shall be guilty of a misdemeanor and, upon conviction, shall be fined in the amount set forth in the City of Dawsonville Fine Schedule as the same may be amended from time to time, or as determined by the court of proper jurisdiction. Each day such violation continues shall constitute a separate offense.

Section 2607. Remedies.

In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building structure or land is or is proposed to be used in violation of any provision of these regulations, the Building Official, or any other appropriate authority may, in addition to other remedies, and after due notice to the owner of the violation, issue a citation for violation of these regulations requiring the presence of the violator in the court of proper jurisdiction; institute injunction, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use to correct or abate such violation or to prevent the occupancy of such building, structure or land. Where a violation of these regulations exists with respect to a structure or land, the Building Official may, in addition to other remedies, require that utility service be withheld there from until such time as the structure or premises is no longer in violation of these regulations.

ARTICLE XXVII

LEGAL STATUS PROVISIONS

Section 2701. Conflict With Other Laws.

Whenever the provisions of these regulations impose more restrictive standards than are required in or under any other statute, the provisions of these regulations shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by these regulations, the provisions of such statute shall govern.

Section 2702. Separability.

Should any Article, Section or provision of these regulations be declared invalid or unconstitutional by any court of competent jurisdiction, such declarations shall not affect the validity of these regulations as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Section 2703. Repeal Of Conflicting Ordinances.

All ordinances and resolutions and parts thereof in conflict herewith are repealed.

Section 2704. Effective Date.

These regulations shall take effect and be in force from and after adoption, the public welfare demanding it.

SO ADOPTED this _____ day of July, 2004.

Mayor, City of Dawsonville

Councilman

Councilman

Councilman

Councilman

Attested:

City Clerk