

AGENDA
CITY COUNCIL REGULAR MEETING
G.L. Gilleland Council Chambers on 2nd Floor Monday,
November 5, 2018
7:00 P.M.

1. Call to Order – 7:00 pm
2. Roll Call – 7:01 pm
3. Invocation and Pledge – 7:02 pm
4. Announcements – 7:02 pm
5. Approval of the Agenda – 7:02 pm
6. Public Input – 7:05 pm
7. Resolution – Consent Agenda Protocol 7:05 pm

8. **Consent Agenda – 7:05 pm**
 - a. Approval of the Minutes
 - b. Move NGN Water Tower Agreement to December 3, 2018
 - c. Approve Edmunds Software Agreement
 - d. Approve Veteran’s Day Parade with Road Closure
 - e. Approve Christmas Parade with Road Closure

BUSINESS

9. Employee of the Month and Service Award – 7:08 pm
10. ANX C8-00210: Michael Turner and Myles Montgomery have petitioned to annex into the city limits of Dawsonville the 11.407-acre tract known as TMP 093 006 located at 0 Allen Street. Hearing Dates: Planning Commission – October 8, 2018 and City Council – October 22, 2018 and November 5, 2018. – 7:09
11. ZA C8-00210: Michael Turner and Myles Montgomery have requested a rezone of the 14.175 acres known as TMP 093 006 and TMP 093 007, located at 0 Allen Street from City Zoning of LI (Light Industrial) and County Zoning of RSR (Residential Sub Rural) to City Zoning of R3 (Single Family Residential) Hearing Dates: Planning Commission – October 8, 2018 and City Council – October 22, 2018 and November 5, 2018.
12. An Ordinance To Amend The Current Speed Zone Ordinance Of The City Of Dawsonville, Georgia By Attaching A Revised Exhibit A Based Upon The Latest GDOT Study Of Speeds; And For Other Purposes. (First Reading: October 22, 2018; Second Reading: November 5, 2018) – 7:12 pm
13. 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 Composition, Powers And Duties Of The Planning Commission, Board Of Appeals, Historic Preservation Commission, Building Inspector, And Governing Authority; Providing Penalties For Violation; Repealing Conflicting Regulations; And For Other Purposes. (First Reading: November 5, 2018; Second Reading: December 3, 2018) – 7:13 pm
14. An Ordinance To Amend The City Of Dawsonville Occupation Taxes And Miscellaneous Business Regulations Ordinance Regarding General Business Licensing, Registration And Fees; To Provide For Regulation Of Pawnshops; To Repeal Conflicting Ordinances; And For Other Purposes. (First Reading: November 5, 2018; Public Hearing and Second Reading: December 3, 2018) – 7:19 pm
15. Impact Fee Study Proposal – 7:20 pm
16. TSPLOST Project List – 7:25 pm
17. 2019 Meetings Calendar – 7:27 pm
18. Resolution – Deadline for Preparing Agendas and Submission of Support Documentation - 7:29 pm
19. Approve Reindeer Run 5K and 10K with Road Closure – 7:30 pm
20. Approval Zoning Maps – 7:31 pm
21. Public Input - 7:34 pm

EXECUTIVE SESSION: Pending or Potential Litigation and Land Acquisition

ADJOURNMENT – 7:38 pm

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18. Resolution – Timeline for Preparing Agendas and Submission of Support Documentation

EXECUTIVE SESSION: Pending or Potential Litigation and Land Acquisition

ADJOURNMENT



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 7

SUBJECT: RESOLUTION – CONSENT AGENDA PROTOCOL

CITY COUNCIL MEETING DATE: 11/05/2018

BUDGET INFORMATION: GL ACCOUNT # _____

Funds Available from: _____ Annual Budget _____ Capital Budget Other _____

Budget Amendment Request from Reserve: _____ Enterprise Fund _____ General Fund

PURPOSE FOR REQUEST:

TO PRESENT AND APPROVE A RESOLUTION FOR ESTABLISHING A CONSENT AGENDA PROTOCOL

HISTORY/ FACTS / ISSUES:

OPTIONS:

APPROVE, AMEND, DENY OR TABLE

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Mike Eason, Mayor

A RESOLUTION FOR THE PURPOSE OF ESTABLISHING A CONSENT AGENDA PROTOCOL; FOR PLACING ITEMS ON A CONSENT AGENDA; FOR REMOVAL OF ITEMS FROM A CONSENT AGENDA; FOR CONSIDERATION AND VOTING ON A CONSENT AGENDA; AND FOR OTHER PURPOSES.

WHEREAS, the City of Dawsonville has semi-monthly meetings at which it discusses and considers matters of import to the City of Dawsonville; and

WHEREAS, in conjunction with agenda items for consideration by the City Council, there are often matters upon which there is little to no discussion, and which could effectively be considered in many cases by the individual members of the Dawsonville City Council prior to Council meetings; and

WHEREAS, the Mayor of the City of Dawsonville presides over the meetings of the City Council, and in that capacity must facilitate the efficient operation of the government of the City of Dawsonville; and

WHEREAS, the Mayor and the Council of the City of Dawsonville have determined that, to promote the efficient operation of the governing authority during its meetings, it is desirable to have a procedure for a consent agenda, pursuant to which matters requiring little to no discussion or additional consideration may be approved.

NOW THEREFORE, the foregoing premises considered, the Council of the City of Dawsonville hereby resolves as follows:

Section 1. **SETTING THE CONSENT AGENDA.** The Mayor of the City of Dawsonville may set a consent agenda for the approval of those matters which, in the discretion of the Mayor, should require little or no discussion and for which materials may be provided to the members of the City Council in advance of their meeting for review. The items which are eligible for placement on a consent agenda for approval include the following:

- a. Minutes of prior meetings.
- b. Minutes of prior executive session meetings.
- c. Financial reports.
- d. Staff reports.
- e. Council reports.
- f. Mayor's report.
- g. Reappointments to committees/boards/authorities of persons currently serving on the subject committee/board/authority.
- h. Renewals of permits issued by the City of Dawsonville requiring approval by the City Council.
- i. Matters which, in the consideration of the Mayor, have received such prior discussion and consideration and on which there is such apparent consensus that the efficient operation of government will be promoted by their placement on a consent agenda.

Section 2. PLACEMENT OF THE CONSENT AGENDA AND REMOVAL OF ITEMS THEREFROM.

- a. The Consent Agenda shall be placed on the agenda of the Mayor and Council at any meeting where the procedure is utilized by the Mayor, and it shall be placed upon the agenda following the Approval of the Agenda as a whole.
- b. At the time of the Approval of the Agenda is reached for consideration by the Council, any council member shall have the right upon motion, without a second or any vote, to have an item(s) removed from the Consent Agenda. Any item removed from a Consent Agenda shall be placed at the end of the Agenda, but before any Executive Session portion of the meeting, where it shall be discussed and/or voted upon as if it were never part of the Consent Agenda. Thereafter, Approval of the Agenda as modified will be voted upon by the Council.

Section 3. CONSIDERATION OF CONSENT AGENDA

- a. For each item on a Consent Agenda, any applicable written materials for the members of the City Council to review must be made available sufficiently in advance to permit meaningful review and consideration, but in no event shall an item be placed on a Consent Agenda unless any applicable written materials in support thereof are available for at least three (3) calendar days prior to the day of the meeting where the item appears on the Consent Agenda.
- b. When the Consent Agenda is reached for consideration during the meeting, the Mayor shall read aloud the title of each item on the Consent Agenda and shall ask for a motion to approve the entire Consent Agenda as read.
- c. Upon a motion and a second to approve the Consent Agenda, the question shall then be called without discussion and a vote cast to determine whether the Consent Agenda should be approved.
 - i. Upon approval, each item thereon shall be deemed to have been approved as if it were considered individually by the Council of the City of Dawsonville, and the minutes shall so reflect that approval by recording the vote totals for each item approved on the Consent Agenda.
- d. In the event there is no Motion to approve the Consent Agenda, or in the event the Consent Agenda otherwise fails to achieve a majority of the votes for its approval, then and in that event each of the items on the Consent Agenda must be considered individually and shall be placed on the Agenda pursuant to Section 2(b) of this Resolution.

Section 4. The terms and procedures provided for in this Resolution shall continue to be in place until such time as they are amended, revoked or annulled by action of the City Council of Dawsonville.

SO RESOLVED this ___ day of _____, 2018.

Michael Eason, Mayor,

Caleb Phillips, Councilmember, Post 1

Steve Tolson, Councilmember, Post 2

Jason Power, Councilmember, Post 3

Mark French, Councilmember, Post 4

Attested: _____
Beverly Banister, City Clerk



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 8

SUBJECT: CONSENT AGENDA

CITY COUNCIL MEETING DATE: 11/05/2018

PURPOSE FOR REQUEST:

CONSIDERATION AND APPROVAL OF ITEMS A THROUGH G; SEE ATTACHED SUPPORTING DOCUMENTS

- a. Approve the Minutes
 - b. Approve Zoning Map
 - c. Move NGN Water Tower Agreement to December 3, 2018
 - d. Approve Edmunds Software Agreement
 - e. Approve Veteran's Day Parade with Road Closure
 - f. Approve Christmas Parade with Road Closure
 - g. Approve Reindeer Run 5k and 10k with Road Closure
-



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
CONSENT AGENDA ITEM # A

SUBJECT: APPROVE THE MINUTES

CITY COUNCIL MEETING DATE: 11/05/2018

BUDGET INFORMATION: GL ACCOUNT # NA

Funds Available from: Annual Budget Capital Budget Other

Budget Amendment Request from Reserve: Enterprise Fund General Fund

PURPOSE FOR REQUEST:

TO APPROVE THE MINUTES FROM:

- **WORK SESSION AND REGULAR MEETING AND THE EXECUTIVE SESSION HELD ON OCTOBER 22, 2018**
-

HISTORY/ FACTS / ISSUES:

OPTIONS:

AMEND OR APPROVE AS PRESENTED

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Beverly Banister, City Clerk

MINUTES
CITY COUNCIL WORK SESSION AND REGULAR MEETING
G.L. Gilleland Council Chambers on 2nd Floor
Monday, October 22, 2018, 2018
7:00 P.M.

1. **CALL TO ORDER:** Mayor Mike Eason called the meeting to order at 7:00 pm.
2. **ROLL CALL:** Present were Councilmember Jason Power, Councilmember Mark French, Councilmember Stephen Tolson, Councilmember Caleb Phillips, City Attorney Dana Miles and Attorney Kevin Tallant, City Manager Bob Bolz, City Clerk Beverly Banister, Utilities Director Gary Barr, Public Works Operations Manager Trampas Hansard, Planning Director Robbie Irvin, Finance Administrator Hayden Wiggins, and Human Resource Manager Donna Blanton.
3. **INVOCATION AND PLEDGE:** Invocation and Pledge were led by Councilmember Phillips.
4. **ANNOUNCEMENTS:** Mayor Eason explained the addition of times to the Agenda which can be found on the website so that anyone who watches the recording can forward to specific items instead of watching the entire feed.
5. **APPROVAL OF THE AGENDA:** Motion to approve agenda as presented made by M. French; second by C. Phillips. Vote carried unanimously in favor.
6. **PUBLIC INPUT:** No comments from the public.
7. **APPROVAL OF THE MINUTES:** Motion to approve the minutes from the City Council Work Session and Regular Meeting Executive Session held on September 24, 2018 and the Joint Strategic Planning Session held on October 5, 2018 with Dawson County made by J. Power; second by M. French. Vote carried unanimously in favor.

PUBLIC HEARING

8. **ANX C8-00210:** Michael Turner and Myles Montgomery have petitioned to annex into the city limits of Dawsonville the 11.407 acre tract known as TMP 093 006 located at 0 Allen Street. Hearing Dates: Planning Commission – October 8, 2018 and City Council – October 22, 2018 and November 5, 2018.
9. **ZA C8-00210:** Michael Turner and Myles Montgomery have requested a rezone of the 14.175 acres known as TMP 093 006 and TMP 093 007, located at 0 Allen Street from City Zoning of LI (Light Industrial) and County Zoning of RSR (Residential Sub Rural) to City Zoning of R3 (Single Family Residential) Hearing Dates: Planning Commission – October 8, 2018 and City Council – October 22, 2018 and November 5, 2018.

Motion to open the public hearing made by J. Power; second by C. Phillips. Vote carried unanimously in favor. Planning Director Irvin presented the annexation and rezone request. Planning Commission approved the request with the following stipulations:

1. The applicant shall reach an agreement with the City for construction of a joint detention facility and collaborative efforts for the design/construction of a future dog park.
2. There shall be a requirement for two entrances into the subdivision from a traffic safety standpoint; one onto Allen Street and one onto Perimeter Road.
3. There shall be a requirement for inter-parcel pedestrian access to City property.
4. The variance (VAR C-8-00210) is contingent upon the Annexation and Zoning Amendment being approved by Mayor and Council. If the ANX and ZA are not approved, the variance lapses. It shall not apply to either parcel; it is all or nothing.

He also stated the City is in receipt of an objection letter from Dawson County. Councilmember French questioned if the County had been contacted in order to reach a reconciliation regarding the

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objected; he also commented whether or not it would be appropriate to review annexations of this nature with Dawson County prior to being presented to Planning Commission for discussion. Mayor Eason said it could be considered as a future practice on a case by case basis.

Myles Montgomery of 7185 Shady Grove Rd in Cumming Georgia spoke in favor of the annexation and rezone stating he felt it was a good use of the land and the zoning density is less than the Stonewall subdivision located next to the property; they are not asking for anything that hasn't already been done.

Michael Turner of 1090 Oak Haven Drive in Roswell Georgia spoke in favor stating he is willing and available to do whatever is needed to get the agreement in place for the joint detention pond and both his attorney and the City attorney have already been communicating. He also stated he was unaware of the objection letter the City received from the County.

Veronica Goodyear of 29 Stillwater Lane in Dawsonville spoke against the annexation and rezone stating she opposes the high density of homes and that it is not needed in this area.

Councilmember French stated the Council might consider at moratorium on annexations and rezones until an impact study could be done.

Motion to close the public hearing made by J. Power; second by C. Phillips. Vote carried unanimously in favor.

BUSINESS

10. An Ordinance To Provide The Dates And Times On Which Regular Meetings Of The City Council May Take Place; To Provide For Repealer; To Provide An Effective Date; And For Other Purposes (First Reading – September 24, 2018; Second Reading – October 22, 2018)

The second and final reading of the ordinance was read by City Attorney Dana Miles.

Motion to approve the ordinance as presented by S. Tolson; second by J. Power. Vote carried unanimously in favor. (Exhibit "A")

11. ZA C8-00199: Hardeman Communities Inc. has requested a PUD site plan change for TMP 083 026, located at 128 Creekstone Drive, consisting of 48.48 acres. Hearing Dates: Planning Commission – September 10, 2018 and City Council – September 24, 2018

Planning Director Irvin presented and read the rezone request. Motion to approve ZA C8-00199 as presented made by J. Power; second by C. Phillips. Vote carried unanimously in favor.

12. **EMPLOYEE RECOGNITION**: City Manager Bolz and Mayor Eason presented employee of the month and quarter awards and employee service awards as listed below:

EMPLOYEE OF THE MONTH

January	Blake Croft	June	Hayden Wiggins
February	Hayden Wiggins		Stacy Harris
March	Stacy Harris	July	Nalita Copeland
April	Levi Foulks	August	Tracy Smith
May	Trampas Hansard		Donna Blanton
	Cody Mason	September	Sara Beacham

MINUTES
CITY COUNCIL WORK SESSION AND REGULAR MEETING
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EMPLOYEE OF THE QUARTER

First Quarter	Stacy Harris
Second Quarter	Levi Foulks
Third Quarter	Sara Beacham

SERVICE AWARDS

Gary Barr	28 years	Blake Croft	2 years
Sara Beacham	10 years	Donna Blanton	1 year
Trampas Hansard	10 years	Hayden Wiggins	1 year
Jacob Barr	7 years	Levi Foulks	1 year
Nalita Copeland	7 years	Westin Lee	1 year
Beverly Banister	3 years	Tracy Smith	1 year

13. **CONVERT ACCOUNTS PAYABLE POSITION TO FULL-TIME:** Motion to approve converting the accounts payable position to full-time made by M. French; second by J. Power. Vote carried unanimously in favor.
14. **ORGANIZATION CHART:** Motion to approve the organization chart as presented made by M. French; second by C. Phillips. Vote carried unanimously in favor.
15. **NGN WATER TOWER AGREEMENT:** Motion to postpone the item to the November 5, 2018 agenda made by C. Phillips; second by S. Tolson. Vote carried unanimously in favor.
16. **SERVICE DELIVERY STRATEGY AGREEMENT (SDSA):** Motion to approve the approved and signed copy of the Service Delivery Strategy Agreement (SDSA) made by S. Tolson; second by J. Power. Vote carried unanimously in favor.
17. **DAWSONVILLE HAIRCUTTERS – TRANSFER SIGN PERMIT:** Motion to approve the transfer of the sign permit without a fee to a new location made by M. French; second by J. Power. Vote carried unanimously in favor.
18. **RED RIBBON PROCLAMATION:** Mayor Eason read the proclamation into the minutes. Motion to approve the proclamation made by S. Tolson; second by J. Power. Vote carried unanimously in favor.
19. **TSPLOST:** Mayor Eason stated he met with the County and they will soon be voting on TSPLOST; the City will need to determine if they will enter into an intergovernmental agreement on how the funds will be divided and what projects will be attached to the funding. The City would like to have the County use a part of the funds to develop the truck route around the City; however, it is not currently on their project list. Councilmember Tolson stated they are in ongoing discussions with the County regarding this issue. If it goes forward, it will be on the ballot in March.
20. **CHANGE ORDER TO MAIN STREET PARK:** Councilmember Phillips recused himself from any discussion or vote on this item. Motion to approve the change order request to remove and replace bad dirt in area #4 in the amount of \$7,760 to be paid by SPLOST VI made by J. Power; second by S. Tolson. Vote carried 3 in favor (Power, Tolson, French) with 1 recused (Phillips).

WORK SESSION

21. **PLAYGROUND PRESENTATION:** City Manager Bolz presented three playground styles to Council to ask for their feedback on their preference of style.

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- 22. TITLE AD VALOREM TAX (TAVT):** Mayor Eason reported that Dawson County has been paying the City incorrectly for Title Ad Valorem Tax (TAVT) since 2013 as discovered by the current tax commissioner. The City has received the recalculation and a portion of the funds with the balance expected to be paid next month. The total amount due to the City is \$213,256.33.
- 23. COMMERCIAL DEPOSITS FOR WATER ACCOUNTS:** Mayor Eason reported the Council needs to determine the deposits on commercial water accounts as indicated in the ordinance. Currently the water department is collecting the same deposit amount for commercial as for residential. Staff will research using meter size at the property to recommend deposit amounts.
- 24. SPEED ZONE ORDINANCE AMENDMENT:** City Attorney Miles presented and read the 1st reading of the Speed Zone Ordinance Amendment.

An Ordinance To Amend The Current Speed Zone Ordinance Of The City Of Dawsonville, Georgia By Attaching A Revised Exhibit A Based Upon The Latest GDOT Study Of Speeds; And For Other Purposes. (First Reading: October 22, 2018; Second Reading: November 5, 2018)

Second and final reading and vote will be on the November 5, 2018 agenda. Mayor Eason reported we will have an additional request to have GDOT do a speed study on our City streets in which we would like to have the speed enforced.

- 25. FARMERS MARKET AGREEMENT UPDATE:** Mayor Eason reported on receiving the information and agreement from the Chamber of Commerce and the Amicalola Regional Farmer's Market for joint operation of the City's Farmer's Market. Staff has not completed their review of the agreement and no recommendations have been made at this time.

STAFF REPORTS

26. CITY MANAGER, BOB BOLZ

- i. Estimate received from GBT Engineers for the downtown parking and restroom project came in at over \$600,000.00.
- ii. The construction of Main Street Park Phase I is going well; with good weather it might be complete by mid-November.
- iii. Feedback for the Development Regulations was due by October 15th and any suggestions will be submitted to GBT Engineers.
- iv. The winter weather storage facility bid package is being redone and should back next week; it was incorrect and included additional items not required for construction.
- v. Davis Engineers are finalizing the bid package for the Farmer's Market to include grading, paving, restrooms and the pavilion; it is expected to be complete this week.
- vi. The long-range sewage expansion plan is ongoing as GBT Engineers put together the recommendations. The utility department is visiting other sewage plants to determine the type of plant the City desires.
- vii. Food Truck night held on October 5th was the largest crowd to date. The next one will be held November 2nd and the last one of the year will be held with the Christmas Tree lighting on December 1st.
- viii. Working on developing an ordinance on the procedures of renting our meeting rooms with hopes of completing it during the winter months.
- ix. Waiting on hearing from the FAA about adding Elliott Field to the NIPIAS. The airport layout plan and the financial portion has been submitted.

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27. CITY CLERK, BEVERLY BANISTER:

- i. Working with the bank and our software vendor to be able to implement ACH payments for our utility customers as it has been a longtime request from our residents.
- ii. The installation of the new phone system is almost complete. The back office set up has been done and the install will take place tomorrow.
- iii. Working with Hayden to prepare the request for bid on garbage services for 2019 and hope to have it out by the end of the month.

28. FINANCE ADMINISTRATOR, HAYDEN WIGGINS

- i. Financial reports are through September 30th; revenues in the general fund should be around 25% but are at 21% due to the timeliness of certain income such as insurance premium tax and other revenues that are received quarterly and yearly. Expenditures are at 24% with some areas having a higher percentage due to the construction of new offices and updating the meeting rooms.
- ii. Revenues and expenses for the enterprise fund are both right around 25%.
- iii. SPLOST VI expenditures are at 41%. When the budget was prepared the expenditure for Main Street Park was unknown and, therefore, from a budget standpoint the revenue was matched with the expenditures.

29. HUMAN RESOURCE MANAGER, DONNA BLANTON

- i. Interviewed for two positions and processed two new hires.
- ii. Completed and submitted paperwork for the Safety Grant.
- iii. Preparing for open enrollment which will be held on November 1st.
- iv. Working with the USDA and will be meeting with them to discuss the Business Expo scheduled for January.
- v. Set LGRMS training classes for employees.

30. UTILITIES DIRECTOR, GARY BARR

- i. Produced and treated 6,933,000 gallons of water; treated 3,711,000 gallons of sewer; purchased 1,000,000 gallons of water from EWSA; served 1,384 water customers and 1,164 sewer customers; read 1,424 meters, installed ten water and sewer taps; new services totaled forty-four while forty-seven accounts were terminated; twenty-two accounts were locked off due to nonpayment and eight nine work orders were processed.
- ii. Water meter project is almost complete; forty-one meters needs to be replaced because they are not able to be read. Contractor should be out November 1st.
- iii. Well #111 will be complete when a minor punch list is done. The well has been running since October 8th and EWSA has been turned off.
- iv. Well #108 project was started on October 15th; the inside of the building is being painted and the filters are being installed. The plumbing has also been started and should be running by December 1st.

31. PUBLIC WORKS OPERATIONS MANAGER, TRAMPAS HANSARD

- i. Introduced the City's new custodian, Jonathan Davis and new Public Works employee Clay Moss.
- ii. Three HVAC units have been replaced at City Hall
- iii. Attended Code Enforcement classes in Calloway Gardens.
- iv. The department received several animal control calls; had carpet installed in the downstairs meeting room and has been working on obtaining the easement to start sidewalks from Rainhill subdivision to Perimeter Rd.
- v. The wall for the cemetery has been complete and the Gordon Pirkle room floor has also been repaired and will be complete when the engineer checks the project.

MINUTES
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32. PLANNING DIRECTOR, ROBBIE IRVIN:

- i. The parade and assembly ordinance, roads and ROW ordinance; illegal/illicit discharge ordinance are being revised and park and recreation ordinance is being drafted.
- ii. Received a request for an amendment to a site plan of a PUD on Hwy 9 and Perimeter Road; this will be heard at the next Planning Commission meeting.
- iii. Ten residential permits issued, fifty-three inspections performed, nine business and regulatory licenses have been issued.
- iv. Some irregularities were found in the zoning maps and are being resubmitted to GMRC; they are being corrected and reprinted.
- v. A memo has been provided to the Planning Commission and HPC regarding protocol for the use of legal services; contact should occur through Robbie first.

33. CITY ATTORNEY, DANA MILES: Nothing to report

MAYOR AND COUNCIL REPORTS

Mayor Eason reported the Moonshine Festival will occur this weekend and the next Food Truck night will be held on November 2nd. He received a letter from GDOT today stating they received our letter to request a reduction in speed limits and will conduct a speed study. He mentioned the goal to get the airport listed on the NIPIAS to allow the City to have control of the airport. He's been working on the study of impact fees and Council will need to decide whether or not to implement them. He and Councilmember Power met with a company regarding the potential of holding a fair at Main Street Park in the Spring of 2020. He thanked the staff for their hard work and felt the recognition was long overdue; he thanked Bob doing a good job keeping everyone informed and working with the staff.

He also reported his attendance as outlined below:

- i. Ribbon cutting at the Salt Med Spa
- ii. Met with Jeremy Porter regarding the 2019 fireworks
- iii. Held Coffee with the Mayor
- iv. GMRC meeting in Cleveland
- v. Met with the Economic Development Director with the Chamber of Commerce
- vi. Joint City/County Meeting
- vii. Food Truck night in October
- viii. Planning Commission meeting in September
- ix. Chamber of Commerce luncheon and heard the state of the County by Billy Thurmond
- x. Met with the editor of Nascar.com regarding the Elliott's
- xi. Ribbon cutting at the Purple Corn Boutique
- xii. TSPLOST meeting with the County

Councilmember Tolson thanked the staff for their work for the City. He mentioned he appreciated the status of the County and City's open communication with each other and he hopes it continues. He attended the ribbon cutting at the Purple Corn Boutique; he encouraged others to attend the ribbon cuttings and appreciates when a business in the City grows and decides to move to another location inside the City limits.

Councilmember Power attended the Dawson County Board of Health meeting, the Chamber of Commerce meeting and the TSPLOST meeting.

Councilmember Phillips reported he attended the Planning Commission meeting, Food Truck night and the Joint meeting with the County.

MINUTES
CITY COUNCIL WORK SESSION AND REGULAR MEETING
G.L. Gilleland Council Chambers on 2nd Floor
Monday, October 22, 2018, 2018
7:00 P.M.

Councilmember French also thanked the staff for their work. He attended the GRHOF meeting and reported they are preparing for Moonshine Festival. He thanked Trampas for his job on the Gordon Pirkle room floor. He also attended the HPC meeting and reported they are finalizing their application for the Façade Improvement Grant program and working on a photo contest to be ran through the school. He attended the Supreme Court hearing for the Grogan case with Attorney Miles and complimented him on his job there. He restated his position on consideration of imposing a moratorium on future annexations until we can determine our decision on impact fees.

EXECUTIVE SESSION

At 8:29 p.m. the Council motioned to close regular session and go into executive session for the purpose of Pending or Potential Litigation and Land Acquisition made by J. Power; second by Phillips. Vote carried unanimously in favor.

At 9:04 p.m. a motion to close executive session and resume regular session was made by S. Tolson; second by J. Power. Vote carried unanimously in favor.

ADJOURNMENT

With there being no further business to attend to, a motion to adjourn the meeting at 9:06 p.m. made by C. Phillips; second by J. Power. Vote carried unanimously in favor.

By: CITY OF DAWSONVILLE

Michael Eason, Mayor

Caleb Phillips, Councilmember Post 1

Stephen Tolson, Councilmember Post 2

Jason Power, Councilmember Post 3

Mark French, Councilmember Post 4

Attested: _____
Beverly Banister, City Clerk



DAWSONVILLE CITY COUNCIL EXECUTIVE SUMMARY FOR CONSENT AGENDA ITEM B

SUBJECT: Zoning Map

DATE(s): _____ WORK SESSION 11-5-18 CITY COUNCIL MEETING

BUDGET INFORMATION: GL ACCOUNT # _____

Funds Available from: _____ Annual Budget _____ Capital Budget Other _____

Budget Amendment Request from Reserve: _____ Enterprise Fund _____ General Fund

PURPOSE FOR REQUEST:

To approve zoning map updates made through June 20, 2018

HISTORY/ FACTS / ISSUES

The official zoning map was last approved in March 2017.

Since then, we have had over 50 annexations/rezones, a few zoning amendments and some map errors that were found.

The map needed to be updated to reflect those changes.

A list of each change is attached as well as a copy of the updated map.

OPTIONS:

Recommend to approve

RECOMMENDED SAMPLE MOTION:

DEPARTMENT: PLANNING AND ZONING

REQUESTED BY: ROBBIE IRVIN, PLANNING DIRECTOR

ZONING MAP CHANGES THRU JUNE 20, 2018

ANX 17-001	094 046	LCG/HILL		R3	9.9	HWY 9 SOUTH	Annexed/Rezoned	R3 W/STIPULATIONS
ANX C7-000307	D06 002	WALDEN	RSR	R2	1	48 ELLIOTT VILLAGE	Annexed/Rezoned	R2
ANX C8-00007	090 065	SHAW	RPC	PUD/R2	-1	114 GOLD BULLION DRIVE WEST	Annexed/Rezoned	PUD
ANX C8-00009	090 097	EVANS	RPC	PUD/R2	-1	617 GOLD BULLION DRIVE WEST	Annexed/Rezoned	PUD
ANX C8-00010	090 108	DIXON	RPC	PUD/R2	-1	412 GOLD BULLION DRIVE WEST	Annexed/Rezoned	PUD
ANX C8-00011	090 079	STEWART	RPC	PUD/R2	-1	156 GOLD BULLION Drive West	Annexed/Rezoned	PUD
ANX C8-00012	090 055	HORNE	RPC	PUD/R2	-1	764 GOLD CREEK DRIVE	Annexed/Rezoned	PUD
ANX C8-00013	090 109	TOBOLSKI	RPC	PUD/R2	-1	388 GOLD BULLION DRIVE WEST	Annexed/Rezoned	PUD
ANX C8-00014	090 086	MURPHY	RPC	PUD/R2	-1	21 GOLD LEAF TERRACE	Annexed/Rezoned	PUD
ANX C8-00015	090 078	DUNCAN	RPC	PUD/R2	-1	15 PROSPECTORS COURT	Annexed/Rezoned	PUD

ZONING MAP CHANGES THRU JUNE 20, 2018

ANX C8-00016	090 050	MAXWELL	RPC	PUD/R2	-1	781 GOLD CREEK DRIVE	Annexed/Rezoned	PUD
ANX C8-00019	090 092	BROGDON	RPC	PUD/R2	-1	467 GOLD BULLION DRIVE WEST	Annexed/Rezoned	PUD
ANX C8-00020	090 047	HYAMS	RPC	PUD/R2	-1	50 GOLD CREEK CIRCLE	Annexed/Rezoned	PUD
ANX C8-00021	090 068	SHILLING	RPC	PUD/R2	-1	104 PROSPECTORS COURT	Annexed/Rezoned	PUD
ANX C8-00022	090 060	DAY	RPC	PUD/R2	-1	7 GOLD BULLION DRIVE EAST	Annexed/Rezoned	PUD
ANX C8-00023	090 040	KULISH	RPC	PUD/R2	-1	663 GOLD CREEK DRIVE	Annexed/Rezoned	PUD
ANX C8-00024	090 087	LURANC	RPC	PUD/R2	-1	355 GOLD BULLION DRIVE WEST	Annexed/Rezoned	PUD
ANX C8-00025	090 041	ROPER	RPC	PUD/R2	-1	15 GOLD CREEK DRIVE	Annexed/Rezoned	PUD
ANX C8-00026	090 080	GERSPACHER	RPC	PUD/R2	-1	188 GOLD BULLION DRIVE WEST	Annexed/Rezoned	PUD
ANX C8-00018	090 072	NIX	RPC	PUD/R2	-1	18 NUGGET LANE	Annexed/Rezoned	PUD

ZONING MAP CHANGES THRU JUNE 20, 2018

ANX C8-00048	090 069	ADAMS	RPC	PUD/R2	-1	PROSPECTORS COURT ⁰	Annexed/Rezoned	PUD
ANX C8-00049	090 123	BLANKENSHIP	RPC	PUD/R2	-1	148 GOLD LEAF TERRACE	Annexed/Rezoned	PUD
ANX C8-00050	090 087	EAST	RPC	PUD/R2	-1	48 GOLD LEAF TERRACE	Annexed/Rezoned	PUD
ANX C8-00051	090 101	M & S PROPERTIES	RPC	PUD/R2	-1	0 MINERS WAY	Annexed/Rezoned	PUD
ANX C8-00052	090 116	M & S PROPERTIES	RPC	PUD/R2	-1	0 GOLD LEAF TERRACE	Annexed/Rezoned	PUD
ANX C8-00053	090 049	MARILYN SANVI IRA	RPC	PUD/R2	-1	0 GOLD CREEK DRIVE	Annexed/Rezoned	PUD
ANX C8-00054	090 110	HOLTON	RPC	PUD/R2	-1	0 GOLD BULLION DRIVE WEST	Annexed/Rezoned	PUD
ANX C8-00055	090 048	STOWERS	RPC	PUD/R2	-1	16 GOLD CREEK DRIVE	Annexed/Rezoned	PUD
ANX C8-00056	090 102	BANTA	RPC	PUD/R2	-1	81 MINERS WAY	Annexed/Rezoned	PUD
ANX C8-00057	090 045	STEVE SANVI	RPC	PUD/R2	-1	87 GOLD CREEK COURT	Annexed/Rezoned	PUD

ZONING MAP CHANGES THRU JUNE 20, 2018

ANX C8-00071	090 064	TATUM	RPC	PUD/R2	-1	108 GOLD BULLION DRIVE WEST	Annexed/Rezoned	PUD
ANX C8-00072	090 042	FRENCH	RPC	PUD/R2	-1	37 GOLD CREEK COURT	Annexed/Rezoned	PUD
ANX C8-00073	090 062	TRAGESSIR	RPC	PUD/R2	-1	44 GOLD BULLION DRIVE WEST	Annexed/Rezoned	PUD
ANX C8-00074	090 111	HUDGINS	RPC	PUD/R2	-1	255 GOLD LEAF TERRACE	Annexed/Rezoned	PUD
ANX C8-00017	090 053	TRIBBLE	RPC	PUD/R2	-1	718 GOLD CREEK DRIVE	Annexed/Rezoned	PUD
ANX C8-00078	090 113	KERR	RPC	PUD/R2	-1	224 GOLD LEAF TERRACE	Annexed/Rezoned	PUD
ANX C8-00079	090 105	GRAY	RPC	PUD/R2	-1	14 MINERS WAY	Annexed/Rezoned	PUD
ANX C8-00080	090 126	HENDRIX	RPC	PUD/R2	-1	128 GOLD LEAF TERRACE	Annexed/Rezoned	PUD
ANX C8-00081	090 088	BUCKNER	RPC	PUD/R2	-1	369 GOLD BULLION DRIVE WEST	Annexed/Rezoned	PUD
ANX C8-00085	D05 020	SCARBOROUGH	VCR	R2	-1	922 PERIMETER ROAD	Annexed/Rezoned	R2

ZONING MAP CHANGES THRU JUNE 20, 2018

ANX C8-00086	090 091	MULBERRY	RPC	PUD/R2	-1	441 GOLD BULLION DRIVE WEST	Annexed/Rezoned	PUD
ANX C8-00089	082 005	CHANTIVONG	RA	R1	8.28	295 BURT CREEK ROAD	Annexed/Rezoned	R1
ANX C8-00099	D05 023	WALLACE	VCR	CBD	-1	776 HWY 9 NORTH	Annexed/Rezoned	CBD
ANX C8-00100	D05 030	HARRIS	CCB	HB	-1	125 ROBINSON ROAD	Annexed/Rezoned	HB
ANX C8-00101	090 043	MOORE	RPC	PUD/R2	-1	55 GOLD CREEK COURT	Annexed/Rezoned	PUD
ANX C8-00102	090 096	RATASEPP	RPC	PUD/R2	-1	583 GOLD BULLION DRIVE WEST	Annexed/Rezoned	PUD
ANX C8-00103	090 093	DASINGER	RPC	PUD/R2	-1	501 GOLD BULLION DRIVE WEST	Annexed/Rezoned	PUD
ANX C8-00110	090 063	DELONG	RPC	PUD/R2	-1	74 GOLD BULLION DRIVE WEST	Annexed/Rezoned	PUD
ANX C8-00087	082 017	SMITH/RICHARDSON	RSR	R3	5.94	324 HOWSER MILL ROAD	Annexed/Rexoned	R3 W/STIPULATIONS
ANX C8-00088	092B 025 001	SMITH/RICHARDSON	RSR	R3	14.65	372 HOWSER MILL ROAD	Annexed/Rexoned	R3 W/STIPULATIONS

ZONING MAP CHANGES THRU JUNE 20, 2018

ZA C8-00146	D04 020 001	DOWNTOWN DEVELOPMENT AUTHORITY	N/A	PUD	6.15	415 HWY 53 EAST	ZONING AMENDMENT	INST
ZA C8-001467	D04 020	DOWNTOWN DEVELOPMENT AUTHORITY	N/A	PUD	18.18	135 MAIN STREET	ZONING AMENDMENT	INST
ZA C8-00147	D03 033	CITY OF DAWSONVILLE	N/A	PUD	0.75	82 ALLEN STREET	ZONING AMENDMENT	INST
ZA C8-00146	D03 032	CITY OF DAWSONVILLE	N/A	R1	1	124 ALLEN STREET	ZONING AMENDMENT	INST
ZA C8-00162	091 002 001	BLOUNT	NA	RA	3.83	2807 Hwy 9 North	ZONING AMENDMENT	NB

MAP CORRECTIONS

1.	TMP 082 006 006	0 Burt Creek Rd	8.66 Acres	OFFICE per ANX 07-01-2002
2.	TMP 092 020 191	92 Kestrel Court E	Red Hawk Lot	R-3 Like rest of subdivision
3.	TMP 091 010 010	127 Hwy 136 East	1.5 Acres	Lot line should line up with zoning
4.	TMP 093 069 001	514 Hwy 53 East	0.37 Acres	HB per all previous zoning maps
5.	TMP 093 009 040	51 Michener Circle	Stonewall Lot	R-3 Like rest of subdivision
6.	TMP 093 055 079	0 Nashport Lane	City Pump Stn	R-3 Part of Burt's Crossing Subdivision
7.	TMP 093 073	868 Hwy 9 South	0.68 Acres	OFFICE- Per ANX 06-002
8.	TMP 089 009 (portion)	0 Burt Creek Rd	0.805	R-2 per ANX 07-005
9.	TMP 093 021	815 Hwy 53 East	2.00 Acres	R-1 Per ANX 11-012
10.	TMP 082 004	359 Burt Creek Rd	3.86 Acres	R-1 Entire parcel should be R-1 per ZA 01-13-43816



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
CONSENT AGENDA ITEM # C

SUBJECT: NGN WATER TOWER AGREEMENT

CITY COUNCIL MEETING DATE: 10/22/2018

BUDGET INFORMATION: GL ACCOUNT # _____

Funds Available from: _____ Annual Budget _____ Capital Budget Other _____

Budget Amendment Request from Reserve: _____ Enterprise Fund _____ General Fund

PURPOSE FOR REQUEST:

MOVE NGN WATER TOWER AGREEMENT TO DECEMBER 3, 2018

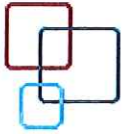
HISTORY/ FACTS / ISSUES:

TABLED ITEM FROM THE OCTOBER 22, 2018 MEETING – NO RESPONSE HAS BEEN RECEIVED FROM NGN

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Dana Miles, City Attorney



Edmunds & Associates, Inc.
 301 Tilton Road
 Northfield, NJ 08225

INVOICE #
19-00059

INVOICE DATE: 10/01/18

DUE DATE: 01/03/19

Dawsonville City
 Attn: Accounts Payable
 P.O. Box 6
 Dawsonville, GA 30534

Thank you for your business!
 Please contact us at (609) 645-7333
 with questions regarding this invoice.
 Visit our support site www.EA411.com

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
2019 Software Maintenance				
1.0000	MHEAD	2019 Software Maintenance	0.000000	0.00
1.0000	M-GA-FN1	SS Financial Accounting I	3,308.000000	3,308.00
1.0000	M-GA-AR1	SS Accounts Receivable I	945.000000	945.00
1.0000	M-GA-UB1	SS Utility Billing I	2,316.000000	2,316.00
1.0000	M-GA-WO1	SS Customer Work Orders I	2,205.000000	2,205.00
1.0000	M-GA-CE1	SS Permitting & Code Enf I	2,205.000000	2,205.00
1.0000/YR	M-GA-WPU	WIPP Utility Annual Fee	1,200.000000	1,200.00
0.5000/YR	M-GA-WPA	WIPP AR Annual Fee	1,200.000000	600.00
0.5000/YR	M-GA-WIU	WIPP IVR Utility Annual Fee	600.000000	300.00
1.0000	M-GA-PS1	SS Permitting Self Service I	825.000000	825.00
1.0000	M-GA-CD	Courtesy Discount	4,000.000000-	-4,000.00
			TOTAL DUE:	<u>\$ 9,904.00</u>

RECEIVED
 OCT 11 2018
 BY: _____

MCSJ License & Maintenance fees cover services from January 1, 2019 thru December 31, 2019.

2019 MCSJ Software Support & License Agreement

To receive continued Application Software Support and MCSJ System upgrades from Edmunds & Associates, Inc. (E&A), you must enter into this agreement.

1. Any defects in the E&A Application Software as determined by E&A will be corrected at no cost to the user provided the said defect is not the result of misuse, operator error, or is beyond the original requirements of the system specifications.
2. E&A is responsible for providing software support under this agreement only for its proprietary application software. This includes all MCSJ licensed products. Support for third party products, i.e.; Microsoft Office, UCAARS, etc. are not covered under this agreement and all phone or on-site support is a billable service. Our minimum hourly rate is \$150 with at least one-half hour billable.
3. E&A proprietary end user documentation, faq's, helpful hints, video tutorials and such are for client use only and not to be distributed.
4. Standard telephone support will be available from 8:00am to 5:00 pm EST, Monday through Friday excluding holidays.
5. Each user of E&A MCSJ software is required to have a high-speed connection. E&A will provide support, enhancements and instruction for our application software via the Internet. Lack of compliance that requires an on site visit is billable at the rate of \$ 150 per hour for each person and reasonable travel expenses.
6. E&A's liability, damages or remedy on any claim shall not exceed the original cost of the E&A MCSJ software system. In no event shall E&A be held liable for consequential, incidental, indirect, special, punitive or exemplary damages, for loss, damage or expense directly or indirectly arising from the client's inability to use our products.
7. No action arising from use of E&A's MCSJ software systems may be commenced more than 1 year after the basis for such claim could reasonably have been discovered.
8. E&A reserves the right to withdraw without penalty any E&A application software package from coverage at our sole discretion upon one-hundred-twenty (120) days notice.
9. This agreement must be signed and returned by December 31, 2018 for continued support. The effective date of this agreement is January 1, 2019 through December 31, 2019.

Client: _____

Authorized Representative: _____
Signature Date

Printed Name: _____

081018

301A Tilton Road
Northfield, NJ 08225
P: 1.609.645.7333
www.edmundsassoc.com

2019 Annual Support Maintenance Services

Client Support Services

- Phone support with priority resolution escalation
- E&A is staffed with Certified Finance Officers & Tax Collectors
- Remote desktop access for support inquiries & resolution
- E-mail & chat for support inquiries
- Technical issue resolution for MCSJ software operation
- MCSJ report printing resolution
- Client voting for Software Enhancements in “The Voice” community forum
- Software system enhancements at no additional cost
- State mandated changes at no additional cost
- Federal mandated changes at no additional cost

Software Updates, New Products & Development

- MCSJ Enhancements to Version 4.2.2 is available now
- MCSJ Fleet Maintenance module is available now
- MCSJ Land Management module will be available in Spring 2019
- Resident Self Service & Employee Self Service Portal Enhancements
- Mobile Apps/Portals - MCSJ My Town, Requisition, Attendance Maintenance, Meter Management, Inspection, Work Order, Permitting Self-Service, Vendor Self-Service Dashboard, Resident Self-Service, Web Inquiry & Payment Portal

Client Support Website Access

- Knowledge base & FAQ's
- Helpful hints
- Video tutorials
- Software system & technical documentation

Client Services

- More than 200 webinars/video tutorials every year
- E-mail alerts & notification of statutory changes
- End of year documentation and procedures
- FAQ automated responses
- Periodic notifications of quarterly and/or yearly tasks
- Newsletter subscription
- User group virtual webinar meetings at no cost
- 24/7 access to downloadable system patches and updates



DAWSONVILLE CITY COUNCIL EXECUTIVE SUMMARY FOR CONSENT AGENDA ITEM E

SUBJECT: Veteran's Day Parade

DATE(s): _____ WORK SESSION 11-5-18 CITY COUNCIL MEETING

BUDGET INFORMATION: GL ACCOUNT # _____

Funds Available from: _____ Annual Budget _____ Capital Budget Other _____

Budget Amendment Request from Reserve: _____ Enterprise Fund _____ General Fund

PURPOSE FOR REQUEST:

To approve road closures for Veteran's Day Parade to be held on 11-12-18

HISTORY/ FACTS / ISSUES

Held on Veteran's Day each year

Approvals have been received from all applicable departments/agencies

Roads to be closed for about 1 hour (State Roads-Hwy 9 and Hwy 53; City Roads-Academy) See Map

OPTIONS:

RECOMMENDED SAMPLE MOTION:

Motion to approve one hour road closures for the Veteran's Day Parade, as indicated on the submitted route map

DEPARTMENT: PLANNING AND ZONING

REQUESTED BY: ROBBIE IRVIN, PLANNING DIRECTOR



City of Dawsonville
 415 Hwy 53 E, Suite 100
 Dawsonville, GA 30534
 Phone (706)265-3256
 Fax # (706)265-4214

**Permit Application for:
 Parades, Public Assemblies,
 Demonstrations, and Rallies
 in Public Places**

APPLICANT TO COMPLETE PAGES 1-5

PERMIT FEE: \$50.00 Date Received: 10/11/18

TRASH CLEANUP DEPOSIT: \$ 500 Date Received: 10/11/18

A completed application must be received a minimum of 14 days prior to event.

* Events with alcohol MUST apply 60 days in advance for City Council Approval (addition form required)

- Name of Event: VETERANS DAY PARADE OTHER
 - Location of Event: Downtown Dawsonville PUBLIC DEMONSTRATION
 - Date(s) of Event: Nov 12, 2018 PUBLIC ASSEMBLY RALLY
- Time of Event: Start: 3:30 am/pm End: 4:30 am/pm ROAD CLOSING: # HRS. 1 hr

4. Provide information listed below for the main contact person responsible for the organization of this event:

Name: <u>STEVE Pamplin</u>	Title: <u>V. P.</u>
Organization: <u>VETERANS AFFAIRS of Dawson Co</u>	Telephone #:
Email Address: <u>spampin@dawson.k12.ga.us</u>	Cell Phone #: <u>706 429-7303</u>
Address: <u>99 BEARSLIDE Hollow</u> City: <u>Dahlonega</u> State: <u>GA</u> Zip Code: <u>30533</u>	

5. Provide information listed below for any key personnel involved in coordinating this event. Also, provide information listed below on each officer of the club, organization, corporation or partnership requesting this event. Attach a separate sheet if necessary.

Name: <u>Tim</u>	Title: <u>President</u>
Organization: <u>VADC</u>	Telephone #: <u>770 718-6358</u>
Address: <u>5999 Elliott Family Pkwy</u> City: <u>Dawsonville</u> State: <u>GA</u> Zip Code: <u>30534</u>	

Name: <u>Rosalind Chambers</u>	Title: <u>TREAS.</u>
Organization: <u>VADC</u>	Telephone #: <u>706 344 9287</u>
Address: <u>ETOWAH WATER</u> City: State: Zip Code:	

Name: <u>Bronda HATHCOCK</u>	Title: <u>SEC.</u>
Organization: <u>VADC</u>	Telephone #: <u>706 859-8631</u>
Address: City: State: Zip Code:	

Name:	Title:
Organization:	Telephone #:
Address: City: State: Zip Code:	

6. Expected number of participants: 300
7. Physical description of materials to be distributed: NONE
8. How do participants expect to interact with public? Smiling & Waving
9. Route of event: (attach a detailed map of the route) _____

9.a. Number and type of units in parade: 30

9.b. Size of the parade: 3/4 mile

10. Will this event require road closure(s)? YES If YES, specify road name(s) and times of closure(s) below:

St. Route 9 & 53

11. Will any part of this Event take place outside the City Limits of Dawsonville? NO

If YES, do you have a permit for the event from Dawson County? _____ Date Issued: _____ * Attach Copy

12. Do you anticipate any unusual problems concerning either police protection or traffic congestion as a consequence of the event? NO If YES, please explain in detail _____

13. List all Prior parades or public assemblies, demonstrations or rallies in a public place within the city limits of Dawsonville for which you obtained a permit in the last 12 months: (Include dates (month/year) – attach separate sheet, if necessary). VETERANS DAY PARADE 2017

DETAILS:

Please outline what your event will involve: (number of people – life safety issues – vendors – cooking – tents – rides – handicap parking – egress) Attach separate sheet if necessary.

Route or Layout: (attach a detailed site plan) **If route includes road closure(s), provide a Google map layout.**

SEE ATTACHED MAP.

What participation, if any, do you expect from the City of Dawsonville? NONE

What participation, if any, have you arranged from Dawson County Emergency Services? NONE

What participation, if any, have you arranged from the Dawson County Sheriff Department? TRAFFIC Control

Insurance Requirements:

In compliance with the Parade, Public Assembly, and Public Demonstration Ordinance Section 10-25(c), an applicant for a permit under this article shall be required to obtain liability insurance for the parade, demonstration, rally, road closing, or other such activity whenever any one or more of the following threshold criteria are met:

- 1. Primary attendance is reasonably expected to meet or exceed 5,000 persons;
- 2. The use, participation, exhibition, or showing of live animals;
- ③ The use, participation, exhibition, or showing of automobiles of any size or description, motorcycles, tractors, bicycles or similar conveyances;
- 4. The use of a stage, platforms, bleachers, or grandstands which will be erected for the event;
- 5. The use of inflatable apparatus used for jumping, bouncing, or similar activities;
- 6. The use of roller coasters, bungee jumping, or similar activities; or
- 7. Vendors or concessions.

Does your parade, non-spontaneous private assembly, demonstration, or rally in a public place meet any of the criteria above? Yes No If yes, which one(s)? # 3

Any applicant required to provide insurance shall provide the City of Dawsonville with a copy of the declarations page of the applicant's liability insurance / Certificate of Insurance from an insurer authorized and licensed by the State of Georgia. For such events the City of Dawsonville shall be added as an additional named insured on the Certificate of Insurance by the insurance carrier. The minimum policy limits shall be \$1,000,000.00 per person per incident and \$2,000,000.00 aggregate for the entire event. All costs for the insurance and adding the City of Dawsonville as an additional named insured shall be borne solely by the applicant. The insurance shall be such as to protect the City of Dawsonville from any and all claims for damages to property and/or bodily injury or death.

Is the Certificate of Liability Insurance attached? Yes No Not applicable to this event

Additional information/comments about liability insurance: _____

Additional information/comments about this application: _____

APPLICANT'S SIGNATURE FOR THE PERMIT APPLICATION; RELEASE & WAIVER OF LIABILITY; AND AGREEMENT FOR FINANCIAL RESPONSIBILITY. PRIOR TO SIGNING, PLEASE READ THE FOLLOWING OR HAVE IT READ TO YOU:

APPLICATION:

OATH: I hereby swear and affirm that the information provided within this application for parade, public assembly, demonstration, or rally is true and correct to the best of my knowledge. In addition, I agree to abide by all regulations of the ordinance and to advise all participants of the conditions of the permit.

RELEASE & WAIVER OF LIABILITY:

The permit holder shall indemnify and hold the City of Dawsonville, Georgia harmless from any claim, demand, or cause of action that may arise from activities associated with the event, including attorney's fees. I acknowledge that I understand this Release, and I hereby agree for myself and on behalf of the Applicant to indemnify and hold harmless the City of Dawsonville, Georgia and its agents, officers, and employees, individually and jointly, from and against any claim for injury (including, but not limited to, personal injury and property damage), loss, inconvenience, or damage suffered or sustained by any individual, including, but not limited to, business owners, patrons, participants of the parade, public assembly, demonstration, or rally, and spectators participating in and/or occurring during the event, unless the claim for injury is caused by intentional misconduct of an individual, agent, officer, or employee of the City of Dawsonville.

AGREEMENT FOR FINANCIAL RESPONSIBILITY:

The undersigned agrees to be solely responsible for cleaning affected areas littered during the activity, provide sufficient parking and storage areas for motor vehicles, provide temporary toilet facilities, and provide other similar special and extraordinary items deemed necessary for the permitted activity by the City of Dawsonville to keep the area of the event safe and sanitary. In no event shall the City of Dawsonville, Georgia require individuals, organizations or groups of persons to provide personnel for normal governmental functions, such as traffic control, police protection, or other expenses associated with the maintenance of public order. If additional requirements are placed on applicants in accordance with this subsection, and those requirements are not met despite assurances by the applicant, then failure to comply with the aforementioned requirements shall be grounds for revocation of the issued permit and/or denial of any subsequent permit requested by the applicant. The City of Dawsonville, Georgia shall be entitled to recover from the applicant the sums expended by the City of Dawsonville, Georgia for extraordinary expenses agreed to but not provided by the applicant.

I further understand that false statements or omission within the application may result in the denial or disqualification of application.

Sworn to and subscribed before me
this 11th day of October 2018

Nicki J. Lovingood
Notary Public, State of Georgia



My Commission Expires: 5/28/2019

STEVEN Pamplin
Applicant's Printed Name

[Signature]
Applicant's Signature

Note to Applicant: Once your permit is processed, Planning & Development will notify you if you are required to attend a City Council meeting.

APPLICANT'S SIGNATURE FOR CERTIFICATION AND ACKNOWLEDGEMENT OF ROAD CLOSURE(S), TRASH CLEANUP, PARKING PROVISIONS AND PROVIDING TOILET FACILITIES. PRIOR TO SIGNING, PLEASE READ THE FOLLOWING OR HAVE IT READ TO YOU:

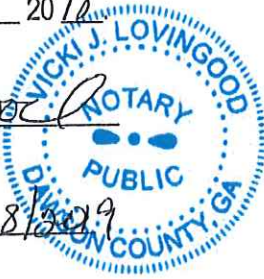
ROAD CLOSURE(S):

Applicant certifies and acknowledges that any road closures scheduled as part of an event will only take place during the time designated for the road closure and that the applicant will not arrive early, fail to clean up or fail to leave promptly after the event so as to interfere with the normal flow of traffic.

Sworn to and subscribed before me
this 11th day of October 2018

Nicki J. Lovingood
Notary Public, State of Georgia

My Commission Expires: 5/28/2019



STEVEN Pampali
Applicant's Printed Name

[Signature]
Applicant's Signature

TRASH CLEANUP, PARKING PROVISION AND TOILET FACILITIES:

Applicant certifies and acknowledges the City may require the Applicant to be responsible for trash cleanup of affected areas littered during the activity for which a permit is sought.

Each applicant granted a permit for an event with anticipated attendance of less than 100 participants shall be required to pay a cleanup deposit of \$500 for **each day** of the event. Each applicant granted a permit for an event with anticipated attendance of over 100 participants shall be required to pay a cleanup deposit of \$1000 for **each day** of the event. The City shall apply the cleanup deposit towards the cost of the cleanup following the event. Any portion of the cleanup deposit not used by the City shall be returned to the applicant within ten (10) days of completion of event cleanup. In the event the applicant cannot afford the daily cleanup deposit, a pauper's affidavit may be filed by the applicant, seeking to be excused from the deposit. The decision on whether the daily cleanup deposits are to be waived shall be made concurrently with the decision on the application itself, and shall be contemporaneously communicated to the applicant.

Applicant certifies and acknowledges the City may require the Applicant be responsible for the provision of sufficient parking and storage areas for a large influx of motor vehicles occasioned by the permitted activity and the provision of temporary toilet facilities and other similar special and extraordinary items determined to be necessary for the permitted activity based on the contents of the application.

Sworn to and subscribed before me
this 11th day of October 2018

Nicki J. Lovingood
Notary Public, State of Georgia

My Commission Expires: 5/28/2019



STEVEN Pampali
Applicant's Printed Name

[Signature]
Applicant's Signature



City of Dawsonville
 415 Hwy 53 E, Suite 100
 Dawsonville, GA 30534
 Phone (706)265-3256
 Fax # (706)265-4214

**Permit Application for:
 Parades, Public Assemblies,
 Demonstrations, and Rallies in Public Places
 (Dawson County Emergency Services)**

Emergency Services: Please complete this sheet and return it to the City of Dawsonville.

Name of Event: VETERAN DAY PARADE Date(s) of Event: 11/12/2018

Any anticipated problems with proposed route? NONE

Any anticipated problems with the designated location for participants to assemble? NONE

How many personnel will be required for this event? NONE

Estimated cost for personnel: NONE

Number and type of vehicles required: NONE

Type of procedures or equipment needed for the health and safety needs of the participants and the viewing public: NONE

Estimated cost for equipment: NONE

Additional comments/concerns: NONE

EMERGENCY SERVICES

APPROVED: YES NO

By: [Signature] Date: 10-11-18



City of Dawsonville
 415 Hwy 53 E, Suite 100
 Dawsonville, GA 30534
 Phone (706)265-3256
 Fax # (706)265-4214

**Permit Application for:
 Parades, Public Assemblies,
 Demonstrations, and Rallies in Public Places
 (Dawson County Sheriff Department)**

Sheriff Department: Please complete this sheet and return it to the City of Dawsonville.

Name of Event: VETERAN DAY PARADE Date(s) of Event: 11/12/2018

Any anticipated problems with proposed route? NONE

Any anticipated problems with the designated location for participants to assemble? _____

How many officers will be required for this event? 9

Estimated cost for officers: _____

Number of vehicles required: 9

Type of procedures or equipment needed for the health and safety needs of the participants and the viewing public: _____

Estimated cost for equipment: _____

Additional comments/concerns/recommendations: _____

SHERIFF DEPARTMENT:

APPROVED: YES NO

By: [Signature] Date: 10-15-18



City of Dawsonville
415 Hwy 53 E, Suite 100
Dawsonville, GA 30534
Phone (706)265-3256
Fax # (706)265-4214

**Permit Application for:
Parades, Public Assemblies,
Demonstrations, and Rallies in Public Places
(Public Works – Environmental Health)**

If applicable to the event, please review this application and return it to the City of Dawsonville.

PUBLIC WORKS:

Additional comments/concerns/recommendations: _____

_____ *N/A* _____

APPROVED: YES NO

By: _____ Date: _____

ENVIRONMENTAL HEALTH:

Additional comments/concerns/recommendations: _____

_____ *N/A* _____

APPROVED: YES NO

By: _____ Date: _____

RELEASE AND WAIVER

EVENT: VETERANS DAY PARADE

DATE: Nov 12, 2018

TIME: Start: 3:30 Finish: 4:30

SPONSOR: Veterans Affairs of Dawson Co


ADDRESS: P.O. Box 1313

CITY: Dawsonville STATE: GA. ZIP: 30534

CONTACT: STEVEN A. PAMPLIN

TELEPHONE: 706 429-7303

In signing this release, I acknowledge that I understand the intent thereof, and I hereby agree and will absolve and hold harmless the Georgia Department of Transportation and its agents, officers, and employees singly or collectively from and against any blame and liability for any injury, misadventure, harm, loss, inconvenience, or damage hereby suffered or sustained while participating in the VETERANS DAY PARADE to be held on Nov. 12, 2018.

SIGNATURE:  TITLE: VADOC V.P.

DATE: OCT 15, 2018



VETER-1

OP ID: MM

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/11/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

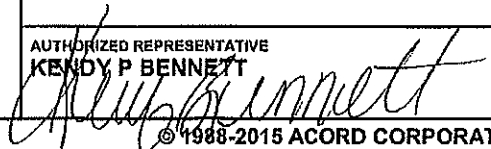
PRODUCER Dawson Agency Inc. P. O. Box 126 Dawsonville, GA 30534 KENDY P BENNETT	706-216-3296		CONTACT NAME: KENDY P BENNETT PHONE (A/C, No, Ext): 706-216-3296 FAX (A/C, No): 706-216-8546 E-MAIL ADDRESS:
			INSURER(S) AFFORDING COVERAGE INSURER A: Western World Ins. INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:
INSURED Veterans Affairs of Dawson Cou Rosalind Chambers PO Box 769 Dawsonville, GA 30534			

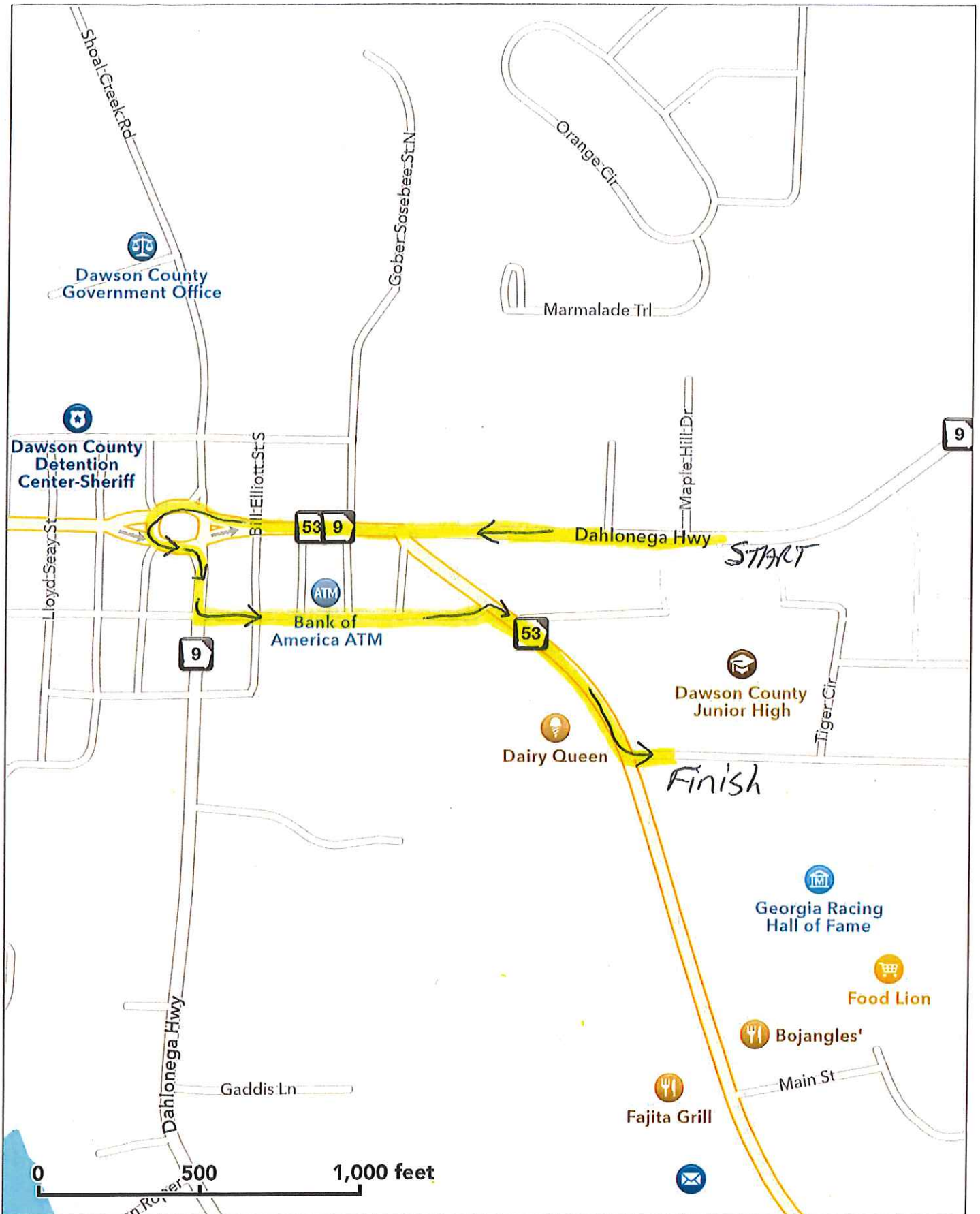
COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			NPP8524935	06/02/2018	06/02/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/IO/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> Hired AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB DED RETENTION \$						<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N N/A If yes, describe under DESCRIPTION OF OPERATIONS below						PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER City of Dawsonville P.O. Box 6 Dawsonville,, GA 30534	CITYDAW CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE KENDY P BENNETT 
--	---



DAWSON COUNTY SHERIFF'S OFFICE
VETERAN'S DAY PARADE TRAFFIC PLAN
NOVEMBER 2018

DATE: MONDAY- NOVEMBER 12, 2018

TIME: 1530

LOCATION: DAWSONVILLE SQUARE

ASSIGNMENTS

LEAD: Sheriff Jeff Johnson

ENTRANCE TO DAWSON COUNTY MIDDLE SCHOOL GA 9 N: Stephen Maddox

SHOAL CREEK AND TUCKER AVENUE: Stan Harrison

GA 53 AT THE WEST SIDE OF THE SQUARE: Josh Rogers

GA 9 SOUTH AND ACADEMY AVENUE: Steven Swofford

GA 9 SOUTH AND HOWARD AVENUE: Shane Henson

GA 53 AND ACADEMY AVENUE: Ron Bray

GA 53 EAST AND ALLEN STREET: Rusty Grizzle

ALLEN STREET AT ENTRANCE TO MIDDLE SCHOOL: Brian Cantrell

BARRICADES:

1. Bill Elliot St. and Academy (x2)
2. Bernard Long St. and Academy
3. Gober Sosbee St. and Academy
4. Ted Chester St. and Academy

PARADE ROUTE

The parade will begin in the parking lot of Dawson County Middle School and exit by turning left on to GA 9. At that intersection, the parade will turn left and go around the square. It will travel down GA 9 South and turn left on to Academy Street. The parade will then travel Academy Street back to GA 53 and turn right traveling east back to Allen Street. At Allen Street, the parade will turn left and travel Allen Street to the rear entrance of Dawson Middle School.

NOTES

- *Briefing at 1430 hours in LEC parking lot.
- *All units are to be in position by 1515 hours.
- *All personnel must wear a traffic vest.
- *All radio traffic will be on channel 5/Tac 1

City of Dawsonville

10/15/18 10:47 PUBLIC EVENT CERT

VA OF DAWSON COUNTY
VETERNS DAY PARADE - 11/12/18

Chk#: 1069
Batch Id: SZ101618
Ref Num: 9441 Seq: 2 to 2

Cash Amount:	0.00
Check Amount:	50.00
Credit Amount:	0.00

Total:	50.00



DAWSONVILLE CITY COUNCIL EXECUTIVE SUMMARY FOR CONSENT AGENDA ITEM F

SUBJECT: Christmas Parade

DATE(s): _____ WORK SESSION

11-5-18 CITY COUNCIL MEETING

BUDGET INFORMATION: GL ACCOUNT # _____

Funds Available from: _____ Annual Budget _____ Capital Budget Other _____

Budget Amendment Request from Reserve: _____ Enterprise Fund _____ General Fund

PURPOSE FOR REQUEST:

To approve road closures for Chamber of Commerce Christmas Parade to be held on 12-1-18

HISTORY/ FACTS / ISSUES

Annual Chamber of Commerce Christmas Parade

Approvals have been received from all applicable departments/agencies

Roads to be closed for about 1 hour (State Roads-Hwy 9 and Hwy 53) See Map

OPTIONS:

RECOMMENDED SAMPLE MOTION:

Motion to approve one hour road closures for the Christmas Parade, as indicated on the submitted route map

DEPARTMENT: PLANNING AND ZONING

REQUESTED BY: ROBBIE IRVIN, PLANNING DIRECTOR



City of Dawsonville
 415 Hwy 53 E, Suite 100
 Dawsonville, GA 30534
 Phone (706)265-3256
 Fax # (706)265-4214

**Permit Application for:
 Parades, Public Assemblies,
 Demonstrations, and Rallies
 in Public Places**

APPLICANT TO COMPLETE PAGES 1-5

PERMIT FEE: \$50.00 Date Received: 10/3/18

TRASH CLEANUP DEPOSIT: \$ 500 Date Received: 10-03-18

A completed application must be received a minimum of 14 days prior to event.

* Events with alcohol MUST apply 60 days in advance for City Council Approval (addition form required)

- Name of Event: 6th Annual Christmas Parade PARADE OTHER
- Location of Event: Downtown Dawsonville PUBLIC DEMONSTRATION
- Date(s) of Event: December 1st 2018 PUBLIC ASSEMBLY RALLY
 Time of Event: Start: 5:00 am/pm End: 6:00 am/pm ROAD CLOSING: # HRS. 1 hr
- Provide information listed below for the main contact person responsible for the organization of this event:

Name: <u>Dustin Heard</u>	Title: <u>Tourism/Events Director</u>
Organization: <u>Dawson County Chamber of Commerce</u>	Telephone #: <u>706-265-6278</u>
Email Address: <u>d.heard@dawson.org</u>	Cell Phone #: <u>706-974-8084</u>
Address: <u>44 Commerce Drive</u> City: <u>Dawsonville</u> State: <u>GA</u> Zip Code: <u>30534</u>	

- Provide information listed below for any key personnel involved in coordinating this event. Also, provide information listed below on each officer of the club, organization, corporation or partnership requesting this event. Attach a separate sheet if necessary.

Name: <u>Christie Hoore</u>	Title: <u>President</u>
Organization: <u>Dawson County Chamber of Commerce</u>	Telephone #: <u>706-265-6278</u>
Address: <u>44 Commerce Drive</u> City: <u>Dawsonville</u> State: <u>GA</u> Zip Code: <u>30534</u>	

Name: <u>Brenda Mason</u>	Title: <u>Operations Manager</u>
Organization: <u>Dawson County Chamber of Commerce</u>	Telephone #: <u>706-265-6278</u>
Address: <u>44 Commerce Drive</u> City: <u>Dawsonville</u> State: <u>GA</u> Zip Code: <u>30534</u>	

Name: <u>Melissa Mayton</u>	Title: <u>Membership Director</u>
Organization: <u>Dawson County Chamber of Commerce</u>	Telephone #: <u>706-265-6278</u>
Address: <u>44 Commerce Drive</u> City: <u>Dawsonville</u> State: <u>GA</u> Zip Code: <u>30534</u>	

Name:	Title:
Organization:	Telephone #:
Address: City: State: Zip Code:	

6. Expected number of participants: 30-40
7. Physical description of materials to be distributed: None
8. How do participants expect to interact with public? Parade
9. Route of event: (attach a detailed map of the route) See Attached

9.a. Number and type of units in parade: 30-40 Floats, cars and walking groups

9.b. Size of the parade: 30-40 entries

10. Will this event require road closure(s)? Rolling If YES, specify road name(s) and times of closure(s) below:
Hwy 53

11. Will any part of this Event take place outside the City Limits of Dawsonville? No
If YES, do you have a permit for the event from Dawson County? _____ Date Issued: _____ * Attach Copy

12. Do you anticipate any unusual problems concerning either police protection or traffic congestion as a consequence of the event? No If YES, please explain in detail _____

13. List all Prior parades or public assemblies, demonstrations or rallies in a public place within the city limits of Dawsonville for which you obtained a permit in the last 12 months: (Include dates (month/year) – attach separate sheet, if necessary). July 28, 2018 - Shine Pedalers Bike Ride,
December 2, 2017 - Dawsonville Christmas Parade

DETAILS:

Please outline what your event will involve: (number of people – life safety issues – vendors – cooking – tents – rides – handicap parking – egress) Attach separate sheet if necessary.

See Attached route and flyer
Floats, cars, bands, walking groups and bicycles in parade
expect 30-40 participants and 800-1000 spectators
starts at Dawsonville cemetery, travels Hwy 53 ending at City Hall
Starting time is 5pm, lasting less than 45 minutes
Line up will start at cemetery at 3pm.

Route or Layout: (attach a detailed site plan) If route includes road closure(s), provide a Google map layout.

See attached

What participation, if any, do you expect from the City of Dawsonville? None

What participation, if any, have you arranged from Dawson County Emergency Services? None

What participation, if any, have you arranged from the Dawson County Sheriff Department? Support directing traffic during parade.

Insurance Requirements:

In compliance with the Parade, Public Assembly, and Public Demonstration Ordinance Section 10-25(c), an applicant for a permit under this article shall be required to obtain liability insurance for the parade, demonstration, rally, road closing, or other such activity whenever any one or more of the following threshold criteria are met:

1. Primary attendance is reasonably expected to meet or exceed 5,000 persons;
2. The use, participation, exhibition, or showing of live animals;
3. The use, participation, exhibition, or showing of automobiles of any size or description, motorcycles, tractors, bicycles or similar conveyances;
4. The use of a stage, platforms, bleachers, or grandstands which will be erected for the event;
5. The use of inflatable apparatus used for jumping, bouncing, or similar activities;
6. The use of roller coasters, bungee jumping, or similar activities; or
7. Vendors or concessions.

Does your parade, non-spontaneous private assembly, demonstration, or rally in a public place meet any of the criteria above? Yes No If yes, which one(s)? Bicycles and Automobiles in Parade

Any applicant required to provide insurance shall provide the City of Dawsonville with a copy of the declarations page of the applicant's liability insurance / Certificate of Insurance from an insurer authorized and licensed by the State of Georgia. For such events the City of Dawsonville shall be added as an additional named insured on the Certificate of Insurance by the insurance carrier. The minimum policy limits shall be \$1,000,000.00 per person per incident and \$2,000,000.00 aggregate for the entire event. All costs for the insurance and adding the City of Dawsonville as an additional named insured shall be borne solely by the applicant. The insurance shall be such as to protect the City of Dawsonville from any and all claims for damages to property and/or bodily injury or death.

Is the Certificate of Liability Insurance attached? Yes No Not applicable to this event

Additional information/comments about liability insurance: See Attached certificate

Additional information/comments about this application: Parade in conjunction with the City of Dawsonville Christmas Tree Lighting.


APPLICANT'S SIGNATURE FOR CERTIFICATION AND ACKNOWLEDGEMENT OF ROAD CLOSURE(S), TRASH CLEANUP, PARKING PROVISIONS AND PROVIDING TOILET FACILITIES. PRIOR TO SIGNING, PLEASE READ THE FOLLOWING OR HAVE IT READ TO YOU:

ROAD CLOSURE(S):

Applicant certifies and acknowledges that any road closures scheduled as part of an event will only take place during the time designated for the road closure and that the applicant will not arrive early, fail to clean up or fail to leave promptly after the event so as to interfere with the normal flow of traffic.

Sworn to and subscribed before me
this 1 day of October 2018

Brenda Mason
Notary Public, State of Georgia
My Commission Expires: Oct 31 2020



Dustin Heard
Applicant's Printed Name

Dustin Heard
Applicant's Signature

TRASH CLEANUP, PARKING PROVISION AND TOILET FACILITIES:


Applicant certifies and acknowledges the City may require the Applicant to be responsible for trash cleanup of affected areas littered during the activity for which a permit is sought.

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Applicant certifies and acknowledges the City may require the Applicant be responsible for the provision of sufficient parking and storage areas for a large influx of motor vehicles occasioned by the permitted activity and the provision of temporary toilet facilities and other similar special and extraordinary items determined to be necessary for the permitted activity based on the contents of the application.

Sworn to and subscribed before me
this 1 day of October 2018.

Brenda Mason
Notary Public, State of Georgia
My Commission Expires: Oct 31 2020



Dustin Heard
Applicant's Printed Name

Dustin Heard
Applicant's Signature

APPLICANT'S SIGNATURE FOR THE PERMIT APPLICATION; RELEASE & WAIVER OF LIABILITY; AND AGREEMENT FOR FINANCIAL RESPONSIBILITY. PRIOR TO SIGNING, PLEASE READ THE FOLLOWING OR HAVE IT READ TO YOU:

APPLICATION:

OATH: I hereby swear and affirm that the information provided within this application for parade, public assembly, demonstration, or rally is true and correct to the best of my knowledge. In addition, I agree to abide by all regulations of the ordinance and to advise all participants of the conditions of the permit.

RELEASE & WAIVER OF LIABILITY:

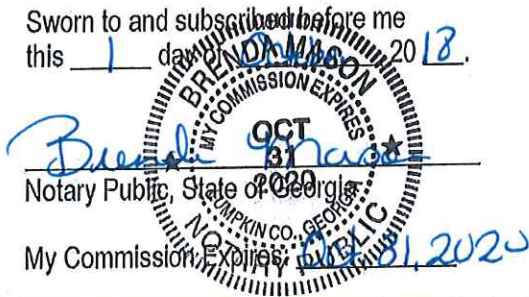
The permit holder shall indemnify and hold the City of Dawsonville, Georgia harmless from any claim, demand, or cause of action that may arise from activities associated with the event, including attorney's fees. I acknowledge that I understand this Release, and I hereby agree for myself and on behalf of the Applicant to indemnify and hold harmless the City of Dawsonville, Georgia and its agents, officers, and employees, individually and jointly, from and against any claim for injury (including, but not limited to, personal injury and property damage), loss, inconvenience, or damage suffered or sustained by any individual, including, but not limited to, business owners, patrons, participants of the parade, public assembly, demonstration, or rally, and spectators participating in and/or occurring during the event, unless the claim for injury is caused by intentional misconduct of an individual, agent, officer, or employee of the City of Dawsonville.

AGREEMENT FOR FINANCIAL RESPONSIBILITY:

The undersigned agrees to be solely responsible for cleaning affected areas littered during the activity, provide sufficient parking and storage areas for motor vehicles, provide temporary toilet facilities, and provide other similar special and extraordinary items deemed necessary for the permitted activity by the City of Dawsonville to keep the area of the event safe and sanitary. In no event shall the City of Dawsonville, Georgia require individuals, organizations or groups of persons to provide personnel for normal governmental functions, such as traffic control, police protection, or other expenses associated with the maintenance of public order. If additional requirements are placed on applicants in accordance with this subsection, and those requirements are not met despite assurances by the applicant, then failure to comply with the aforementioned requirements shall be grounds for revocation of the issued permit and/or denial of any subsequent permit requested by the applicant. The City of Dawsonville, Georgia shall be entitled to recover from the applicant the sums expended by the City of Dawsonville, Georgia for extraordinary expenses agreed to but not provided by the applicant.

I further understand that false statements or omission within the application may result in the denial or disqualification of application.

Sworn to and subscribed before me
this 1 day of November, 2018.



Notary Public, State of Georgia

My Commission Expires OCT 31 2020

Dustin Heard
Applicant's Printed Name

Dustin Heard
Applicant's Signature

Note to Applicant: Once your permit is processed, Planning & Development will notify you if you are required to attend a City Council meeting.



City of Dawsonville
415 Hwy 53 E, Suite 100
Dawsonville, GA 30534
Phone (706)265-3256
Fax # (706)265-4214

**Permit Application for:
Parades, Public Assemblies,
Demonstrations, and Rallies in Public Places
(Dawson County Emergency Services)**

Emergency Services: Please complete this sheet and return it to the City of Dawsonville.

Name of Event: 16th Annual Christmas Parade Date(s) of Event: December 1st 2018

Any anticipated problems with proposed route? _____

Any anticipated problems with the designated location for participants to assemble? _____

How many personnel will be required for this event? _____

Estimated cost for personnel: _____

Number and type of vehicles required: _____

Type of procedures or equipment needed for the health and safety needs of the participants and the viewing public: _____

Estimated cost for equipment: _____

Additional comments/concerns: _____

EMERGENCY SERVICES

APPROVED: YES NO

By: _____ Date: _____



City of Dawsonville
415 Hwy 53 E, Suite 100
Dawsonville, GA 30534
Phone (706)265-3256
Fax # (706)265-4214

**Permit Application for:
Parades, Public Assemblies,
Demonstrations, and Rallies in Public Places
(Dawson County Sheriff Department)**

Sheriff Department: Please complete this sheet and return it to the City of Dawsonville.

Name of Event: 16th Annual Christmas Parade Date(s) of Event: December 1st 2018

Any anticipated problems with proposed route? _____

Any anticipated problems with the designated location for participants to assemble? _____

How many officers will be required for this event? _____

Estimated cost for officers: _____

Number of vehicles required: _____

Type of procedures or equipment needed for the health and safety needs of the participants and the viewing public: _____

Estimated cost for equipment: _____

Additional comments/concerns/recommendations: _____

SHERIFF DEPARTMENT:

APPROVED: YES NO

By: _____ Date: _____



City of Dawsonville
415 Hwy 53 E, Suite 100
Dawsonville, GA 30534
Phone (706)265-3256
Fax # (706)265-4214

**Permit Application for:
Parades, Public Assemblies,
Demonstrations, and Rallies in Public Places
(Public Works – Environmental Health)**

If applicable to the event, please review this application and return it to the City of Dawsonville.

PUBLIC WORKS:

Additional comments/concerns/recommendations: _____

APPROVED: YES NO

By: _____ Date: _____

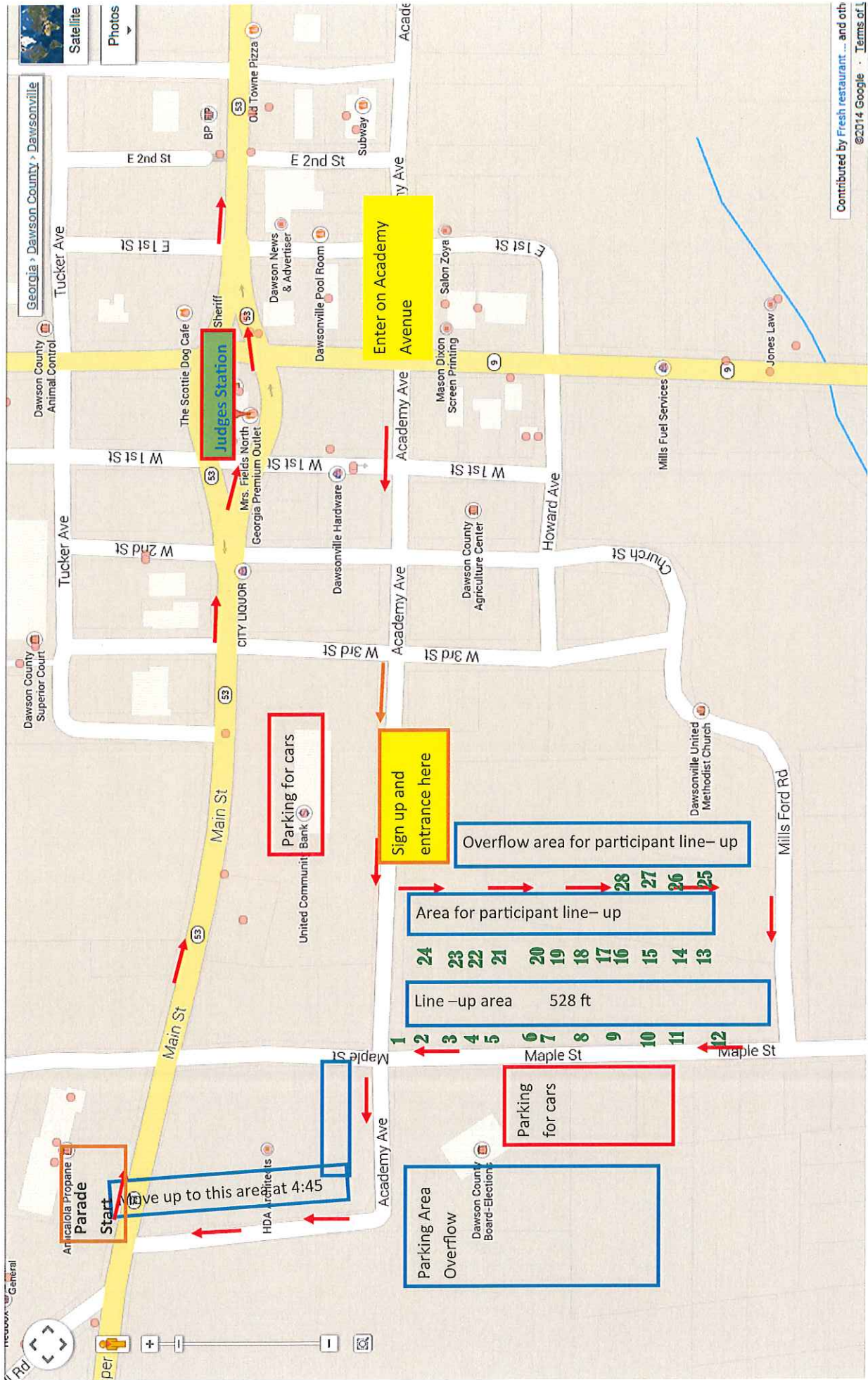
ENVIRONMENTAL HEALTH:

Additional comments/concerns/recommendations: _____

APPROVED: YES NO

By: _____ Date: _____

Entry to parade and beginning route



City of Dawsonville

10/03/18 14:24 PUBLIC EVENT CERT

6TH ANNUAL CHRISTMAS PARADE
CITY AND STATE ROADS: CHAMBER

Chk#: 4578
Batch Id: 8Z100318
Ref Num: 9327 Seq: 8 to 8

Cash Amount:	0.00
Check Amount:	50.00
Credit Amount:	0.00

Total:	50.00



DAWSONVILLE CITY COUNCIL EXECUTIVE SUMMARY FOR CONSENT AGENDA ITEM G

SUBJECT: Reindeer Run 5/10K

DATE(s): _____ WORK SESSION 11-5-18 CITY COUNCIL MEETING

BUDGET INFORMATION: GL ACCOUNT # _____

Funds Available from: _____ Annual Budget _____ Capital Budget Other _____

Budget Amendment Request from Reserve: _____ Enterprise Fund _____ General Fund

PURPOSE FOR REQUEST:

To approve road closures for the Reindeer Run 5/10K to be held on 12-8-18

HISTORY/ FACTS / ISSUES

This event has been held for several years with no problems

Approval requests have been sent to all applicable departments/agencies

Roads to be closed for about 1 ½ hours (City Roads-Memory Lane and a portion of Allen Street) See Map

OPTIONS:

RECOMMENDED SAMPLE MOTION:

Motion to approve 1 ½ hour road closures for the Reindeer Run 5/10K, as indicated on the submitted route map and pending receipt of all applicable approvals

DEPARTMENT: PLANNING AND ZONING

REQUESTED BY: ROBBIE IRVIN, PLANNING DIRECTOR



City of Dawsonville
 P.O. Box 6 415 Hwy 53 E, Suite 100
 Dawsonville, GA 30534
 Phone (706)265-3256
 Fax # (706)265-4214

**Permit Application for:
 Parades, Public Assemblies,
 Demonstrations, and Rallies
 in Public Places**

PERMIT FEE: \$50.00 ✓ Date Received: 10/09/18 City Action: _____

TRASH CLEANUP DEPOSIT: \$ 500 Date Received: 10/29/18

A completed application must be received a minimum of 14 days prior to event.

* Events with alcohol MUST apply 60 days in advance for City Council Approval (addition form required)

- Name of Event: Reindeer Run 5K/10K PARADE RALLY
- Location of Event: Dawsonville City Hall PUBLIC DEMONSTRATION
- Date(s) of Event: 12/8/2018 PUBLIC ASSEMBLY
 Time of Event: Start: 8:30 am am/pm End: 10:00 am am/pm ROAD CLOSING OTHER
- Provide information listed below for the main contact person responsible for the organization of this event:

Name: Lowell Starr	Title: Event Mng
Organization: Five Star NTP	Telephone #:
Email Address: <u>lstarr3@mindspring.com</u>	Cell Phone #: <u>770-633-5511</u>
Address: <u>59 Hwy. 9 S.</u>	City: <u>Dawsonville</u> State: <u>GA</u> Zip Code: <u>30534</u>

- Provide information listed below for any key personnel involved in coordinating this event. Also, provide information listed below on each officer of the club, organization, corporation or partnership requesting this event. Attach a separate sheet if necessary.

Name:	Title:
Organization:	Telephone #:
Address:	City: State: Zip Code:

Name:	Title:
Organization:	Telephone #:
Address:	City: State: Zip Code:

Name:	Title:
Organization:	Telephone #:
Address:	City: State: Zip Code:

Name:	Title:
Organization:	Telephone #:
Address:	City: State: Zip Code:

6. Expected number of participants: 125
7. Physical description of materials to be distributed: N/A
8. How do participants expect to interact with public? 5K foot race
9. Route of event: (attach a detailed map of the route) See attached map

9.a. Number and type of units in parade: N/A

9.b. Size of the parade: N/A

10. Will this event require road closure(s)? Yes If YES, specify road name(s) and times of closure(s) below:

11. Will any part of this Event take place **outside** the City Limits of Dawsonville? No

If YES, do you have a permit for the event from Dawson County? _____ Date Issued: _____ * Attach Copy

12. Do you anticipate any unusual problems concerning either police protection or traffic congestion as a consequence of the event? No If YES, please explain in detail _____

13. List all Prior parades or public assemblies, demonstrations or rallies in a public place within the city limits of Dawsonville for which you obtained a permit in the last 12 months: (Include dates (month/year) – attach separate sheet, if necessary). Reindeer Run 2017, Get Your Glow on 2018

DETAILS:

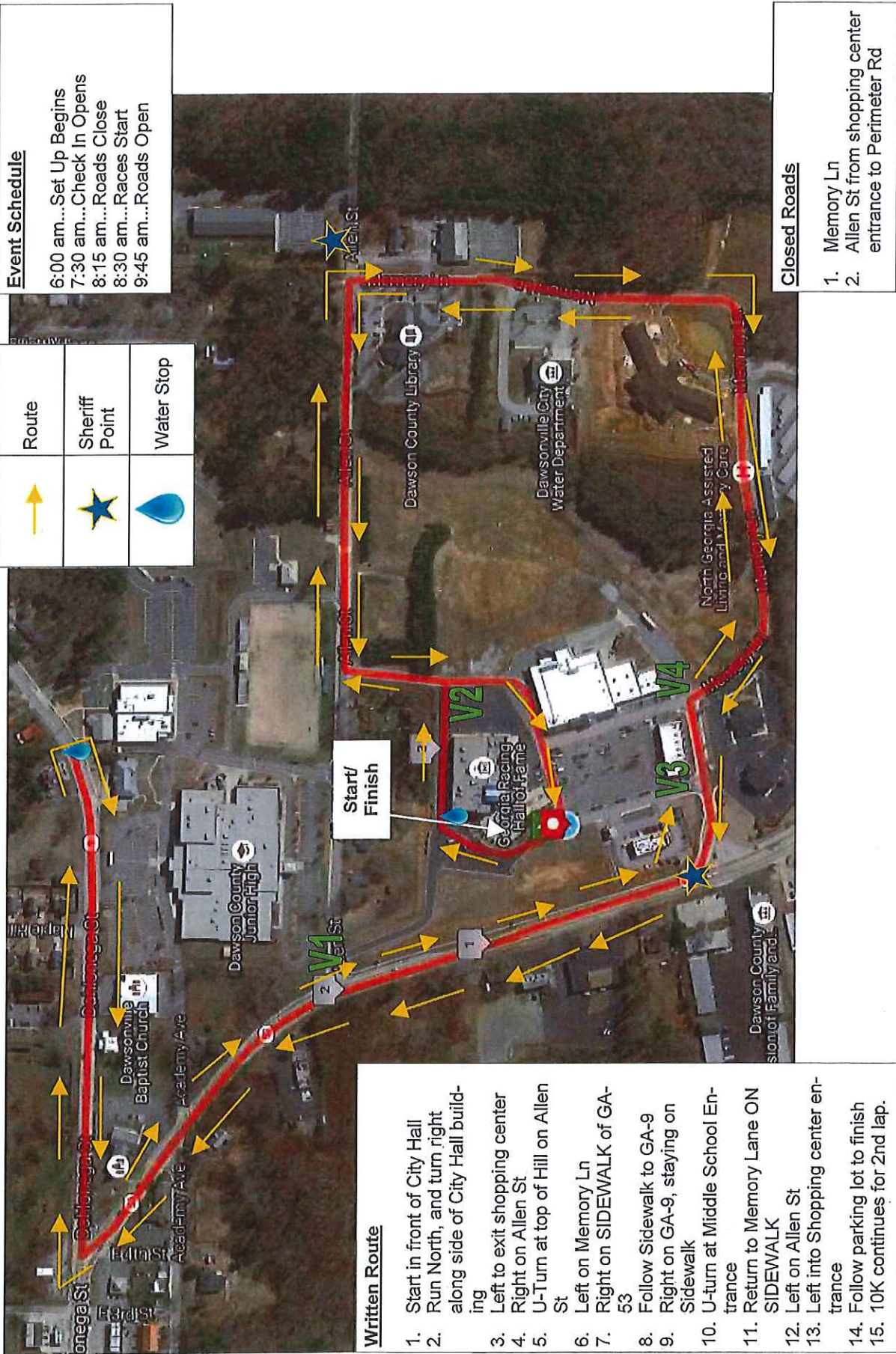
Please outline what your event will involve: (number of people – life safety issues – vendors – cooking – tents – rides – handicap parking – egress) Attach separate sheet if necessary.

This is a 5K race that will start/finish in the side lot of Food Lion.

Route or Layout: (attach a detailed site plan) **If route includes road closure(s), provide a Google map layout.**

See Attached

Reindeer Run 5K/10K 2016 Route & Traffic Plan



Event Schedule

- 6:00 am...Set Up Begins
- 7:30 am...Check In Opens
- 8:15 am...Roads Close
- 8:30 am...Races Start
- 9:45 am...Roads Open

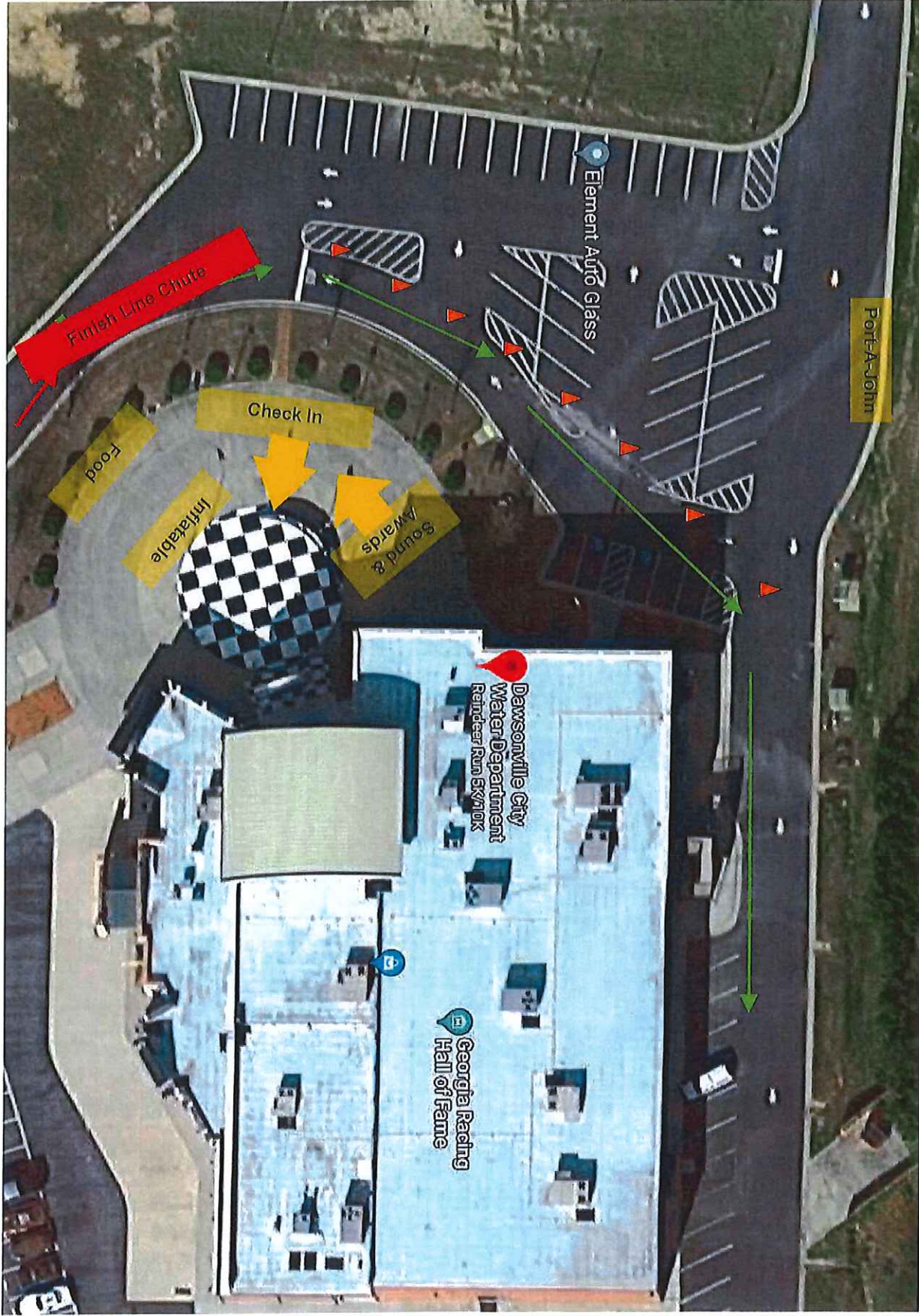
	Route
	Sheriff Point
	Water Stop

Closed Roads

1. Memory Ln
2. Allen St from shopping center entrance to Perimeter Rd

Written Route

1. Start in front of City Hall
2. Run North, and turn right along side of City Hall building
3. Left to exit shopping center
4. Right on Allen St
5. U-Turn at top of Hill on Allen St
6. Left on Memory Ln
7. Right on SIDEWALK of GA-53
8. Follow Sidewalk to GA-9
9. Right on GA-9, staying on Sidewalk
10. U-turn at Middle School Entrance
11. Return to Memory Lane ON SIDEWALK
12. Left on Allen St
13. Left into Shopping center entrance
14. Follow parking lot to finish
15. 10K continues for 2nd lap.



Finish Line Chute

Check In

Food

Inflatable

Sound & Awards

Element Auto Glass

Port-A-John

Dawsonville City
Water Department
Reindeer Run 5K/10K

Georgia Racing
Hall of Fame

What participation, if any, do you expect from the City of Dawsonville? Use of barricades

What participation, if any, have you arranged from Dawson County Emergency Services? None

What participation, if any, have you arranged from the Dawson County Sheriff Department? officers for Traffic Control

Insurance Requirements:

In compliance with the Parade, Public Assembly, and Public Demonstration Ordinance Section 10-25(c), an applicant for a permit under this article shall be required to obtain liability insurance for the parade, demonstration, rally, road closing, or other such activity whenever any one or more of the following threshold criteria are met:

1. Primary attendance is reasonably expected to meet or exceed 5,000 persons;
2. The use, participation, exhibition, or showing of live animals;
3. The use, participation, exhibition, or showing of automobiles of any size or description, motorcycles, tractors, bicycles or similar conveyances;
4. The use of a stage, platforms, bleachers, or grandstands which will be erected for the event;
5. The use of inflatable apparatus used for jumping, bouncing, or similar activities;
6. The use of roller coasters, bungee jumping, or similar activities; or
7. Vendors or concessions.

Does your parade, non-spontaneous private assembly, demonstration, or rally in a public place meet any of the criteria above? Yes No If yes, which one(s)? _____

Any applicant required to provide insurance shall provide the City of Dawsonville with a copy of the declarations page of the applicant's liability insurance / Certificate of Insurance from an insurer authorized and licensed by the State of Georgia. For such events the City of Dawsonville shall be added as an additional named insured on the Certificate of Insurance by the insurance carrier. The minimum policy limits shall be **\$1,000,000.00 per person per incident and \$2,000,000.00 aggregate** for the entire event. All costs for the insurance and adding the City of Dawsonville as an additional named insured shall be borne solely by the applicant. The insurance shall be such as to protect the City of Dawsonville from any and all claims for damages to property and/or bodily injury or death.

Is the Certificate of Liability Insurance attached? Yes No Not applicable to this event

Additional information/comments about liability insurance: _____

Additional information/comments about this application: _____

APPLICANT'S SIGNATURE FOR CERTIFICATION AND ACKNOWLEDGEMENT OF ROAD CLOSURE(S), TRASH CLEANUP, PARKING PROVISIONS AND PROVIDING TOILET FACILITIES. PRIOR TO SIGNING, PLEASE READ THE FOLLOWING OR HAVE IT READ TO YOU:

ROAD CLOSURE(S):

Applicant certifies and acknowledges that any road closures scheduled as part of an event will only take place during the time designated for the road closure and that the applicant will not arrive early, fail to clean up or fail to leave promptly after the event so as to interfere with the normal flow of traffic.

Sworn to and subscribed before me
this 29 day of October 20 18.

Nalita Y. Copeland
Notary Public, State of Georgia

My Commission Expires: May 15, 2019

Lowell STARR
Applicant's Printed Name

Lowell Starr
Applicant's Signature



Nalita Y. Copeland
NOTARY PUBLIC
Dawson County, Georgia
My Commission Expires
May 15, 2019

TRASH CLEANUP, PARKING PROVISION AND TOILET FACILITIES:

Applicant certifies and acknowledges the City may require the Applicant to be responsible for trash cleanup of affected areas littered during the activity for which a permit is sought.

Each applicant granted a permit for an event with anticipated attendance of less than 100 participants shall be required to pay a cleanup deposit of \$500 for **each day** of the event. Each applicant granted a permit for an event with anticipated attendance of over 100 participants shall be required to pay a cleanup deposit of \$1000 for **each day** of the event. The City shall apply the cleanup deposit towards the cost of the cleanup following the event. Any portion of the cleanup deposit not used by the City shall be returned to the applicant within ten (10) days of completion of event cleanup. In the event the applicant cannot afford the daily cleanup deposit, a pauper's affidavit may be filed by the applicant, seeking to be excused from the deposit. The decision on whether the daily cleanup deposits are to be waived shall be made concurrently with the decision on the application itself, and shall be contemporaneously communicated to the applicant.

Applicant certifies and acknowledges the City may require the Applicant be responsible for the provision of sufficient parking and storage areas for a large influx of motor vehicles occasioned by the permitted activity and the provision of temporary toilet facilities and other similar special and extraordinary items determined to be necessary for the permitted activity based on the contents of the application.

Sworn to and subscribed before me
this 29 day of October 20 18.

Nalita Y. Copeland
Notary Public, State of Georgia

My Commission Expires: May 15, 2019

LOWELL STARR
Applicant's Printed Name

Lowell Starr
Applicant's Signature



Nalita Y. Copeland
NOTARY PUBLIC
Dawson County, Georgia
My Commission Expires
May 15, 2019

APPLICANT'S SIGNATURE FOR THE PERMIT APPLICATION; RELEASE & WAIVER OF LIABILITY; AND AGREEMENT FOR FINANCIAL RESPONSIBILITY. PRIOR TO SIGNING, PLEASE READ THE FOLLOWING OR HAVE IT READ TO YOU:

APPLICATION:

OATH: I hereby swear and affirm that the information provided within this application for parade, public assembly, demonstration, or rally is true and correct to the best of my knowledge. In addition, I agree to abide by all regulations of the ordinance and to advise all participants of the conditions of the permit.

RELEASE & WAIVER OF LIABILITY:

The permit holder shall indemnify and hold the City of Dawsonville, Georgia harmless from any claim, demand, or cause of action that may arise from activities associated with the event, including attorney's fees. I acknowledge that I understand this Release, and I hereby agree for myself and on behalf of the Applicant to indemnify and hold harmless the City of Dawsonville, Georgia and its agents, officers, and employees, individually and jointly, from and against any claim for injury (including, but not limited to, personal injury and property damage), loss, inconvenience, or damage suffered or sustained by any individual, including, but not limited to, business owners, patrons, participants of the parade, public assembly, demonstration, or rally, and spectators participating in and/or occurring during the event, unless the claim for injury is caused by intentional misconduct of an individual, agent, officer, or employee of the City of Dawsonville.

AGREEMENT FOR FINANCIAL RESPONSIBILITY:

The undersigned agrees to be solely responsible for cleaning affected areas littered during the activity, provide sufficient parking and storage areas for motor vehicles, provide temporary toilet facilities, and provide other similar special and extraordinary items deemed necessary for the permitted activity by the City of Dawsonville to keep the area of the event safe and sanitary. In no event shall the City of Dawsonville, Georgia require individuals, organizations or groups of persons to provide personnel for normal governmental functions, such as traffic control, police protection, or other expenses associated with the maintenance of public order. If additional requirements are placed on applicants in accordance with this subsection, and those requirements are not met despite assurances by the applicant, then failure to comply with the aforementioned requirements shall be grounds for revocation of the issued permit and/or denial of any subsequent permit requested by the applicant. The City of Dawsonville, Georgia shall be entitled to recover from the applicant the sums expended by the City of Dawsonville, Georgia for extraordinary expenses agreed to but not provided by the applicant.

I further understand that false statements or omission within the application may result in the denial or disqualification of application.



Nalita Y. Copeland
NOTARY PUBLIC
Dawson County, Georgia
My Commission Expires
May 15, 2019

Sworn to and subscribed before me
this 29 day of October 20 18.

Lowell STARR
Applicant's Printed Name

Nalita Y. Copeland
Notary Public, State of Georgia

Lowell Starr
Applicant's Signature

My Commission Expires: May 15, 2019

Note to Applicant: Once your permit is processed, Planning & Development will notify you if you are required to attend a City Council meeting.



City of Dawsonville
P.O. Box 6 415 Hwy 53 E, Suite 100
Dawsonville, GA 30534
Phone (706)265-3256
Fax # (706)265-4214

**Permit Application for:
Parades, Public Assemblies,
Demonstrations, and Rallies in Public Places
(Dawson County Emergency Services)**

Emergency Services: Please complete this sheet and return it to the City of Dawsonville.

Name of Event: Reindeer Run 5K/10K Date(s) of Event: 12/8/2018

Any anticipated problems with proposed route? _____

Any anticipated problems with the designated location for participants to assemble? _____

How many personnel will be required for this event? _____

Estimated cost for personnel: _____

Number and type of vehicles required: _____

Type of procedures or equipment needed for the health and safety needs of the participants and the viewing public: _____

Estimated cost for equipment: _____

Additional comments/concerns: _____

EMERGENCY SERVICES

APPROVED: YES NO

By: _____ Date: _____



City of Dawsonville
 P.O. Box 6 415 Hwy 53 E, Suite 100
 Dawsonville, GA 30534
 Phone (706)265-3256
 Fax # (706)265-4214

**Permit Application for:
 Parades, Public Assemblies,
 Demonstrations, and Rallies in Public Places
 (Dawson County Sheriff Department)**

Sheriff Department: Please complete this sheet and return it to the City of Dawsonville.

Name of Event: Reindeer Run 5K/10K Date(s) of Event: 12/8/2018

Any anticipated problems with proposed route? _____

Any anticipated problems with the designated location for participants to assemble? _____

How many officers will be required for this event? _____

Estimated cost for officers: _____

Number of vehicles required: _____

Type of procedures or equipment needed for the health and safety needs of the participants and the viewing public: _____

Estimated cost for equipment: _____

Additional comments/concerns/recommendations: _____

SHERIFF DEPARTMENT:

APPROVED: YES NO

By: _____ Date: _____



City of Dawsonville
 P.O. Box 6 415 Hwy 53 E, Suite 100
 Dawsonville, GA 30534
 Phone (706)265-3256
 Fax # (706)265-4214

**Permit Application for:
 Parades, Public Assemblies,
 Demonstrations, and Rallies in Public Places
 (Public Works – Environmental Health)**

If applicable to the event, please review this application and return it to the City of Dawsonville.

PUBLIC WORKS:

Additional comments/concerns/recommendations: _____

APPROVED: YES NO

By: _____ Date: _____

ENVIRONMENTAL HEALTH:

Additional comments/concerns/recommendations: _____

 N/A

APPROVED: YES NO

By: _____ Date: _____



City of Dawsonville
 P.O. Box 6 415 Hwy 53 E, Suite 100
 Dawsonville, GA 30534
 Phone (706)265-3256
 Fax # (706)265-4214

**Permit Application for:
 Parades, Public Assemblies,
 Demonstrations, and Rallies in Public Places
 (APPROVALS)**

Office Use for Dawsonville City Hall Only:

MEETS CRITERIA FOR APPROVAL PER ORDINANCE

If applicable to the event, the following departments have reviewed and approved this event:

Department	Notified Date	Name	Approved	Date
Sheriff Department	10/29/18	Greg Rowan		
Emergency Services	10/29/18	Chris Archer		
Dawsonville Roads Dept.	10/29/18	Trampas Hansard		
Environmental Health	X	N/A	X	X
GA Dept of Transportation	10/29/18	Veronica Chavers		
Dawson County (for events outside City limits)	X	N/A	X	X

Approved:

Attest:

 Planning Director

Permit Approved Date: _____

Notify of Approval _____ Applicant _____ Sheriff Department
 (as applicable) _____ Emergency Services _____ Environmental Health
 _____ Dawsonville Roads Dept _____ GA DOT

City Hall Use:

Permit Fee Received Event Entered on Calendar
 Insurance Certificate Received Dawson County Event Approval (outside City limit)
 Permit Printed Permit Issued to Applicant
 Trash Cleanup Deposit Received Amount \$ 500 Check # 2970
 Trash Cleanup Deposit Returned Amount \$ _____ Date _____

City of Dawsonville

10/29/18 12:42 PUBLIC EVENT CERT

REINDEER RUN 5K/10K_12/08/2018
LOWELL STARR_CITY STREETS

Chk#: 2969

Batch Id: SZ102918

Ref Num: 9490 Seq: 1 to 1

Cash Amount:	0.00
Check Amount:	50.00
Credit Amount:	0.00

Total:	50.00



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 9

SUBJECT: EMPLOYEE OF THE MONTH AND EMPLOYEE SERVICE AWARD

CITY COUNCIL MEETING DATE: 11/05/2018

BUDGET INFORMATION: GL ACCOUNT # _____

Funds Available from: _____ Annual Budget _____ Capital Budget Other _____

Budget Amendment Request from Reserve: _____ Enterprise Fund _____ General Fund

PURPOSE FOR REQUEST:

TO RECOGNIZE EMPLOYEE OF THE MONTH AND SERVICE AWARDS

HISTORY/ FACTS / ISSUES:

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Bob Bolz, City Manager



DAWSONVILLE CITY COUNCIL EXECUTIVE SUMMARY FOR AGENDA ITEM # 10 & 11

SUBJECT: ANX C8-00210 and ZA C8-00210

DATE(s): 10/22/18 WORK SESSION 11/05/2018 CITY COUNCIL MEETING

BUDGET INFORMATION: GL ACCOUNT # _____

Funds Available from: _____ Annual Budget _____ Capital Budget Other _____

Budget Amendment Request from Reserve: _____ Enterprise Fund _____ General Fund

PURPOSE FOR REQUEST:

ANX C8-00210: Michael Turner and Myles Montgomery have petitioned to annex into the city limits of Dawsonville the 11.407 acre tract known as TMP 093 006 located at 0 Allen Street. Hearing Dates: Planning Commission – October 8, 2018 and City Council – October 22, 2018 and November 5, 2018.

ZA C8-00210: Michael Turner and Myles Montgomery have requested a rezone of the 14.175 acres known as TMP 093 006 and TMP 093 007, located at 0 Allen Street from City Zoning of LI (Light Industrial) and County Zoning of RSR (Residential Sub Rural) to City Zoning of R3 (Single Family Residential) Hearing Dates: Planning Commission – October 8, 2018 and City Council – October 22, 2018 and November 5, 2018.

VAR C8-00210: Myles Montgomery has petitioned for an R3 Density Variance for TMP 093 006 and TMP 093 007 located at 0 Allen Street. Hearing Dates: Planning Commission – October 8, 2018.

HISTORY/ FACTS / ISSUES

Property fronts both Perimeter Rd just north of the Dawson County High School and Allen St. Applicant wishes to develop a 53-lot residential subdivision.

The city of Dawsonville has both water and sewer service available. Applicant is requesting a variance from the required R-3 density of 3 units per acre density to 3.74 units per acre.

OPTIONS:

Recommend to approve the annexation, rezoning and variance request.

RECOMMENDED SAMPLE MOTION:

Motion to approve the annex, rezoning and variance request of the Turner property on TMP # 093-006 & 007.

DEPARTMENT: Planning and Zoning

REQUESTED BY: Robbie Irvin, Planning Director



DAWSONVILLE CITY COUNCIL PLANNING COMMISSION ACTION SUMMARY FOR AGENDA ITEM # _____

SUBJECT: ANX/ZA/VAR C8-00210 TURNER PROPERTY

LOCATION: TMP 093 006 AND TMP 093 007

HEARD BY PLANNING COMMISSION ON: 10 / 8 / 18

TO BE HEARD BY CITY COUNCIL ON:

DATE(s): 10 / 22 / 18 WORK SESSION 11 / 5 / 18 CITY COUNCIL MEETING

ADDITIONAL HISTORY/ FACTS/ ISSUES DISCOVERED AT PLANING COMMISSION:

None

ACTION TAKEN : APPROVE DENY

BASED UPON CONDITIONS SET FORTH BY CITY ATTORNEY DANA MILES. SS/KB/ALL WERE IN FAVOR

~~REASON FOR DENIAL:~~

CONDITIONS/STIPULATIONS: OR SEE MINUTES

1. The applicant shall reach an agreement with the City for construction of a joint detention facility and collaborative efforts for the design/construction of a future dog park.
2. There shall be a requirement for two entrances into the subdivision from a traffic safety standpoint; one onto Allen Street and one onto Perimeter Road.
3. There shall be a requirement for inter-parcel pedestrian access to City property.
4. The Variance (VAR C-8-00210) is contingent upon the Annexation and Zoning Amendment being approved by Mayor and Council. If the ANX and ZA are not approved, the Variance lapses. It shall not apply to either parcel; it is all or nothing.

PLANNING DIRECTOR:  DATE: 10-16-18

PC CHAIR OR DESIGNEE:  DATE: 10-17-18



October 4, 2018

To: Ms. Beth Duncan, Chair
& City of Dawsonville Planning Commission

Re: Staff Recommendation; Perimeter Rd and Allen St Turner Property Tract

Ms. Duncan and Commission,

Michael Turner and Myles Montgomery have petitioned to annex into the city limits of Dawsonville the 11.407 acre tract known as TMP 093 006 located at 0 Allen Street. The applicant has additionally requested a rezone of the 14,175 acres known as TMP 093 006 and TMP 093 007, located at 0 Allen Street from City Zoning of LI (Light Industrial) and County Zoning of RSR (Residential Sub Rural) to City Zoning of R3 (Single Family Residential). Lastly, the applicant is requesting a variance from the required R-3 density of 3 units per acre density to 3.74 units per acre.

The current conditions are as follows:

Property fronts both Perimeter Rd just north of the Dawson County High School and Allen St. A portion of the property (2.76 acres) currently lies within the jurisdiction of the city.

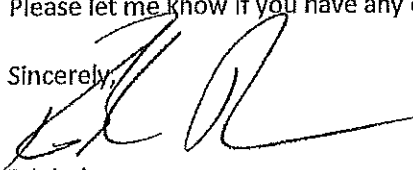
The city of Dawsonville has both water and sewer service available.

Applicant wishes to develop a 53-lot residential subdivision.

The Planning and Zoning staff would recommend **approval**.

Please let me know if you have any questions regarding this matter.

Sincerely,



R.J. Irvin

Planning Director, City of Dawsonville

Planning and Zoning Department
City of Dawsonville
415 Hwy 53 E, Suite 100
Dawsonville, GA 30534
Office Phone: 706-265-3256
Fax: 706-265-4214
planning@dawsonville-ga.gov

REQUEST FOR
ANNEXATING AND REZONING ACTION
FROM CITY OF DAWSONVILLE ZONING BOARD

FOR

**MR. MICHAEL TURNER
14.175-ACRE SUBDIVISION**

NATURE OF REQUEST

To annex and rezone a vacant 11.407-Acre Tract into the City of Dawsonville and rezone a 2.768-Acre already located within City of Dawsonville

PURPOSE OF REQUEST

To allow for development of a 53 Lot Residential Subdivision

NARRATIVE

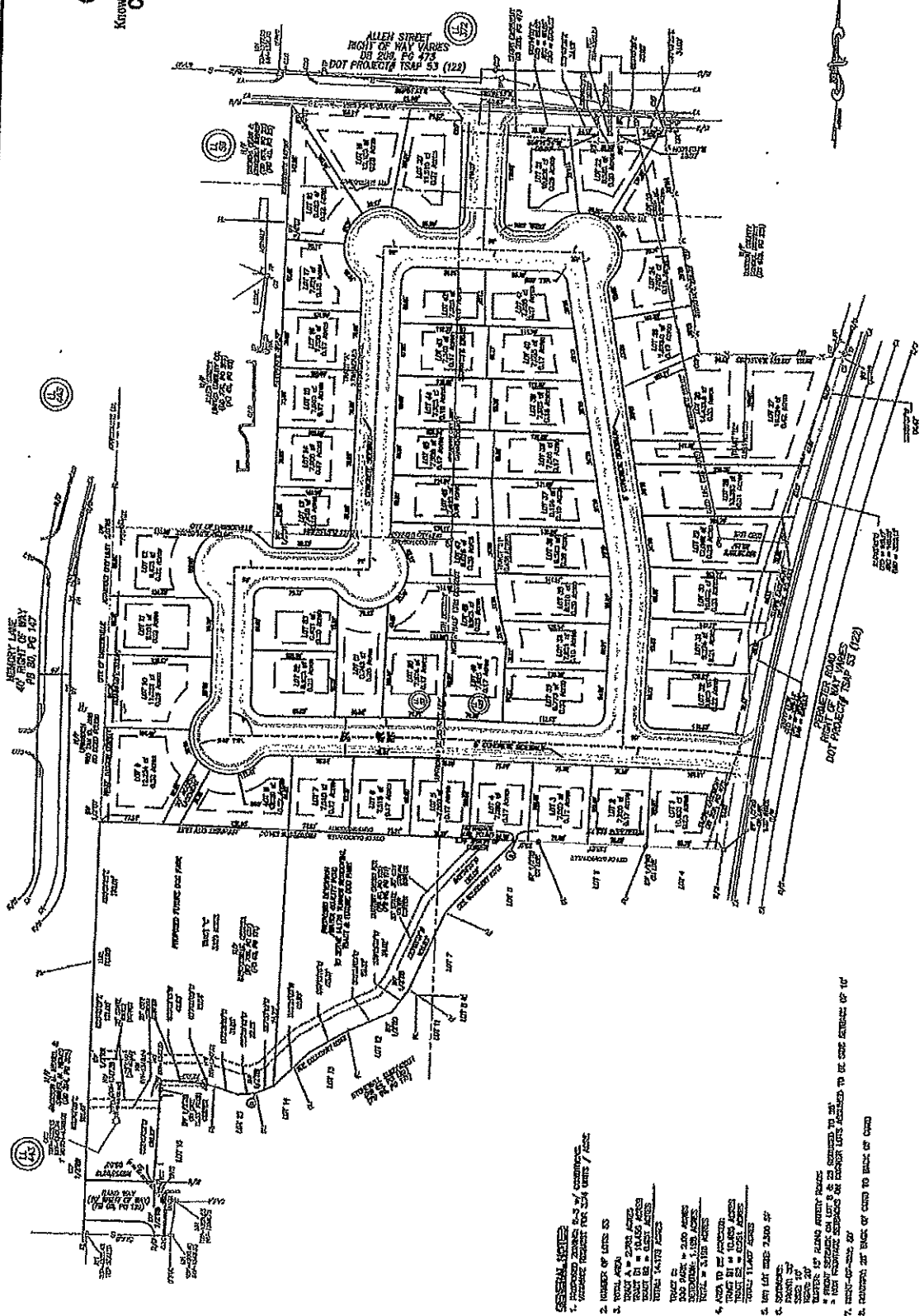
The scope of this project is to annex and rezone a 11.407-Acre tract into the City of Dawsonville combined with the rezoning of a 2.768-Acre tract that is already located within the City of Dawsonville to allow for a proposed 14.175-Acre 53 Lot Residential Subdivision.

This property is a total of 14.175 acre tract of land, located in Land Lots 58 and 59, 4th District and Land Lots 428 and 372, north half 13th District. The 11.407-Acre property is currently zoned R-1. The 2.768-Acre property is currently zoned L-I. We are requesting a rezoning of subject tracts to R-3 with conditions. Variance conditions would be to allow for a higher density than what is allowed under R-3 zoning (3.74 Lots / Acre). Minimum lot size shall be 75'x110'. Proposed residential subdivision has frontage on Allen Street and Perimeter Road.

To the north of the property is Allen Street. Perimeter Road is located to the east. Stonewall Subdivision is located to the south. To the west is Memory Lane. Access into the property will be from Allen Street and Perimeter Road as shown on the conceptual site plan provided.

Both potable water and sanitary sewer will serve this tract. Storm water detention will be provided by that of a shared offsite shared pond facility.

We feel that the requested annexation and rezoning to allow for a 53 Lot residential subdivision would be an appropriate type of use for this area. It is unlikely to pose any problems for any of the neighbors. We do not believe that allowing the proposed use of this property would in any way devalue or pose hardships on any of the surrounding properties.



NOTES:
 1. ALL LOTS ARE TO BE OPEN AS ONE LOT UNLESS OTHERWISE NOTED.
 2. ALL LOTS ARE TO BE OPEN AS ONE LOT UNLESS OTHERWISE NOTED.
 3. ALL LOTS ARE TO BE OPEN AS ONE LOT UNLESS OTHERWISE NOTED.

- GENERAL NOTES:**
1. ALL LOTS ARE TO BE OPEN AS ONE LOT UNLESS OTHERWISE NOTED.
 2. ALL LOTS ARE TO BE OPEN AS ONE LOT UNLESS OTHERWISE NOTED.
 3. ALL LOTS ARE TO BE OPEN AS ONE LOT UNLESS OTHERWISE NOTED.
 4. ALL LOTS ARE TO BE OPEN AS ONE LOT UNLESS OTHERWISE NOTED.
 5. ALL LOTS ARE TO BE OPEN AS ONE LOT UNLESS OTHERWISE NOTED.
 6. ALL LOTS ARE TO BE OPEN AS ONE LOT UNLESS OTHERWISE NOTED.
 7. ALL LOTS ARE TO BE OPEN AS ONE LOT UNLESS OTHERWISE NOTED.
 8. ALL LOTS ARE TO BE OPEN AS ONE LOT UNLESS OTHERWISE NOTED.



City of Dawsonville
 P.O. Box 6
 415 Highway 53 East, Suite 100
 Dawsonville, GA 30534
 Phone: (706) 265-3256

**Annexation Petition
 into the
 City of Dawsonville, GA**

Annexation # ANX-CR-00210

FEE \$250.00 (NONREFUNDABLE) Date Paid _____ Cash /Ck # _____

Please Print Clearly ZONING AMENDMENT APPLICATION AND FEES RECEIVED ? YES NO

Applicant Name(s): Michael Turner Myles Montgomery

Mailing Address 7185 Shady Grove Rd City Cumming State GA Zip 30041

E-Mail Civilscapesdesign@yahoo.com

Applicant Telephone Number(s): 0) 678-513-8836 C) 770-315-8274

Property Owner's Name(s): Michael Turner

Mailing Address 1325 Barrett Lakes Blvd City Kennesaw State GA Zip 30144

E-Mail mturner@trusfhss.com

Property Owner's Telephone Number(s): 770-261-7145

Address of Property to be Annexed: Allen St & Perimeter Rd frontage VACANT LOT

Tax Map & Parcel # 093 Property Size in Acres: 14.75 Survey Recorded in Plat Book # _____ Page # _____

Land Lot # 428 + 372 District # 13th Section # 11.407 Legal Recorded in Deed Book # _____ Page # _____

Current Use of Property: Vacant lot

County Zoning Classification: R-1 City Zoning Classification: R-3

Land Use & Zoning Ordinance, Article VII. General Provisions Sec. 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.

Petition **MUST** include a completed application with signatures and **ALL** attachments.

- An 8 1/2 x 11 copy of the current **RECORDED BOUNDARY SURVEY** of said property showing the contiguity of said property to the existing corporate limits of the City of Dawsonville, GA.
- A copy of the current metes and bounds **LEGAL DESCRIPTION** that matches the boundary survey of the property being annexed.
- Survey **must** be signed and sealed by a Registered Land Surveyor.
- Survey **must** be signed, stamped recorded by Dawson County Clerk's Office, Superior Court



City of Dawsonville
 P.O. Box 6
 415 Highway 53 East, Suite 100
 Dawsonville, GA 30534
 Phone: (706) 265-3256

**Annexation Petition
 into the
 City of Dawsonville, GA**

Please answer the following questions to meet and comply with the United States Department of Justice, Civil Rights Division, Voting Section, Section 5 of the Voting Rights Act.

1. Intended Use of Land: X Residential Commercial
 Existing Structure(s) Vacant
 Other (specify) _____

2. Number of persons currently residing on the property: _____; X VACANT
 Number of persons 18 years or older: _____; Number of persons registered to vote: _____

3. The number of all residents occupying the property:
 American Indian Alaskan Native
 Asian Pacific Islander
 Black, not of Hispanic Origin Hispanic
 White, not of Hispanic Origin X VACANT

Please answer the following questions to meet and comply with the U. S. Department of Commerce, which requires this information to provide Population Estimates.

ARC Population Estimate Information

A. Number of existing housing units: 0

B. List of Addresses for each housing unit in the annexed area at the time of the annexation:
 N/A

C. Disposition of existing structures (e.g. to stay the same, be demolished, moved or converted):
 N/A

D. Names of affected Subdivision: N/A

E. Name of affected Multi-Family Complex: N/A

F. Names of Group Quarters (dormitories, nursing homes, jails, etc.):
 N/A

G. Names of affected Duplexes: N/A

H. Names of Mobile Home Parks: N/A



City of Dawsonville
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 415 Highway 53 East, Suite 100
 Dawsonville, GA 30534
 Phone: (706) 265-3256

**Annexation Petition
 Into the
 City of Dawsonville, GA**

Property Owner(s) Authorization

I / We the undersigned, being the owner(s) of real property of the territory described herein as Michael Turner (Address/Tax Map Parcel), respectfully request that the Mayor and City Council of the City of Dawsonville, Georgia annex this property into the City and extend the City boundaries to include the same.

Upon signature of this document, I / We the undersigned certify that all the information provided is true and accurate to the best of our knowledge.

(1) [Signature] Executive Kenneth K. Turner Estate
 Property Owner Signature Property Owner Printed Name

(2) _____
 Property Owner Signature Property Owner Printed Name

(1) [Signature] Myles Montgomery
 Applicant Signature Applicant Printed Name

(2) _____
 Applicant Signature Applicant Printed Name

Sworn to and subscribed before me
 this 10 day of September 2018.

[Signature]
 Notary Public, State of Georgia



Nahta Y. Copeland
NOTARY PUBLIC
 Dawson County, Georgia
 My Commission Expires
 May 15, 2019

My Commission Expires: May 15, 2019

Notary Seal

Annexation Application Received Date Stamp: Rec'd 9/14/18 Completed Application with Signatures
 Rec'd 9/14/18 Current Boundary Survey
 Rec'd 9/14/18 Legal Description
 Rec'd 9/14/18 ARC Population Estimate Information

Planning Commission Meeting Date (if rezoned): Oct 8, 2018

Dates Advertised: 9/19/18 9/26/18

1st City Council Reading Date: Oct 22, 2018

2nd City Council Reading Date: Nov 5, 2018 Approved: YES NO

Date Certified Mail to: 9/18/18 County Board of Commissioners & Chairman 9/18/18 County Manager 9/18/18 County Attorney

Letter Received from Dawson County Date: _____



City of Dawsonville
 P.O. Box 6
 415 Highway 53 East, Suite 100
 Dawsonville, GA 30534
 Phone: (706) 265-3256

**Zoning Amendment
 Application**

Request # ZA- 18-00210 Date: 9/12/18 Rec.
 Applicant Name(s): Michael Turner / Myles Montgomery
 Address: 7185 Shady Grove Rd City: Cumming State: GA Zip: 30041
 Phone: 678-513-8836 Cell Phone: 770-315-8274
 E-Mail: civilscapesdesign@yahoo.com
 Property Address: Allen St / Perimeter Rd
 Tax Map # 093 Parcel # 006 & 007 Current Zoning** : R-1
 Land Lot(s): _____ District: _____ Section: _____
 Subdivision Name: _____ Lot # _____
 Acres: 14.175 Current Use of Property: Vacant
 Has a past Request of Rezone of this property been made before? ___ If yes, provide ZA # _____

The applicant request:

Rezoning to zoning category: R3 w/cond Special Use permit for: _____

Proposed use of property if rezoned: Residential Sub.

If Residential: # of lots proposed 53 Minimum lot size proposed 75' x 110' (Include Concept Plan)

Is an Amenity area proposed Yes, if yes, what Potential Dog Park

If Commercial: Total Building area proposed _____ (Include Concept Plan)

Existing Utilities: (readily available at road frontage) Water Sewer Electric _____ Natural Gas

Proposed Utilities: (developer intends to provide) Water Sewer Electric _____ Natural Gas

Road Access/Proposed Access: (Access to the development/area will be provided from)

Road name: Allen St. & Perimeter Rd Type of Surface: Asphalt

◆ Failure to complete all sections will result in rejection of application and unnecessary delays.

◆ I understand that failure to appear at a public hearing may result in the postponement or denial of this application.

Myles Montgomery
 Signature of Applicant

9/10/18
 Date

Office Use Only:
 Date Completed Application Rec'd 9/12/18 Amount Paid \$ 1100.00 Check # _____ /Cash
 Date of Planning Commission Meeting: 10/8/18 Dates Advertised: 9/19/18
 Date of City Council Meeting: 10/22/18 Dates Advertised: 9/26/18
 Postponed: YES NO Date: _____ Rescheduled for next Meeting: _____
 Approved by Planning Commission: YES NO Approved by City Council: YES NO

+ Cert. Mail Fee 9 @ 65¢



City of Dawsonville
 P.O. Box 6
 415 Highway 53 East, Suite 100
 Dawsonville, GA 30534
 Phone: (706) 265-3256

**Zoning Amendment
 Authorization**

Property Owner Authorization

I/We Michael Turner hereby swear that I / we own the property located at (fill in address and/or tax map & parcel #) 093 006 & 093 007

_____ as shown in the tax maps and/or deed records of Dawson County, Georgia, and which parcel will be affected by this request.

I hereby authorize the person(s) or entity(ies) named below to act as the applicant or agent in pursuit of the rezoning requested on this property. I understand that any rezone granted, and/or conditions or stipulations placed on the property will be binding upon the property regardless of ownership. The under signer below is authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 6 months from the date of the last action by the City Council.

Printed Name of Applicant or Agent Myles Montgomery
 Signature of Applicant or Agent [Signature] Date 9-10-18
 Mailing Address 7185 Shady Grove Rd
 City Cumming State GA Zip 30041
 Telephone Number 678-513-0836

Printed Name of Owner(s) Kenneth K. Turner Estate
 Signature of Owner(s) [Signature] Date 9-10-18
 _____ Date _____

Sworn to and subscribed before me this 10 day of Sept 2018.

[Signature]
 Notary Public, State of Georgia



Nalita Y. Copeland
 NOTARY PUBLIC
 Dawson County, Georgia
 My Commission Expires
 May 15, 2019

My Commission Expires: May 15, 2019 Notary Seal

(The complete names of all owners must be listed, if the owner is a partnership, the names of all partners must be listed, if a joint venture, the names of all members must be listed. If a separate sheet is needed to list all names, please identify as applicant or owner and have the additional sheet notarized also.)



City of Dawsonville
 P.O. Box 6
 415 Highway 53 East, Suite 100
 Dawsonville, GA 30534
 Phone: (706) 265-3256

**Zoning Amendment
 Campaign Disclosure**

Disclosure of Campaign Contributions
 (Applicant(s) and Representative(s) of Rezoning)

Pursuant to OCGA, Section 36-67 A-3.A, the following disclosure is mandatory when an applicant or any representation of application for rezoning has been made with two (2) years immediately preceding the filing of the applicant's request for rezoning, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application for rezoning.

It shall be the duty of the applicant and the attorney representing the applicant to file a disclosure with the governing authority of the respective local government showing the following:

1. Name of local official to whom campaign contribution was made:

2. The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

Amount \$ 0 Date: _____

Enumeration and description of each gift when the total value of all gifts is \$250.00 or more made to the local government official during the 2 years immediately preceding the filing application for rezoning: _____

Michael Mathis
 Signature of Applicant / Representative of Applicant

9/10/18
 Date

Failure to complete this form is a statement that no disclosure is required.



City of Dawsonville
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 Dawsonville, GA 30534
 Phone: (706) 265-3256

Variance Application

Fee: \$300.00

VAR- 08-00210

Application for: Appeal Special Exception Adjustment

Type of Variance Requested: Density R-3 w/ Cond (Letter of Intent must fully describe this request)

Applicant Name: Myles Montgomery Company: Civilscapes, Inc.

Address: 7195 Shady Grove Rd City: Cumming, GA Zip: 30041

Phone: 678-513-8836 Cell Phone: 770-315-8274 Fax #: 678-513-8836

Owner Name(s): Michael Turner

Address: 1825 Barrett Lakes Blvd City: Kennesaw, GA Zip: 30144

Phone: 770-261-7145 Cell Phone: _____ Fax #: _____

Exact Location and Description of Subject Property:

Address: Allen St & Perimeter Rd frontage Lot # _____

Present/Proposed Zoning: R-1 to R-3 Parcel # 006 3007

District: _____ Land Lot: _____ Tax Map # 093

Present and/or Proposed Use of Property: Vacant to Residential Sub.

Required Items:

- A completed signed application.
- A detailed Letter of Intent of your request along with any supporting maps, survey's and/or documents requested by the Building Official.
 - The Letter of Intent shall address the criteria specified in Section 2507. (see pg. 2)
- The applicant is responsible to pay the certified mail postage to adjacent property owners.
- Variance fee of \$300.00

Myles Montgomery
 Signature of Applicant

9/10/10
 Date

City of Dawsonville Land Use and Zoning Ordinance: Article XXV Planning Commission.

Section 2503. Powers And Duties. The Planning Commission shall have the following functions, powers and duties: (9) Determine variances pursuant to Section 2507.

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.



City of Dawsonville
 P.O. Box 6
 415 Highway 53 East, Suite 100
 Dawsonville, GA 30534
 Phone: (706) 265-3256

Property Owner
 Authorization

VAR# 08-00210 TMP# 093 006 Applicant's Name: Michael Turner
+ 007

Property Owner Authorization

I / We Michael Turner hereby swear that I / we own the property located at (fill in address and/or tax map & parcel #) 093 006 & 093 007 as shown in the tax maps and/or deed records of Dawson County, Georgia, and which parcel will be affected by this request.

I hereby authorize the person(s) or entity(ies) named below to act as the applicant or agent in pursuit of the variance requested on this property. I understand that any variance granted, and/or conditions or stipulations placed on the property will be binding upon the property regardless of ownership. The under signer below is authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 6 months from the date of the last action.

Printed Name of Applicant or Agent Myles Montgomery
 Signature of Applicant or Agent Myles Montgomery Date 9/10/18
 Mailing Address 705 Shady Grove Rd
 City Cumming State GA Zip 30041
 Telephone Number 678-513-8836

Printed Name of Owner(s) Bolt Turner Family LLP
 Signature of Owner(s) [Signature] Date 9-10-18
 Date _____

Sworn to and subscribed before me
 this 10 day of September 20 18

Nalita Y. Copeland
 Notary Public, State of Georgia

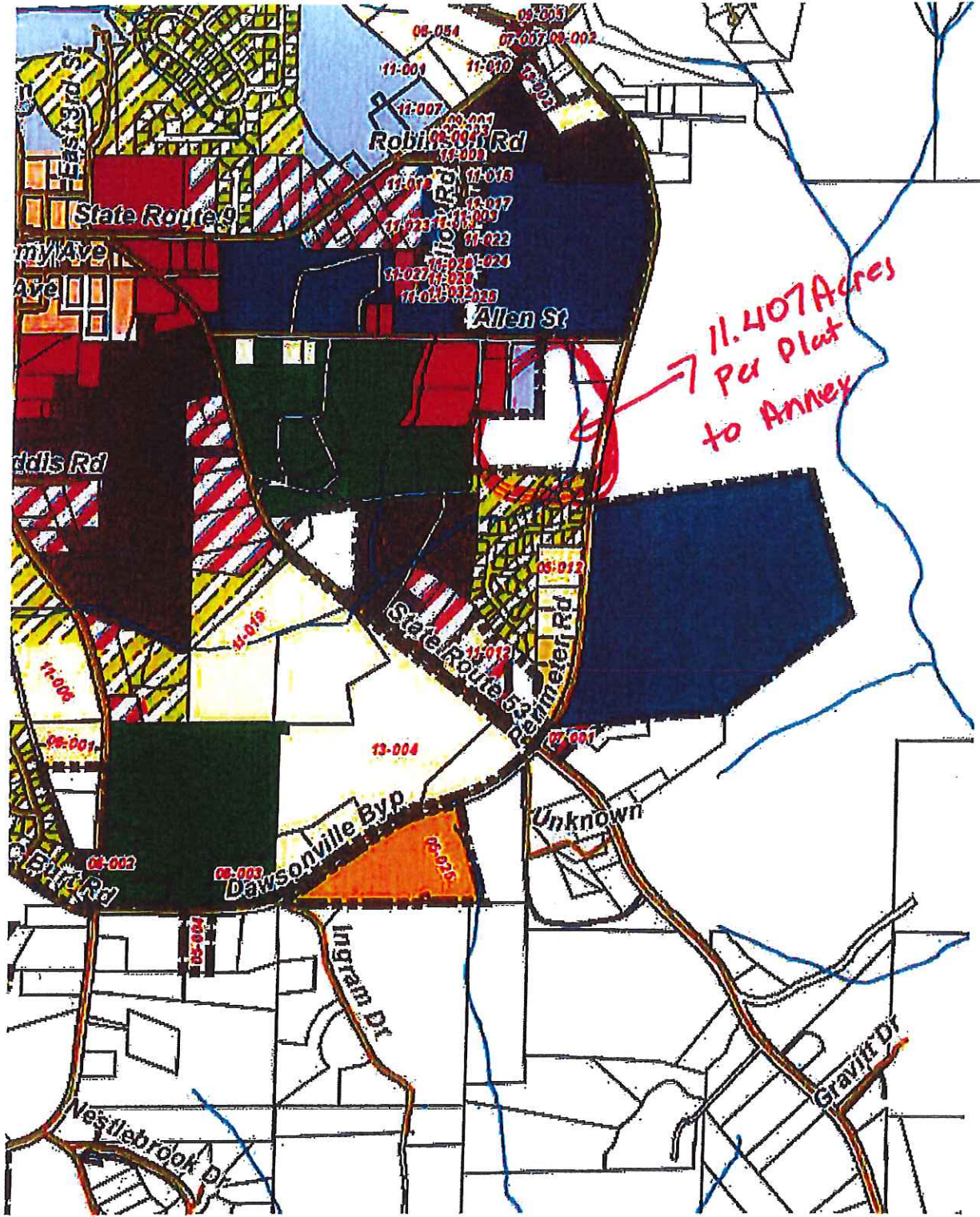
My Commission Expires: May 15, 2019



Nalita Y. Copeland
 NOTARY PUBLIC
 Dawson County, Georgia
 My Commission Expires
 May 15, 2019

Notary Seal

(The complete names of all owners must be listed, if the owner is a partnership, the names of all partners must be listed, if a joint venture, the names of all members must be listed. If a separate sheet is needed to list all names, please identify as applicant or owner and have the additional sheet notarized also.)



11.407 Acres
Per Plat
to Annex

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 58, & 59 4TH DISTRICT, LAND LOTS 428, & 372, NORTH HALF 13TH DISTRICT, DAWSON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND (3/4" CRIMP TOP PIPE) ON THE SOUTH RIGHT OF WAY OF ALLEN STREET (RIGHT OF VARIES) LOCATED SOUTH 83°16'46" EAST, 217.04 FROM THE CENTERLINE INTERSECTION OF ALLEN STREET WITH MEMORY LANE; THENCE ALONG THE SOUTH RIGHT OF WAY OF ALLEN STREET THE FOLLOWING COURSES AND DISTANCES SOUTH 88°13'21" EAST, 217.48 FEET TO A POINT; THENCE SOUTH 00°04'23" EAST, 12.95 FEET TO A CONCRETE MONUMENT FOUND; THENCE SOUTH 88°46'13" EAST, 40.93 FEET TO A POINT; THENCE 95.95 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A CHORD OF SOUTH 89°14'50" EAST 95.95 FEET AND A RADIUS OF 5764.58 FEET TO A POINT; THENCE SOUTH 89°43'26" EAST, 34.13 FEET TO A CONCRETE MONUMENT FOUND; THENCE SOUTH 00°16'34" WEST, 20.00 FEET TO A POINT; THENCE SOUTH 89°43'26" EAST, 25.00 FEET TO A POINT; THENCE NORTH 00°16'34" EAST, 20.00 FEET TO A POINT; THENCE SOUTH 89°43'26" EAST, 23.08 FEET TO A POINT; THENCE SOUTH 89°43'26" EAST, 34.56 FEET TO A CONCRETE MONUMENT FOUND; THENCE LEAVING THE SOUTH RIGHT OF WAY OF ALLEN STREET, AND ALONG THE PROPERTY NOW OR FORMERLY OF DAWSON COUNTY THE FOLLOWING COURSES AND DISTANCES SOUTH 10°10'12" EAST, 291.35 FEET TO A CONCRETE MONUMENT FOUND; THENCE SOUTH 89°13'06" EAST, 182.50 FEET TO AN IRON PIN FOUND (1/2" REBAR) ON THE WEST RIGHT OF WAY OF PERIMETER ROAD (RIGHT OF WAY VARIES); THENCE ALONG THE WEST RIGHT OF WAY OF PERIMETER ROAD THE FOLLOWING COURSES AND DISTANCES SOUTH 15°56'37" WEST, 94.47 FEET TO A POINT; THENCE 149.18 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A CHORD OF SOUTH 14°43'43" WEST 149.17 FEET AND A RADIUS OF 3518.13 FEET TO A POINT; THENCE 396.35 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A CHORD OF SOUTH 10°17'12" WEST 396.14 FEET AND A RADIUS OF 3518.13 FEET TO A POINT; THENCE LEAVING THE WEST RIGHT OF WAY OF PERIMETER ROAD, AND ALONG LOTS 4, 5, & 6 OF STONEWALL SUBDIVISION NORTH 88°07'55" WEST, 262.72 FEET TO A POINT; THENCE ALONG THE PROPERTY NOW OR FORMERLY OF DAWSONVILLE, GEORGIA NORTH 88°07'55" WEST, 524.04 FEET TO AN IRON PIN FOUND (1/2" OPEN TOP PIPE); THENCE LEAVING THE PROPERTY NOW OR FORMERLY OF DAWSONVILLE, GEORGIA NORTH 00°59'50" EAST, 373.60 FEET TO AN IRON PIN FOUND (5/8" REBAR); THENCE ALONG THE PROPERTY NOW OR FORMERLY OF ALLEN STREET LIMITED LIABILITY COMPANY THE FOLLOWING COURSES AND DISTANCES SOUTH 88°35'18" EAST, 199.96 FEET TO AN IRON PIN FOUND (1/2" OPEN TOP PIPE); THENCE NORTH 01°00'53" EAST, 394.37 FEET TO AN IRON PIN FOUND (3/4" CRIMP TOP PIPE); THENCE ALONG THE PROPERTY NOW OR FORMERLY OF BRENDA DEAN & KIMBERLY BISHOP NORTH 01°00'53" EAST, 147.98 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 14.175 ACRES.



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 12

SUBJECT: SPEED ZONE ORDINANCE AMENDMENT

CITY COUNCIL MEETING DATE: 11/05/2018

BUDGET INFORMATION: GL ACCOUNT # _____

Funds Available from: _____ Annual Budget _____ Capital Budget Other _____

Budget Amendment Request from Reserve: _____ Enterprise Fund _____ General Fund

PURPOSE FOR REQUEST: **SECOND READING & VOTE**

AN ORDINANCE TO AMEND THE CURRENT SPEED ZONE ORDINANCE OF THE CITY OF DAWSONVILLE, GEORGIA BY ATTACHING A REVISED EXHIBIT A BASED UPON THE LATEST GDOT STUDY OF SPEEDS; AND FOR OTHER PURPOSES.

HISTORY/ FACTS / ISSUES:

FIRST READING: October 22, 2018

OPTIONS:

APPROVE, AMEND, DENY OR TABLE

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Dana Miles, City Attorney

FIRST READING: 10/22/2018
SECOND READING: 11/05/2018
PASSED: _____

**SPEED ZONE ORDINANCE
CITY OF DAWSONVILLE, GEORGIA**

AN ORDINANCE TO AMEND THE CURRENT SPEED ZONE ORDINANCE OF THE CITY OF DAWSONVILLE, GEORGIA BY ATTACHING A REVISED EXHIBIT A BASED UPON THE LATEST GDOT STUDY OF SPEEDS; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to O.C.G.A. § 40-6-183, the City Charter of the City of Dawsonville, and other powers vested in the City, the City is authorized to regulate speed zones and establish speeding regulations within the corporate limits of the City of Dawsonville;

WHEREAS, a traffic and engineering study, required by law, has recently been completed by the Georgia Department of Transportation (“GDOT”) regarding speeds traveled on the roads, streets, highways and other public ways within the City of Dawsonville described in this Ordinance;

WHEREAS, the City desires to update its Speed Zone Ordinance as passed on February 1, 2010 and previously amended on September 10, 2012 and October 5, 2015 based upon the most recent GDOT study completed in June 2018 and as reflected in the attached Exhibit A.

NOW THEREFORE, the Council of the City of Dawsonville hereby ordains and enacts a revision to the Speed Zone Ordinance of the City of Dawsonville by attaching a new Exhibit A as follows:

Section 1. Adoption of a new Exhibit A (2200-06-2018).

The Code of the City of Dawsonville, Georgia is hereby amended to repeal the existing Section 13-31 in Article III of Chapter 13 of the same, and create a new Section 13-31, with the text attached hereto as Exhibit A, being enumerated as “2200-06-2018”. Exhibit A is incorporated herein by express reference.

Section 2. Ratification of Existing Ordinance.

Except as provided in Section 1 by replacing the existing Section 13-31 from the October 5, 2015 amendment with a new revised Section 13-31, the remainder of Chapter 13, Article III is ratified, reaffirmed and remains in full force and effect.

Section 3. Effective Date.

This Amendment to the Speed Zone Ordinance shall take effect and be in force from and after adoption, the public welfare demanding it.

SO ADOPTED, this _____ day of _____, 2018.

By: CITY OF DAWSONVILLE

Mike Eason, Mayor

Caleb Phillips, Councilmember Post 1

Stephen Tolson, Councilmember Post 2

Jason Power, Councilmember Post 3

Mark French, Councilmember Post 4

Attested: _____
Beverly Banister, City Clerk



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 13

SUBJECT: Zoning Ordinance

DATE(s): 11/5/18 WORK SESSION _____ CITY COUNCIL MEETING

BUDGET INFORMATION: GL ACCOUNT # _____

Funds Available from: _____ Annual Budget _____ Capital Budget Other _____

Budget Amendment Request from Reserve: _____ Enterprise Fund _____ General Fund

PURPOSE FOR REQUEST:

Request to update and amend the Zoning Ordinance.

FIRST READING: NOVEMBER 5, 2018

**PUBLIC HEARING AND SECOND READING: DECEMBER 3 2018
AND VOTE**

HISTORY/ FACTS / ISSUES

This ordinance was last updated in 2011. Sections such as Article XIII- PUD do not function as intended. Other sections required refinement in order to function correctly. Additional items including new zoning districts have been added in order to all more vesatility and functionality within the ordinance.

OPTIONS:

Approve/deny or request additional changes.

RECOMMENDED SAMPLE MOTION:

Recommend approval of updated Zoning Ordinance as amended.

DEPARTMENT: Planning and Zoning

REQUESTED BY: R. Irvin 



October 29, 2018

To: The Honorable Mike Eason, Mayor
& City of Dawsonville Council

Re: Staff Recommendation; Zoning Ordinance Revision

Gentlemen,

The following is a summary of the changes being proposed for the City of Dawsonville Zoning Ordinance.

- Definitions have been added and modified.
- Land Use districts have been modified/deleted/added.
- Parking requirements have been modified.
- General provisions including home occupations, yard sales, etc. have been modified.
- Rules for Bed and Breakfast establishments and Short-Term Rentals have been added.
- Powers of the Planning Director, Planning Commission, City Council have been clarified and modified.
- An administrative variance procedure has been added.
- Guidelines for Variances, Conditional Uses and Map Amendments have been clarified.
- Height restrictions in all zoning categories have been modified.
- R3R, Manufactured Home Subdivision District has been deleted.
- A new section RMM, Residential Manufactured/Moved governing mobile homes and moved houses has been created.
- A new section RPC, Residential Planned Community has been created this will serve to replace the PUD zoning district.
- PUD, Planned Unit Development District has been deleted.
- A new section RCT, Residential Cottage has been created.
- General rules for commercial districts including maintenance of properties, lighting regulations etc. have been created or modified.
- A new section, C-PCD, Commercial Planned Comprehensive Development District has been created. This will also serve to replace the PUD district.
- A new section, MUV, Mixed Use Village District has been created.
- A special overlay district IBD, Incentivized Business District Overlay Zone has been created to help attract business.

The Planning and Zoning staff would recommend approval.

Please let me know if you have any questions regarding this matter.

Sincerely,

R.J. Irvin
Planning Director, City of Dawsonville

First Reading: _____

Public Hearing and Second Reading: _____

Passed: _____

ZONING ORDINANCE

PART I- PRELIMINARY

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 Composition, Powers And Duties Of The Planning Commission, Board Of Appeals, Historic Preservation Commission, Building Inspector, And Governing Authority; Providing Penalties For Violation; Repealing Conflicting Regulations; And For Other Purposes.

WHEREAS the Constitution of the State of Georgia provides in Article IX, Section II, Paragraph IV thereof, that the governing body may adopt plans and exercise the power of zoning; and

WHEREAS, the Georgia General Assembly has enacted the Georgia Planning Act of 1989, (Georgia Laws, 1989 pp. 1317-1391, Act 634) which among other things provides for local governments to adopt plans and regulations to implement plans for the protection and preservation of natural resources, the environment, vital areas, and land use; and

WHEREAS, The City finds that the regulations contained in this Ordinance are necessary for the purposes of implementing its comprehensive plan adopted pursuant to the requirements of the Georgia Planning Act of 1989; and

WHEREAS, this Ordinance has been prepared and considered in accordance with the Zoning Procedures Act, O.C.G.A. § 36-66-1 et. seq., and

WHEREAS, this Ordinance is necessary for the purposes of promoting the health, safety, morals, convenience, order, prosperity and the general welfare of the City of Dawsonville;

NOW THEREFORE, the Council of the City of Dawsonville, Georgia, hereby ordains as follows:

Appendix A- Zoning of Subpart B- Land Development Regulations is repealed in its entirety and in its stead, the following Appendix A- Zoning is adopted:

Appendix A- Zoning:

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

Sec. 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.

Agriculturally related uses: Means those activities that predominantly use agricultural products, buildings or equipment, such as pony rides, corn mazes, pumpkin rolling, barn dances, sleigh/hay rides, and educational events, such as farming and food preserving classes, etc.

Agricultural products: includes but is not limited to, crops; fruit, cider and vegetables, floriculture, herbs, forestry, husbandry, livestock and livestock products; aquaculture products, horticultural specialties, etc.

Agriculturally related products: means items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to, all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, jams, honey, gift items, food stuffs, clothing and other items promoting the farm and agriculture in Georgia, and value-added agricultural products and onsite production.

Agricultural Tourism and/or -tourism: Shall mean the practice of visiting and agribusiness, horticultural or agricultural operation, including, but not limited to, a farm, orchard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreations, education, or active involvement in the operation, other than as a contractor or employee of the operation.

Airport: Any area of land, water or mechanical structure which is used for the landing and takeoff 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 multifamily 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.

Appeals board: The planning commission will hear all appeals and variance requests. Any appeal from the planning commission decision will be de novo to the city council. Any appeal from the city council decision will be by certiorari on the record from the city council to the Superior Court of Dawson County.

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.

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 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, 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 loadbearing 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 Height: The vertical distance from the average grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or the average point of a pitch or hip roof. The term "as engineered" denotes that building height for the structure has been established by the architectural and engineering team responsible for the design of said structure.

Building official: See Planning Director or designee

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 rights-of-way.

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 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 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 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 document issued by the Planning Director or designee 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.

Cluster Development: A subdivision, planned development, or grouping of lots or dwellings arranged in such a way that open space is maintained throughout the area, that sensitive lands such as wetlands and steel slopes remain undeveloped, and that lot layout requires a reduced amount of street and utility placement.

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.

Common Open Space: Publicly or privately owned undeveloped open space intended for aesthetic, recreation, public safety, or other conservation purposes, to be used by the owners or residents of a particular development or the public in general.

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 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.

Conventional Construction: A building constructed on the building site from basic materials delivered to the site and from lumber cut on the job. A conventional building is subject to local codes and ordinances.

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 or more children under age 17 for a period of 12 hours or less, typically during normal daytime hours. A day care center of six 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 manmade 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, multifamily: A building designed for or occupied exclusively by two or more single housekeeping units with separate kitchen or housekeeping 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 single housekeeping unit only.

Dwelling unit: A building, or portion thereof, designed, arranged and used for living quarters for one 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.

Easement: A nonpossessory 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.

Factory-Built Housing: Georgia law has now changed "Factory-Built Housing" to "Industrial Building." See Industrialized Building.

Family: An individual, or two or more persons related by blood, marriage, adoption or guardianship, or a group of not more than four 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 100- 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 or 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.

Floodplain: 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 sum of the gross horizontal area of several floors of a building, measured from the exterior faces of the exterior walls, or from the centerline of walls separating two buildings, but not including:

1. Attic space providing headroom of less than seven (7) feet;
2. Basement or cellar, unless finished and heated for occupancy;
3. Uncovered steps or fire escapes;
4. Private garages, carports, or porches;
5. Accessory water towers or cooling towers; and
6. Accessory off-street parking or loading spaces.

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 deck lines 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 takeoff 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 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 quality 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.

Industrialized Building: Any structure or component thereof or any modular home that is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly on a building site and that has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage, or destruction and that does not have a permanent chassis.

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 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.

Land Use: Any use of the land including, but not limited to, commercial, industrial, residential, agriculture, recreation, public utilities placement, forest management, or natural uses.

Land Use District: Land Use Districts are areas of land within the city which have different development standards and criteria. These differences are intended to promote the separation of incompatible uses and to retain the character of the community.

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 12 feet by 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: For purposes of the Resolution, a lot is a parcel of land of at least sufficient size to meet minimum districts requirements for use, coverage, and area and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street or easement, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, of complete lots of record and portions of lots of records, or of portions of lots of record;
4. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Resolution.

Lot area: The total horizontal area within the lot lines of a lot, exclusive of public street rights-of-way.

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 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 Line, Front: For an interior lot, a line separating the lot from the street; and for a corner lot, a line separating either (but not both) frontage of the lot from the street.

Lot Line, Rear: For an interior lot, a line separating one lot from another on the opposite side of the lot from the front lot line; for corner lot either (but not both) interior lot line separating one lot from another; and for an irregular or triangular shaped lot, a straight line ten (10) feet in length that is parallel to and at the maximum distance from the front lot line.

Lot Line, Side: For an interior lot, a line separating one lot from the abutting lot or lots fronting on the same street; for corner lots, a line other than the front lot line separating the lot from the street or a line separating the lot from the abutting lot along the same frontage.

Lots of Record: Shall mean whenever a lot or plat has been legally and duly recorded with the County Clerk of Superior Court prior to the effective date of the Land Use Resolution and actually exists as so shown or described, it shall be deemed a lot of record. In addition, lots legally recorded that met zoning standards in place at the time of recordation, but do not meet standards currently in place are also considered lots of record. Although said lot may not contain sufficient land area or lot frontage to meet the minimum lot size requirements of the current zoning such lot may be used as a building site provided that all other requirement of the district are met and that building plans are consistent with all state and local health codes.

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.

Manufactured (Mobile) Home – Shall mean a HUD-code manufactured or mobile home. Manufactured homes are structures transportable in one or more sections and which is 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, and electrical systems contained therein, and is constructed in accordance with national codes.

1. Multi-Section Manufactured Home (MSMH) - a manufactured home (AKA a double-wide mobile home) that is factory finished in two or more sections built on a permanent chassis and towed to a building site where the sections are joined together.
2. Single-Section Manufactured Home (SSMH) - A manufactured home (AKA a mobile home) in one section with dimensions limited to highway clearance fourteen (14) feet wide and providing between six hundred (600) and one thousand (1,000) square feet of living space.

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.

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.

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.

Micro-Planned/Pocket Development shall mean a clustered group of 6-12 cottage style dwellings oriented around a common open space amalgamated into a coherent pedestrian-oriented development.

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.

Modular or Industrialized Housing: shall mean a residential structure that is designed for the occupancy of one or more families; constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system. Industrialized housing includes the structure's plumbing, heating, air conditioning, and electrical systems. Industrialized housing does not include a residential structure that exceeds three stories or 49 feet in height; housing constructed of a sectional or panelized system that does not use a modular component; or a ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.

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.

Nonconforming 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 nonconforming lot.

Nonconforming 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.

Nonconforming 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 of a reasonable person.

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, manmade features and/or property uses.

Open air business: Any commercial establishment that displays products in a non-enclosed area.

Open space/Greenspace, 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. Open spaces shall where feasible consist of at least 50 percent undisturbed natural vegetation. Walking trails within the open space shall be included where practical.

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 24 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 nonresidential 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 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 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.

Owner: Any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land, including the attorney and agent thereof.

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 used to the principal use on a given lot.

Parking space: An area having typical dimensions of not less than nine feet by 20 feet and 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: Any natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

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.

Places of Worship: means any church, temple, synagogue, or other place of organized religious assembly which qualify for tax exemption under O.C.G.A. § 48-5-41(a)(2.1)(A)

Planned unit development ("PUD"): 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. The PUD zoning district has been eliminated.

Planning commission: The Dawsonville planning commission as established in this ordinance.

Planning Director: the administrative officer of the City of Dawsonville in all matter related to construction codes, permitting, zoning and business licensing or his authorized representative.

Plat: Includes a final map, diagram, drawing, re-plat or other writing containing all the descriptions, locations, specification, dedications, provisions, and information concerning a subdivision.

Premises: A lot as otherwise used in this ordinance.

Principal Residence: Shall mean any residence which occupies the major portion of a lot or constitutes, by reason of its use, the primary purpose for which the lot is used.

Public Road: Roads in the state, county, or city road system. Types of roads are as follows:

1. Arterial - Arterials are usually state and federal highways such as SR 53 designed to move traffic over greater distances and provide access to counties and states.
2. Collector Roads - The main function of collector roads is to provide access to arterials.
3. Local Road and Street - Local roads or streets are designed to provide access to abutting property such as a local street in a municipal area. Local roads and are not intended for through traffic.

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.

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 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.

Subdivider: Any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity commencing proceedings under this Resolution to effect a subdivision of land hereunder for himself or for another.

Subdivide Land: To divide an area or tract of land into five (5) or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

Subdivision: Subdivision means all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, or sale, or building development. See also The City of Dawsonville Land Development Regulations.

Subdivision Amenity Area: Shall mean the area situated within the boundaries of a residential development site intended for recreational purposes, and may include landscaped areas, patios, private lounges, pools, play areas and similar uses, but does not include any area occupied by a building's service areas, or access driveways.

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 50 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.

Taxicab 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 of a group of three 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 inches or more which normally grows at maturity to an overall height of a minimum of 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.

Urban district: "Urban district" means that area or tract(s) of land which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile or more along any public or private street.

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: Except as otherwise provided for in this Code, variance shall mean 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

Sec. 401. - Use districts.

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

RESIDENTIAL ZONING DISTRICTS

RA Restricted Agricultural District

- R1 Restricted Single-family Residential District
- R2 Single-Family Residential District
- R3 Single-Family Residential
- R6 Multiple-Family Residential District
- R3R Manufactured Home Subdivision
- RMM Residential Manufactured/Moved-In Home
- RMHT Manufactured Housing Temporary (12 months)
- RPC Residential Planned Community
- PUD Planned Unit Development District
- PCS Planned Conservation Subdivision District
- RCT Residential Cottage

COMMERCIAL ZONING DISTRICTS

- 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 [Commercial District]
- CPCD Commercial Planned Comprehensive Development
- MUV Mixed Use Village

SPECIAL DISTRICTS AND OVERLAYS

- AP Annexed Property District
- AIR Airport Overlay District
- IBD Incentivized Business District

Sec. 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 maintained by the city clerk, shall be located at City Hall and shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the city.

Sec. 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 (insert last adoption date) 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.

Sec. 404. - Interpretation of district boundaries.

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.
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.

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.

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

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.

Sec. 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.

Sec. 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 or is combined with shall apply to such vacated or abandoned public street, alley, or right-of-way.

ARTICLE V. - NONCONFORMING LOTS, BUILDINGS, AND USES

Sec. 501. – Nonconforming 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 nonconformities to continue, but not to encourage their survival. It is further the intent of these regulations that nonconformities 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.

Sec. 502. - Continuance of nonconforming 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 nonconforming use shall not be:

1. Changed to another nonconforming use;
2. Reestablished after discontinuance or abandonment for six months;
3. Expanded, enlarged or extended, unless such use is changed to a use permitted in the district in which such use is located;
4. Rebuilt, altered or repaired after damage exceeding 50 percent of its replacement cost at the time of destruction as determined by the Planning Director or designee, and provided such rebuilding, alteration or repair is completed within one year of such damage;
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 nonconforming use are permitted.
6. Notwithstanding anything to the contrary, if the nonconforming use is a manufactured house and the owner desires to replace the manufactured home, the replacement shall comply with all requirements of R3R or RMM and all current development regulations.

Sec. 503. - Expansion of nonconforming buildings.

A nonconforming 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 nonconforming building for a use which is not permitted by the regulations for the district within which such building is located.

Sec. 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 this Zoning Ordinance. However, all such construction must be completed within one year of the adoption of this Zoning Ordinance and if not, then the nonconforming use shall be deemed abandoned and the plans, construction and designated use must comply with this Zoning Ordinance.

ARTICLE VI. - OFF-STREET PARKING, LOADING AND ACCESS REQUIREMENTS

Sec. 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 50 percent of the required number of parking spaces may be located within 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 Planning Director or designee. Such distance shall be measured between the nearest point of the parking facility and the nearest point of the principal building or use.

Sec. 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 Planning Director or designee. The Planning Director or designee may also reference the latest American Planning Associations Parking Standards Report. When referencing APA Reports weight should be given to the jurisdiction listed with a population density closest to that of the City of Dawsonville. 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. One space for each 200 feet of gross floor area.

Boardinghouse 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 space 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 guestroom 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, college, trade, vocational: Ten spaces per classroom plus one space for each administrative or staff person.

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.

Self-service storage facility, mini-warehouse: One space for each 20 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.

Sec. 603.- Maximum Number of Off-Street Parking Spaces Allowed.

A. Purpose. Limiting the number of spaces allowed promotes efficient use of land, enhances urban form, encourages use of alternative modes of transportation, provides for better pedestrian movement, and protects air and water quality.

B. The maximum number of off-street parking spaces for any building or use shall not exceed the amount determined as follows:

1. Parking lots of more than 20 and less than 50 spaces. Parking lots may not have more than one hundred twenty percent (120%) of the minimum number of spaces required as identified in Section 602.
2. Parking lots of 51 spaces or more. Parking lots may not have more than one hundred ten percent (110%) of the minimum number of spaces required as identified in Section 602.
3. Parking lots described in the above categories may be allowed up to one hundred fifty percent (150%) of the minimum number of spaces required as identified in Section 602. if the parking installed which exceeds the minimum requirement is installed using porous paving techniques or other ecologically friendly techniques.

The Planning Director or designee must approve any parking design, which exceeds the regularly allowed maximum number of spaces.

Sec. 604. - Handicapped parking requirements.

Each parking area of six or more spaces devoted to uses other than residential shall provide handicapped parking spaces (a minimum of 12 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

Sec. 605. - 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 12 feet by 60 feet, with 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 Planning Director or designee.

Sec. 606. - Parking and loading area design requirements.

1. Improvement of parking lots: All parking areas containing more than five 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 feet from any public street right-of-way and five 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 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 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 Planning Director or designee. A permit shall be required prior to the construction of new parking areas, or for the expansion or alteration of existing parking areas.

Sec. 607. - 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 100 feet of the intersections of two curb lines, street pavement lines, such lines extended, or any street intersection nor within 50 feet of another curb cut or access break on the same side of the street.
- b. Curb cuts shall be no less than 28 feet in width for all residential subdivisions. Curb cuts can be located no closer than 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 curb cuts or access breaks shall be permitted for any lot or parcel with a frontage of 200 feet or less on any one 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 Planning Director or designee.
- 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.

Sec. 608. - Visibility at intersections.

No fence, wall, sign, hedge or planting which obstructs the sight lines at elevations between two and 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 50 feet from the intersection of the right-of-way lines.

Sec. 609. - 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 24 hours during loading and unloading.

Sec. 610. - 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 30 days or less.

Sec. 611. - 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.

Sec. 612. - 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 and 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

Sec. 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.

Sec. 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.

Sec. 703. - Height limitations.

Height limitations on structures shall be dictated by construction type and by the zoning district in which they reside.

Sec. 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.

Sec. 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.

Sec. 706. - Separation between principal buildings.

No principal building shall be located closer than 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.

Sec. 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.

Sec. 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.

Sec. 709. - Street frontage requirement.

No building or structure shall hereafter be erected on a lot that does not abut for at least 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.

Sec. 710.- Lot Width

Minimum lot widths as required shall be measured at the front setback line.

Sec. 711. - 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.

Sec. 712. - 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. No more than two 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 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.

Accessory structures shall be no larger than the footprint of the primary structure or one-half the gross square footage, whichever is greater. Notwithstanding the foregoing, if the lot size is three (3) acres or greater, then the size of the accessory structure shall not be regulated in size but shall meet all setback requirements.

Sec. 713. - 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 for structures over six (6) feet in height.

- 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 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 feet above the ground may be permitted in commercial and industrial zoning districts.

2. Gasoline pumps: Gasoline pumps and pump islands shall meet minimum building setbacks for zoning district.

3. Canopies: Canopies and other attached or detached structures intended for cover shall meet minimum building setbacks for zoning district.

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 Planning Director or designee. Said permit shall be temporary for a period not to exceed six months with one additional renewal period not to exceed six months.

Sec. 714. - Home occupations.

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

- 1. Only residents of the dwelling plus one employee may be engaged in the home occupation.
- 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 one work truck and trailer/ no commercial vehicles over class 6 shall be permitted.
- 5. No internal or external alterations of the dwelling solely for the accommodation of a home occupation are permitted.
- 6. Signs are allowed as permitted in the sign ordinance based on zoning or district.
- 7. 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 Planning Director or designee.
- 8. 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 students at one time; day care centers serving six 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).

Sec. 715.- Prohibited Home Occupations

- 1. Kennels, stables, veterinarian clinics/hospitals

2. Outside obedience training of animals
3. Medical and dental clinics/hospitals
4. Restaurants, clubs, drinking establishments
5. Motor vehicles sales, medium and large engine repair
6. Repair and service of small internal combustion motors for powered lawn equipment, motor cycles, scooters, all-terrain vehicles, boat motors or construction tools and equipment powered by internal combustion motors.
7. Undertaking and funeral parlors and crematoriums
 - i. Human or animal cremation facilities
8. Retail sales of goods not made on the premises and sold to the general public from the premises
9. Rooming and Boarding houses with the exception of Bed and Breakfast facilities that have been approved in accordance with the Land Use Resolution.
10. Adult business uses (See City of Dawsonville Adult Business Establishment Ordinance)
11. Private Clubs
12. Warehousing and/or storing of material not directly used in a licensee's home occupation.
13. Other similar uses as determined by the Planning Director based upon the proposed use being substantially similar to a prohibited Home Occupation.

Sec. 716. - 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.

Sec. 717. - Yard sales.

Yard sales, are subject to the following requirements:

1. Yard sales may be allowed in commercial zoning districts by permit only, and may be held only by groups with nonprofit status as classified by the Internal Revenue Service (IRS).
2. Yard sales will be allowed in all residential zoning districts but limited to four per dwelling and four per calendar year.
3. The duration of any yard sale shall not exceed 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.

Sec. 718.- Bed and Breakfast Establishments

Bed and Breakfast establishments must obtain a Permit and comply with the following requirements:

a. Bed and Breakfast Permit requirements:

- i. The permit shall include the name and phone number of the owner/operator whose primary residence is the Bed and Breakfast.
- ii. Only one Bed and Breakfast is allowed per parcel.
- iii. The number of guest rooms is limited to one less than the total number of bedrooms in the dwelling unit, with an overall maximum of 6 guest rooms. Maximum occupancy is limited to two adults per guest room.
- iv. Must remit all applicable hotel/motel taxes.
- v. The permit shall include a notarized statement signed by the owner/ operator that the Bed and Breakfast shall be in compliance with these regulations.
- vi. Proof of ownership is required at time of permitting.
- vii. Bed and Breakfast structure must have a Certificate of Occupancy prior to issuance of permit.
- viii. Unless revoked the Bed and Breakfast permit is valid for one year from the date of issuance of the permit.
- ix. Structure must be inspected and approved by Dawson County Fire Marshal and the city Planning Director or designee prior to the issuance of Bed and Breakfast permit.
- x. Off street parking spaces must be provided and screened from the view of adjoining property uses and the public street.
- xi. If the permit is revoked or denied it may be appealed to the Mayor and Council.

Sec. 719.- Short-Term Home Rentals

Short-Term Home Rentals in accord with the definition of "short-term rental" that also comply with the following requirements:

- a. Only one rental residence is allowed per parcel.
- b. Must obtain a permit from the city Planning and Zoning department.
- c. Maximum occupancy is limited to two persons per bedroom plus two additional persons per household from 11 PM to 8 AM.
- d. Must remit all applicable hotel/motel taxes as necessary and required by law.
- e. Parking must be provided off-street for a minimum of two (2) vehicles.
- f. Short Term Rental Permit requirements:
 - i. The permit shall include the name and phone number of the owner and operator who is available 24 hours a day seven days a week to respond to complaints regarding the operation or occupancy of the short term rental unit.
 - ii. The permit shall include a notarized statement signed by the owner/ operator that the short term rental shall be in compliance with these regulations.

iii. Proof of ownership is required at time of permitting

ARTICLE VIII. - BUFFER, LANDSCAPE, SCREENING AND OPEN SPACE REQUIREMENTS

Sec. 801. - 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.

Sec. 802. - 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 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 residential district, a setback of 40 feet shall be provided, including a 30-foot buffer.
2. When an LI or CIR district abuts a residential district, a setback of 60 feet shall be provided, including a 50-foot buffer.
3. When any district abuts a TB district, a ten-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 Planning Director or designee 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.

Sec. 803. - 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 Planning Director or designee 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 Planning Director or designee:
 - 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 feet when planted and which will, in normal growth, attain a height of six feet within three 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.

Sec. 804. - 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 feet in width along the developed portion abutting any public street or right-of-way and five feet in width along the developed portion of side property lines. A five-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.

Sec. 805. - 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 feet in height above the ground when planted or which will, in normal growth, attain a height of six feet within three years.
2. Shrubs that are used to form hedges shall not be deciduous. Shrubs shall be at least three 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 feet in height.

Sec. 806. - 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 noncompliance, the Planning Director or designee shall be empowered to take action as provided by law to ensure maintenance of all plant and landscaping materials.

Sec. 807. - Tree protection.

No more than 75 percent of the mature, healthy, existing trees in excess of ten inches in diameter shall be cut, damaged or destroyed; provided, however, that additional trees may be removed upon approval by the Planning Director or designee if one tree is planted and maintained for each one tree removed in excess of ten inches in diameter.

Sec. 808. - Parking area landscaping requirements.

Interior landscaping for parking areas shall be required for parking lots designed and constructed for more than five or more spaces. Such interior landscaping shall not be less than ten 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 percent opaque, solid wooden fence or masonry wall at least six feet in height, or a densely planted landscape strip of at least ten 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 percent 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.

Sec. 809. - 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 percent opaque, solid wooden fence or masonry wall on three sides of said dumpster.

Sec. 810. - Administration and enforcement.

Where buffers are required, the applicant must demonstrate, whether on appropriate plans or after inspection by the Planning Director or designee, 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 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 Planning Director or designee prior to the issuance of a certificate of occupancy.

ARTICLE IX. –POWERS OF THE PLANNING DIRECTOR, ADMINISTRATIVE VARIANCES, COMPOSITION AND POWERS OF THE PLANNING COMMISSION, AUTHORITY OF MAYOR AND COUNCIL, VARIANCES AND PUBLIC HEARINGS

Sec. 901- Powers of the Planning Director

1. The Planning Director has the authority and responsibility to provide the following services:
 - A. Provide information concerning the requirements of this Ordinance and require compliance with these requirements.
 - B. Issue permits under the conditions and procedures required by this Ordinance.
 - C. Dispense and receive applications as required by this Ordinance.
 - D. Determine the applicable District, uses, and standards for a particular parcel of land.
 - E. Provide assistance and guidance to applicants concerning compliance with this Ordinance.
 - F. Collect, receive, disburse, and account for fees and monies as required under the provisions of this Ordinance.
 - G. Serve as the Secretary of the Planning Commission when appointed.
 - H. Act as liaison for the Planning Commission with other Officials.
 - I. Maintain official records and perform administrative duties required in the execution of the provisions of this Ordinance.
 - J. The Planning Director is charged with interpretation of the zoning Ordinance and related ordinances.
 - K. Provide general information to the public concerning the application and administration of this Ordinance.
 - L. Issue Administrative Variances as prescribed herein.

Sec.902- Administrative Variances.

The Director of Planning and Development shall have the power to grant administrative variances (except for density and use) from the development standards of the Land Use Resolution of The City of Dawsonville, Georgia if the intent of the ordinance can be achieved and equal performance obtained by granting a variance.

A. Authority. The authority to grant administrative variances in accord with this Section shall be limited to variances from the following requirements:

1. Front Yard or a Yard Adjacent to a Public Street - variances shall not exceed ten feet (10');
2. Side Yard - variances shall not exceed five feet (5');
3. Rear Yard - variances shall not exceed ten feet (10');
4. Building Height - a variance may be granted up to, but not exceeding, ten feet (10') if such variance does not allow space habitable by humans and is also approved by the fire marshal and would not result in an increase in the number of stories that would otherwise be allowed by the zoning district;

5. Buffers - the dimensions of a landscaping buffer required by the Land Use Resolution or other ordinance may be varied by no more than twenty-five percent (25%) if the adopted comprehensive plan recommends a similar or more compatible use of the neighboring property or in other situations if the intent of the required buffer can be equally achieved; however, no buffer required as a condition of zoning shall be modified;

6. Parking - if the required parking standards cannot reasonably be met and if a variance will not adversely affect the spirit or intent of the ordinance, then a variance of not more than ten percent (10%) may be granted;

7. Home Occupations - if the intended use is clearly allowed pursuant to the definition of "Home Occupation", then an administrative variance may be granted to conduct such business.

B. Notification. The applicant may choose to either submit an affidavit attesting to notice that includes signatures of all adjoining property owners listed within the application package or the applicant may choose to permit written notice from the Planning Department to adjoining property owners of the variance application and then wait at least ten (10) business days from notice to all adjoining property owners before the variance may be considered for approval. Also, notice of the variance application shall be posted upon the property ten (10) days before the variance is considered and shall state the variance requested and the date the variance shall be considered.

C. Basis for Approval. The following criteria shall be considered by the Planning Director before allowing an administrative variance. No variance may be granted administratively for an application for a variance that has been heard by the Planning Commission within one (1) year or if the application is for the expansion of a non-conforming use or structure.

1. The variance neither interferes with the rights of others as provided in this chapter nor is injurious to the public health, safety, general welfare;
2. A strict interpretation and enforcement of the standards or requirement would result in practical difficulty or unnecessary hardship;
3. No exceptional or extraordinary circumstances applicable to the subject property exist that do not generally apply to other properties in the same district;
4. The variance provides for reasonable use under the specified circumstances of each application;
5. The variance achieves the general intent of this ordinance;
6. The variance is the minimum possible variance under the specific circumstances; and
7. The variance does not exceed the scope of the authority set forth in subsection (A) hereof.

D. Conditions of Approval. The Planning Director may impose reasonable conditions upon any administrative variance to ensure that the public health, safety, and general welfare are protected. A violation of any imposed condition shall be a violation of this section.

E. Administration. After all requirements for a variance application in accord with the terms hereof are received, the Planning and Zoning department shall review and certify that all required information is complete and that the request is within the limits of consideration set forth in sub-section (A) hereof. The applicant shall then be advised to proceed with public notice in accord with sub-section (B) hereof. After required notice has been provided and the time period for response has passed, the Planning Director shall have ten (10) business days to render a decision. Notice of the decision shall be provided to the applicant by mailing such decision within five (5) business days of the decision. Notice of the action taken by the Planning Director shall be provided to the Planning Commission and shall be placed as an item of old business for no further action upon the agenda of the Planning Commission within thirty-one (31) days.

F. Compliance with Other Codes. The effect of an administrative variance approval shall be that a specific request is determined to be appropriate for a specific location. The administrative variance application shall not approve a site plan nor waive or modify any other requirements of any other county code other than as specifically granted pursuant to the variance.

G. Appeal. The applicant or an adjoining property owner may appeal to the Mayor and Council the decision of the Planning Director regarding an administrative variance within ten (10) days of the decision via written objection and appeal. Any such appeal shall be heard by the Mayor and Council de novo in accord with the standard appeal procedure. Any appeal of the decision of the Mayor and Council shall be on the record by certiorari to Dawson County Superior Court.

Sec. 903- Powers of the Planning Commission and Mayor/Council

1. The planning commission shall have the following functions, powers and duties:

- A. Review, investigate, and recommend action to the Mayor and Council concerning applications under the provisions of this Ordinance.
- B. Review, investigate, and render decisions concerning variances; and, as well as, from time to time, recommend action to the Mayor and Council concerning variances and amendments to this Ordinance.
- C. Advise and inform the Mayor and Council on development within The City of Dawsonville and any needed amendments to this Ordinance.
- D. Conduct Public Hearings as required under the provisions of this Ordinance.
- H. Provide review and recommendations concerning its decisions to the Mayor and Council.

2. The Mayor and Council has the authority and responsibility to provide the following services:

- A. Render official decisions concerning the recommendations of the Planning Commission, in relation to actions within the scope of this Ordinance.
- B. Hear and decide appeals of actions of the Planning Director or the Planning Commission.
- C. Establish fees upon recommendation of the Planning Commission for actions, permits, or services under this Ordinance.
- D. Conduct Public Hearings related to the administration of this Ordinance.
- E. Provide for enforcement of the provisions of this Ordinance.
- F. Prepare and maintain a Land Use District Map and a Future Land Use District Map, under the provisions of this Ordinance.

Sec. 904. - Creation of the Planning Commission and appointment of members.

- A. The Planning Commission as it existed prior to the implementation of this Ordinance shall be disbanded and reconstituted as set forth herein in order to provide geographic diversity of representation within the City as has been adopted for the Council by the creation of district posts. Upon adoption of this Ordinance the Planning Commission shall be composed of five members who shall be nominated by the Mayor or any member of the Council and elected by majority vote of the Council to the slots of Post 1, Post 2, Post 3, Post 4 and At Large.

Four of the five members shall be appointed by the city council from the four council districts and must reside in the district that they represent. The fifth member (At Large) shall be appointed by the city council from any district in the city and may reside anywhere in the city.

- B. Beginning in 2019 following adoption of this Ordinance, the members shall serve staggered terms with the members representing Posts 1 and 2 and the At Large member serving a term of three years and the members representing Posts 3 and 4 serving a term of two years. Thereafter, the members of the planning commission shall be appointed for a term of three 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 Planning Director or designee or city clerk shall serve as the secretary of the planning commission.
- C. A minimum of three members must be present to constitute a quorum. One 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 recuses himself from voting, then such tie-vote shall constitute denial of said motion, application or action.

Sec. 905. - Meetings and records.

The planning commission shall meet at least one 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.

Sec. 906. - Attendance requirement.

Each planning commission member shall be required to attend at least nine of the 12 required monthly meetings of the planning commission; however, a member appointed during the middle of a calendar year shall be required to attend at least 75 percent of the meetings remaining in the year in which the member is appointed. Failure to attend the minimum number of meetings during a calendar year may constitute due cause for removal.

Sec. 907- Variances, Conditional Uses and Map Amendments

1. Purpose

The purpose of a variance is to provide relief when a strict application of the district requirements would impose unusual practical difficulties or unnecessary physical hardships on the applicant. Practical difficulties and unnecessary hardships may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or other conditions on the site or in the immediate vicinity. No variance shall be granted to allow the use of property for a purpose not authorized within the district in which the proposed use would be located. A variance should be granted only after evidence is presented and accepted that enforcement of all of the required standards on the property in question would render the property useless. This Article establishes conditions; criteria for granting variances; public hearings on proposed

variances; variances to road requirements; variance procedures; compliance with conditions of approval; vested interest in approved variances; investigations and reports; revocation; limitations on re-applications; and use variance. A variance may be granted, upon specific findings that all of the following conditions exist. The absence of any one 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.

Sec. 908. - 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 copies of any required application, plat and architectural elevations to the Planning Director or designee for distribution to the applicable bodies and/or review agencies. The Planning Director or designee 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.

Sec. 909. - Criteria to consider for map amendments (rezonings).

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 copies of any proposed zoning map amendment and plat to the Planning Director or designee for distribution to the applicable bodies and/or review agencies. The Planning Director or designee 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.

Sec. 910- Public Hearings

A public hearing shall be conducted for all requests for variance, conditional use and or zoning map amendment (rezoning).

1. Submittal requirements

All developments of property where a site plan is required for an action of map amendment and or variance shall require an application, a site plan and payment of an administrative fee with the application fee set by the governing body for the application and review of the requested action. The administrative fee shall be a set fee as listed in the City of Dawsonville Fee Schedule plus the cost of all mailings and advertisements.

Applicants shall submit six copies of any required site plans, development plans, elevation drawings and letters of intent to the Planning Director or designee for distribution to the applicable bodies and/or review agencies. The Planning Director or designee 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.

Sec. 910.1. - Withdrawal and postponement procedure.

1. Withdrawal of applications before consideration by the planning commission.

a. In the event that an applicant for a zoning change desires to withdraw an application prior to the date the city submits notice of the pending zoning decision to the legal organ, the applicant may do so upon written request received prior to said date by the Planning Director or designee or his designee.

b. In the event that an applicant for a zoning change desires to withdraw an application after the date that the city submits notice of the pending zoning decision to the legal organ, the request to withdraw must be in writing, must be received by the Planning Director or designee or his designee, must provide the reason for the withdrawal, and further:

i. If the request to withdraw is received in writing by the Planning Director or designee or his designee at least five days prior to the date of the scheduled public hearing, then for good cause shown, as determined in the sole discretion of the Planning Director or designee, the withdrawal may be granted without prejudice to the right to re-apply for a zoning change on the applicable tract of land. If the Planning Director or designee determines that the withdrawal is not for good cause, then the withdrawal will prejudice the right to re-apply for a zoning change on the applicable tract for a period of six months.

ii. If the request to withdraw is received in writing by the Planning Director or designee or his designee less than five days prior to the date of the scheduled public hearing, then the withdrawal will prejudice the right to re- apply for a zoning change on the applicable tract for a period of six months.

c. Administrative fees plus the base application fee of the main action of the withdrawn applications are not refundable. * The base application fee is that fee which is lowest fee due for the main action requested.

2. Withdrawal of applications after consideration by the planning commission.

a. In the event that an applicant for a zoning change desires to withdraw an application after the application has been considered by the planning commission, the applicant may do so upon written request received prior to the date of the scheduled hearing before the governing body.

b. All withdrawals of applications after consideration by the planning commission will prejudice the right to re- apply for a zoning change for a period of six months.

c. Administrative fees of withdrawn applications are not refundable.

3. Postponement of consideration by the planning commission or governing body.

a. In the event that an applicant for a zoning change desires to postpone the decision on an application prior to the date the city submits notice of the pending zoning decision to the legal organ, the applicant may do so upon written request received before said date by the Planning Director or designee or his designee.

b. In the event that an applicant for a zoning change desires to postpone a decision on an application after the date that the city submits notice of the pending zoning decision to the legal organ, the applicant may do so:

i. Upon written request received by the Planning Director or designee or his designee providing the reason for the requested postponement; and

ii. Upon payment of the postponement fee as listed in the City of Dawsonville Fee Schedule

c. Only one postponement may be secured per application before the decision by the planning commission, and only one postponement may be secured per application before the decision by the governing body.

d. All postponed applications shall be placed on the agenda for the next regularly scheduled meeting of the planning commission or the governing body, depending on the hearing postponed.

910.2. 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.

910.3. All decisions of the planning commission on variances and appeals shall be final unless within ten days of the decision, an appeal is filed by any aggrieved party to the city council which shall hear the appeal de novo. Any appeal from the decision of the city council shall be on the record by certiorari to the Dawson County Superior Court.

Sec. 911. - 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 site plan specific zoning districts.

Upon receipt of a completed application, fees and other information required by this article, the Planning Director or designee shall cause notice of such application to be published at least one time in a newspaper of general circulation in the community at least 15 days but not more than 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 Planning Director or designee shall also cause to have posted in a conspicuous place on said property one 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 at least 15 days but not more than 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.

Sec. 912. - Recommendation by Planning Director.

The Planning Director or designee 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 Planning Director or designee shall have an advisory effect only and shall not be binding on the planning commission or the city council. Copies of the Planning Director or designees' 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.

Sec. 913. - 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 site plan specific zoning districts 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 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 30-day period, it shall be deemed to have approved the proposed application.

Sec. 914. - 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 Planning Director or designee 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 of such application. A time limitation may be imposed at the discretion of the chairman/mayor, but in no event shall such time limitation provide for less than ten minutes, nor shall it be any less than the time allowed for those persons speaking in opposition to the application.
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/mayor, but in no event shall such time limitation provide for less than ten minutes, nor shall it be any less than the time allowed for those persons speaking in favor of the application.

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.

Sec. 915. - 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 Planning Director or designee, or planning commission for further study, or the governing body may table or defer action until a later meeting.

Sec. 916. - Conditional approval permitted.

The Planning Director or designee and planning commission may recommend, and the governing body may approve, applications for zoning map amendments, conditional use permits, applications for development approval within site specific zoning districts, 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.

Sec. 917. - Reversion of conditional zoning and/or conditional use approval.

If, after 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 24 months from the date of approval. Only one such extension shall be permitted.

Sec. 918. - 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 site specific zoning districts 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 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.

Sec. 919. - 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.

Sec. 920. - 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.

PART IV- RESIDENTIAL ZONING DISTRICTS

ARTICLE X. - RESTRICTED AGRICULTURAL (RA) DISTRICT

Sec. 1001. - Purpose and intent.

The restricted agricultural (RA) district is an area which remains rural in character, yet where urban growth and expansion is expected to reach in the future. The regulations of this district are intended to provide a favorable climate for both agricultural and nonagricultural development and to provide orderly, timely, economic growth, as well as to recognize current conditions. The purpose of this district is to permit low-intensity and restricted agricultural uses in those areas which remain rural in character, yet where urban growth and expansion is expected in the future as the city develops. The preferred land uses in the district are agricultural, either active in the form of crops, or passive in the form of forest management or pasture lands with limited animal density. The requirements of the district are designed to encourage the continuing low-intensity agriculture use of the property and protect active urban uses found in adjacent districts of the city.

Sec. 1002. - Permitted uses.

1. Single-family detached dwellings, but not including manufactured homes, travel trailers used as residences, or modular homes. Density of dwellings is limited to no more than one dwelling per two acres (two acres is the minimum lot size for the RA zoning district).

2. Agriculture, general and specialized farming, including: horticulture, plant nursery, greenhouse, dairy farming, and livestock raising, subject to the restrictions set forth in section 1003, infra.
3. Riding stable, provided buildings housing animals are at least 100 feet from all property lines and the lot is not less than ten acres.
4. Kennel and/or animal hospital, provided buildings housing animals are fully enclosed and at least 100 feet from all property lines and all pens, runs, etc. which are not located in a fully-enclosed building are at least 200 feet from all property lines. The keeping of four or more animals shall constitute a kennel. Minimum lot size for a kennel is five acres.
5. Accessory buildings and uses customarily incidental to the principal residential and agricultural uses of the property. Buildings and structures which are intended for use or used for the housing or shelter of livestock and silos, granaries, windmills, barns, and similar structures which are related to the operation of an agricultural enterprise shall observe a minimum setback of one hundred feet from any property line and be spaced a minimum of five hundred feet from any residence or business on an adjoining property.
6. 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 acres, principal buildings are setback a minimum of 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-foot-high, opaque fence or wall, or a densely planted landscape strip of at least ten feet in width.
7. Home occupations, as defined in article III and limited in section 713.
8. Parks, playgrounds, community centers, tennis courts, swimming pools, golf courses and other recreational facilities, operated on a non-profit basis.
9. Public and semi-public buildings and uses, as defined in article III.
10. Schools, public elementary, middle and secondary.
11. Schools, parochial and private offering courses in general education substantially similar to that of a public school, not offered for profit.

Sec. 1003. - Limitation on livestock and domestic pets; prohibition of hogs/pigs and fowl in the restricted agricultural (RA) district.

Horses, cows, goats, sheep, ponies, donkeys and other permitted domestic livestock may be kept, raised or bred in the RA district, provided that only two such animals shall be permitted for each one acre of open pastureland. All such livestock shall be contained adequately by suitable fencing within the specific property, and any buildings or structures for livestock shall be setback at least 100 feet from all property lines. Dogs, cats and other domestic pets may be kept, raised or bred in the RA district, provided that only three such animals shall be permitted for each one acre of lot size and all such domestic pets are subject to the kennel restriction contained in subsection 1002(4). Except as provided for in this subsection, the keeping or raising of fowl (chickens, etc.) or hogs/pigs, or the operation of a feed lot, is prohibited because of their potential negative impact on adjacent urban districts. All types of fowl, hogs and pigs are deemed prohibited domestic livestock and may not be kept or raised in any zoning district within the city unless a variance is granted to allow such use, which variance may only be granted when the proposed use is not in or adjacent to a tract of land which meets the definition of an urban district. Any such variance shall specify the maximum amount of fowl, hogs and/or pigs allowed on a per acre basis and such other matters as may be reasonably necessary to properly regulate the

same in a manner consistent with the goals of the zoning ordinance. Noise and smell from all livestock must be kept to a minimum.

RESTRICTED AGRICULTURAL DISTRICT: RA

Minimum Lot Size	Front Setback	Side Setback	Rear Setback	Minimum Square Feet	Maximum Height of Structure
2 Acres	50'	20'	40'	1,500'	35'

Sec. 1004. - Prohibited Uses

1. Commercial Uses.
2. Industrial Uses.
3. Any use not permitted in accord with the terms hereof.

ARTICLE XI. - R-1, RESTRICTED SINGLE-FAMILY RESIDENTIAL DISTRICT

Sec. 1101. - 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.

Sec. 1102. - Permitted uses.

The following uses are permitted in the R-1, restricted single-family residential district:

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, noncommercial greenhouses, and shelters or enclosures for three or less household pets that meet applicable health requirements. The keeping of four or more animals shall constitute a kennel. The keeping of noncommercial livestock is allowed (with the exception of hogs) on lots with a minimum of five acres, provided that any buildings or enclosures for the maintenance or shelter of animals shall be setback a minimum of 150 feet from any property line. Noise and smell from the 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 acres, principal buildings are setback a minimum of 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-foot high, opaque fence or wall, or a densely planted landscape strip of at least ten feet in width.

4. Home occupations, as defined in article III and limited in section 714.
5. Parks, playgrounds, community centers, tennis courts, swimming pools, golf courses and other recreational facilities, operated on a nonprofit 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.
9. Bed and Breakfast Establishments

RESTRICTED SINGLE-FAMILY RESIDENTIAL DISTRICT: R-1

Minimum Lot Size	Front Setback	Side Setback	Rear Setback	Minimum Square Footage	Maximum Height of Structure
1 acre	50'	20'	40'	1,500'	35'

Sec. 1103. - Prohibited Uses

1. Commercial Uses.
2. Industrial Uses.
3. Manufactured (Mobile) Homes and houses moved from other locations (Except industrialized single-family modular homes).
4. Animals which individually or in numbers, create a nuisance by noise, smell, unsanitary or visual effects. Animals such as dogs and cats are permitted when their number in relation to area does not create a nuisance to neighbors. Kennels for the breeding of any animal for sale are prohibited. Pet fowl or birds may be kept in cages under the same provisions. No swine are permitted.
5. Any use not permitted in accord with the terms hereof.

ARTICLE XII. - R-2, SINGLE-FAMILY RESIDENTIAL DISTRICT

Sec. 1201. - 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 units per area) in areas served by public water and sanitary sewer.

Sec. 1202. - Permitted uses.

The following uses are permitted in the R-2, single-family residential district:

1. Any use permitted in the R-1, restricted single-family residential district, as specified in section 1102 of these regulations, subject to the same restrictions.

SINGLE-FAMILY RESIDENTIAL DISTRICT: R-2

Minimum Lot Size	Front Setback	Side Setback	Rear Setback	Minimum Square Footage	Maximum Height of Structure
20,000 sq. ft.	40'	15'	30'	1,400'	35'

Sec. 1203. - Prohibited Uses

1. Commercial Uses.
2. Industrial Uses.
3. Manufactured (Mobile) Homes and houses moved from other locations (Except industrialized single-family modular homes).
4. Animals which individually or in numbers, create a nuisance by noise, smell, unsanitary or visual effects. Animals such as dogs and cats are permitted when their number in relation to area does not create a nuisance to neighbors. Kennels for the breeding of any animal for sale are prohibited. Pet fowl or birds may be kept in cages under the same provisions. No swine are permitted.
5. Any use not permitted in accord with the terms hereof.

ARTICLE XIII. - R-3, SINGLE-FAMILY RESIDENTIAL DISTRICT

Sec. 1301. - Purpose and intent.

The R-3, single-family medium density (up to three units per acre) in areas served by public water and sanitary sewer.

Sec. 1302. - Permitted uses.

The following uses are permitted in the R-3, single-family district:

1. Any use permitted in the R-2, single-family residential district, as specified in section 1202, 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. Personal care homes, homes for the elderly, boarding homes, lodging houses and dormitories serving ten residents or less, provided that no such buildings shall be located closer than 100 feet to a R-1 district boundary, and provided a copy of the approved state license or permit is filed with the Planning Director or designee prior to the issuance of a certificate of occupancy.

3. Day care centers, kindergartens and nursery schools serving 12 or less persons, provided that no such principal building shall be located closer than 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 Planning Director or designee prior to the issuance of a certificate of occupancy.

4. Short-Term Home Rentals

Sec. 1303. - Conditional uses.

The following uses are conditional uses in the R-3, single-family residential district:

1. Personal care homes, homes for the elderly, boarding homes, lodging houses and dormitories serving more than ten residents, provided that no such buildings shall be located closer than 100 feet to a R-1 district boundary, and provided a copy of the approved state license or permit is filed with the Planning Director or designee prior to the issuance of a certificate of occupancy.

2. Day care centers, kindergartens and nursery schools serving more than 12 persons, provided that no such principal buildings shall be located closer than 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 Planning Director or designee 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 100 feet to a R-1 district boundary, and provided a copy of the approved state license or permit is filed with the Planning Director or designee prior to the issuance of a certificate of occupancy.

Sec. 1304. - Density calculation.

No more than 20 percent of floodplain or other unusable land from a development prospective may be used to calculated allowed density.

SINGLE-FAMILY RESIDENTIAL DISTRICT: R-3

R-3 Single-Family Residential District	Max. # of Units	Min. Lot Size	Front Setback	Side Setback	Rear Setback	Min. Sq. Ft.	Max. Building Height
Single-Family	3	75'x100'	30'	10'	20'	1,300'	35'

Sec. 1305. - Prohibited Uses

1. Commercial Uses.
2. Industrial Uses.
3. Manufactured (Mobile) Homes and houses moved from other locations (Except industrialized single-family modular homes).
4. Animals which individually or in numbers, create a nuisance by noise, smell, unsanitary or visual effects. Animals such as dogs and cats are permitted when their number in relation to area does not create a nuisance to neighbors. Kennels for the breeding of any animal for sale are prohibited. Pet fowl or birds may be kept in cages under the same provisions. No swine are permitted.
5. Any use not permitted in accord with the terms hereof.

ARTICLE XIV. - R-6, MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Sec. 1401. - Purpose and intent.

The R-6, multiple-family high density (up to six units per acre) in areas served by public water and sanitary sewer.

Sec. 1402. - Permitted uses.

1. Single-family attached dwellings (townhouses) or detached dwellings, provided that no dwelling is located closer than 50 feet to a R-1 district boundary, subject to the requirements of section 1404.
2. Two-family dwellings (duplexes).
3. Residential condominiums, provided that no dwelling is located closer than 50 feet to a R-1 district boundary, subject to the requirements of section 1406.
4. Apartments, provided that no dwelling is located closer than 100 feet to a R-1 district boundary.
5. Personal care homes, homes for the elderly, boarding homes, lodging houses and dormitories serving ten residents or less, provided that no such buildings shall be located closer than 100 feet to a R-1 district boundary, and provided a copy of the approved state license or permit is filed with the Planning Director or designee prior to the issuance of a certificate of occupancy.
6. Day care centers, kindergartens and nursery schools serving 12 or less persons, provided that no such principal building shall be located closer than 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 Planning Director or designee prior to the issuance of a certificate of occupancy.
7. Short-Term Home Rentals

Sec. 1403. - Conditional uses.

1. Personal care homes, homes for the elderly, boarding homes, lodging houses and dormitories serving more than ten residents, provided that no such buildings shall be located closer than 100 feet to a R-1 district boundary, and provided a copy of the approved state license or permit is filed with the Planning Director or designee prior to the issuance of a certificate of occupancy.
2. Day care centers, kindergartens and nursery schools serving more than 12 persons, provided that no such principal buildings shall be located closer than 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 Planning Director or designee 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 100 feet to a R-1 district boundary, and provided a copy of the approved state license or permit is filed with the Planning Director or designee prior to the issuance of a certificate of occupancy.

Sec. 1404. – Development Regulations in General

All apartment, duplex, triplex, quadplex, semi-detached residences and townhouse developments shall conform to the following regulations:

1. Site Plan Approval Required. All multi-family developments including apartments, duplexes, triplex, quadplex, semi-detached residences and townhouses require site plan approval by the Planning Commission in accordance with all procedures and requirements established by the City.
2. All site plans required by this section shall, at a minimum, contain the following information:
 - a. Title of the proposed development and the name, address and telephone number of the property owner.
 - b. The name, address and telephone number of the architect, engineer or other designer of the proposed development.
 - c. Scale, date, north arrow, and general location map showing relationship of the site to streets or natural landmarks.
 - d. Boundaries of the subject property, all existing and proposed, streets, including right-of-way and street pavement widths; buildings; water courses; parking and loading areas; flood plain; storm water detention; recreation areas; and other physical characteristics of the property and proposed development.
 - e. Building setbacks, buffers, landscape strips, and common areas as well as topographic contours at two (2) feet intervals.
 - f. All accessory structures and locations shown
3. No multi-family development shall take place in whole or part without being served by both public water and public sewer facilities.

4. Driveways and Interior Roads.

- a. An interior road(s) serving any multi-family development shall be paved and have a minimum width of 28 feet back of curb to back of curb. Parking on interior roads is to be regulated by Section 609. Off-Street Parking and Loading Spaces Required.
- b. All interior roads shall have sidewalks installed on both sides of the street.
- c. Sidewalks and pedestrian ways shall connect to public streets and adjoining developments as applicable.

5. 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 100 feet by the most direct pedestrian route from a door of the dwelling unit it is intended to serve.

6. Fire Protection.

- a. All multi-family developments shall provide adequate fire protection in the form of placement of water lines, fire hydrants, sprinkler systems, and fire walls as required by local and state fire codes required for these types of structures.
- b. If a residential structure is located less than 15' from any property line, then local fire codes impose certain requirements.

7. Buffer, Landscaping, and Open Space Requirements.

- a. All multi-family developments shall conform to the following regulations. The following regulations are designed to promote the health, safety, order, aesthetics and general welfare by protecting against incompatible uses of land, controlling problems of flooding, soil erosion and air pollution, providing for a more attractive environment, assuring adequate open space, and reducing noise, night lighting, glare, odor, objectionable view, loss of privacy and other adverse impacts and nuisances through the use of buffers, landscaping and open space.
- b. Each development shall have a minimum of 25 percent of the development's total land area as landscaped open space. A buffer of at least 10 feet in width shall be provided and maintained around the entire exterior perimeter of all apartment, condominium, duplex and townhouse developments. Utilization of existing trees and vegetation is appropriate for inclusion within the buffer, or when not found appropriate, shall be supplemented with approved additional landscaping and plantings.

8. Service Buildings.

Subordinate accessory structures are permitted for maintenance, storage and other incidental uses supportive to the primary use of the property. Community service facilities and accessory structures are subject to site plan approval, for the convenience of the residents of the property. Such structures may include, but are not limited to, the following uses: facility management offices, community laundry facilities, and indoor community recreation areas.

Sec. 1405.- 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. 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.

Sec. 1406. - Residential condominium development regulations.

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

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

Sec. 1407. - Density calculation.

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

MULTIPLE FAMILY RESIDENTIAL DISTRICT: R-6

R-6 Multiple-Family Residential District	Max. # of Units per Acre	Min. Lot Size	Front Setback	Side Setback	Rear Setback	Min. sq. footage	Max. Bldg. Height
Duplex	4	100'x100'	30'	10'	20'	1,100'	35'
Townhouses	6	28'x100'	30'	10'	20'	1,200'	35'
Condominium	6		30'	10'	20'	1,100'	As engineered
Apartments	6		30'	10'	20'	700'	As engineered

Sec. 1408.- Prohibited Uses

1. Commercial Uses.
2. Industrial Uses.
3. Manufactured (Mobile) Homes and houses moved from other locations (Except industrialized single-family modular homes).
4. Animals which individually or in numbers, create a nuisance by noise, smell, unsanitary or visual effects. Animals such as dogs and cats are permitted when their number in relation to area does not create a nuisance to neighbors. Kennels for the breeding of any animal for sale are prohibited. Pet fowl or birds may be kept in cages under the same provisions. No swine are permitted.
5. Any use not permitted in accord with the terms hereof.

ARTICLE XV. - R3R, MANUFACTURED HOME SUBDIVISION DISTRICT

THE R3R DISTRICT HAS BEEN DELETED. NO APPLICATIONS TO REZONE PROPERTY TO THIS DISTRICT WILL BE HEARD BY THE PLANNING COMMISSION OR THE MAYOR AND COUNCIL FROM THE ADOPTED DATE OF THIS RESOLUTION. ALL LAND AREAS CURRENTLY ZONED R3R DISTRICT SHALL ABIDE BY THE FOLLOWING REGULATIONS.

Sec. 1501. - 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.

Sec. 1502. - Permitted uses.

The following uses are permitted in the R3R, manufactured home subdivision district:

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 R-3 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 30 feet. If dedicated to the public, the roads within the development shall have a minimum right-of-way width of 50 feet.
4. Lot area and width: An R3R-single-family residential restricted manufactured home district development shall have a minimum area of 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 units per acre.
6. Recreation and other community facilities: Not less than 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 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 feet along all property lines shall be required. A minimum six-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 Planning Director or designee.
11. [Doublewides.] Only doublewides with pitched roofs are allowed in manufactured home subdivisions.

Sec. 1503. - 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 seven inches or greater from the ground, but less than 14 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.

Sec. 1504. - Prohibited Uses

1. Commercial Uses.
2. Industrial Uses.
3. Animals which individually or in numbers, create a nuisance by noise, smell, unsanitary or visual effects. Animals such as dogs and cats are permitted when their number in relation to area does not create a nuisance to neighbors. Kennels for the breeding of any animal for sale are prohibited. Pet fowl or birds may be kept in cages under the same provisions. No swine are permitted.
4. Any use not permitted in accord with the terms hereof.

Article XVI. RMM Residential Manufactured/Moved

Residential Manufactured/Moved Districts allows for the placement of Manufactured (Mobile) Homes on individual lots as well as homes moved from other locations.

Sec. 1601. Permitted Uses. Uses not listed in this Subsection are prohibited in this district.

1. Single family dwellings with on-site construction only. Only one principal residence per parcel of land.
2. Churches or other places of worship and cemeteries.
3. Accessory uses, such as private garages, swimming pools, home workshops, tennis courts, children's play houses, small gardens, non-commercial greenhouses, and home offices. Accessory uses must be located on a parcel that is currently occupied by a principal residential structure.
 - a. Accessory structures shall be no larger than the footprint of the primary structure or one-half the gross square footage, whichever is greater.

Exception: When the lot size is three (3) acres or greater, then the size of the accessory structure shall not be regulated in size, but shall meet all setback requirements.

4. Manufactured Housing and houses moved from another location. Only one principal residence per parcel of land.

RESIDENTIAL MANUFACTURED/MOVED IN HOME: RMM

Minimum Lot Size	Front Setback	Side Setback	Rear Setback	Minimum Square Feet
2.5 Acres	50'	20'	40'	1,000'

Sec. 1602. Prohibited Uses.

1. Commercial Uses.
2. Industrial Uses.
3. Animals, which individually or in numbers, create a nuisance by noise, smell, unsanitary or visual effects. Animals such as dogs and cats are permitted when their number in relation to area does not create a nuisance to neighbors. Kennels for the breeding of any animal for sale are prohibited. Pet fowl or birds may be kept in cages under the same provisions. No swine are permitted. Horses are prohibited on lots less than (3) acres.
4. Any use not permitted in accord with the terms hereof.

Sec. 1603. Manufactured Home Compatibility Standards. Manufactured or mobile homes are allowed provided that only one such principal residence is permitted per lot and shall be subject to the following compatibility standards:

1. The home shall be attached to a permanent foundation; each home shall be provided with anchors and tie downs such as cast-in-place concrete deadmen or other similar devices, which secure the stability of the home, approved by the Planning Director or designee.
2. There is no age restriction on a mobile home or moved in house
3. All towing devices, wheels, axles and hitches must be removed.
4. At each exit door there must be a landing that is a minimum of forty-eight inches (48") by forty-eight inches (48").
5. The roof shall have a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass, or metals tiles, slate built up gravel materials, or other similar materials approved by the Planning Director or designee. All roofs shall have a minimum 4/12 pitch to approximate the traditional architecture within the city to protect the public health, safety and welfare.
6. The exterior siding materials shall consist of wood, masonry, concrete, stucco, Masonite, metal or vinyl lap or other materials of like appearance.
7. Each home shall be completely skirted with an appropriate barrier, properly ventilated, to enclose the area between the bottom of the structure and the ground. Such skirting shall not be required for that home with a complete masonry or concrete perimeter foundation.
8. Each home shall be established in accordance with the installation instructions from the manufacturer, as appropriate.
9. All utility connections, including but not limited to water, sanitary sewer/septic tank, electricity and gas shall be made as required by all building codes of the city.
10. Said home shall compare aesthetically to site-built and other housing in the immediate general area within the same zoning or residential district or area.
11. Campers, travel trailers, recreational vehicles, motor homes, busses, and the like, which may require or may have been required to purchase a tag for travel on the road, are not considered mobile homes. They cannot be permanently connected to utilities and cannot be used as a single family dwelling in any zoning category.

ARTICLE XVII. - RMHT, MANUFACTURED HOUSING TEMPORARY [DISTRICT] (12 MONTHS)

THE RMHT DISTRICT HAS BEEN DELETED. NO APPLICATIONS TO REZONE PROPERTY TO THIS DISTRICT WILL BE HEARD BY THE PLANNING COMMISSION OR THE MAYOR AND COUNCIL FROM THE ADOPTED DATE OF THIS RESOLUTION. ALL LAND AREAS CURRENTLY ZONED RMHT DISTRICT SHALL ABIDE BY THE FOLLOWING REGULATIONS.

Sec. 1701. - 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 RMHT was approved after 12 months from its approval by the city council. The use of the manufactured home shall thereafter become a nonconforming use subject to the nonconforming use provision of this resolution.

Sec. 1702. - Permitted uses.

The following uses are permitted in the RMHT-manufactured housing temporary district:

1. 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 city or state, provided that the owner and occupant of the manufactured home and the owner of the lot are the same person.
2. One manufactured home ("MH") as a second and temporary accessory dwelling upon a lot where a home exists, provided the following conditions are met:
 - a. 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;
 - b. 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,
 - c. 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.
 - d. 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.
 - e. 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 XVIII. RPC Residential Planned Community.

Sec. 1801. -Purpose. The Residential Planned Community District is a parcel of land developed with a variety of land uses which may vary from strict application of minimum standards in other land use classifications with the purpose of encouraging the development of large tracts of land as planned communities; encourage flexible and creative concepts in site planning; preserve the natural environment by encouraging scenic and functional open areas within residential areas; and provide for an efficient use of land resulting in increased efficiency in providing services, thus lowering development costs due to the smaller networks for streets and shorter utility lines.

Sec. 1802. -In General.

The Residential Planned Comprehensive Development is a flexible alternative which advocates the grouping or clustering of lots and buildings on a smaller portion of the tract, where the developer can maintain the same residential density but offer smaller lots, with remaining land dedicated or reserved for open space, agriculture, woodlands or recreation.

1. Applicability. RPC is permitted only if a single developer or development group is planning and constructing the entire unit, including all amenities, and shall not be available to any development if any lots or parcels are sold to others before construction of amenities and buildings (excepting single family residences). Amenities may be shown as part of a specific phase(s) of the master plan and must be constructed accordingly.
2. In the event of the failure of the developer to complete any portion of the approved plan, then all requirements of subdivision regulations shall be complete before sale of any lots or issuance of building or occupancy permits.
3. The minimum acreage permitted for RPC is 100 contiguous acres. The amount of permanent open space or natural space required shall be no less than forty (40) percent of the development. An active amenity area consisting of at least a pool, clubhouse, and two tennis courts is required. The overall net density shall be no more than one (1) unit per acre.

In some cases, the health department may require a lower density for septic tank requirements based on soils and slope.

4. An application for zoning and any development permits shall be preceded in each case by informal meeting with the Mayor or other council member, the City Manager and the Planning Director or designee as available prior to submission and shall be consistent with the format required for subdivision approval with the following additions:

- a. A proposed master plan showing at minimum:
 - i. Total property area included in the development with a legal description of the subject property and bounds;
 - ii. Proposed buildings with approximate square footage and footprints;
 - iii. Proposed street layout;
 - iv. Existing topographic conditions to include a contour interval of a minimum 5 feet based on field surveys or photogram metric photogrammetric methods;
 - v. Amenity areas and buildings, including defined open space;
 - vi. Traffic impact study.
- b. Water and sewage disposal and other utility plans.
- c. A Statement of Intent containing disclosure of ownership, financial information, of the character of the proposed development, including a summary of gross density, types of dwelling units, stages of the development including completion of amenities, open space and landscaping.
- d. A master drainage plan shall be provided with the application for rezoning to identify the detention/retention and encourage creative water quality and quantity treatment processes.

5. Lapse of approval shall occur two years after the approval of the development plan or if the applicant fails to reasonably maintain the development schedule (delay over 6 months for any phase of the project without satisfactory explanation.) The Planning Commission may extend approval for one year at its discretion. Upon lapse of approval, all approved documents shall be revoked and the area shall be returned to the previous

district classification following appropriate notice, hearings and approvals of the Mayor and Council. The developer shall receive a minimum of 60-day's notice of intent to revoke approval prior to initiating the application.

6. The approved rezoning to RPC shall automatically be conditioned upon the approved master plan regardless of ownership unless approval lapses pursuant to Section 1802 (5). Any Change or revision to the master plan after the initial rezoning or any change to any other zoning condition imposed by the County, shall require a rezoning application. The approved plan and any revisions shall be recorded in the office of the County Clerk with the minutes of the meeting when the plan is approved or revised.

7. Any major or substantial change in the approved master development plan that affects the intent and character of the development, increases the density or changes the land use pattern, changes the location or dimensions of streets or similar changes must be reviewed and approved by the Mayor and Council after review and recommendation by the Planning Commission before any work shall be permitted. A request for revision of the master development plan shall be supported by a written statement justifying the necessity or desirability for such revision. Any such major change shall be considered a request to change a zoning condition and shall be subject to rezoning procedures.

Sec. 1803. -Permitted Uses.

The following uses are allowed within this district. Uses not listed in this Subsection are prohibited in this district.

- a. Single family dwellings with on-site construction only. Only one principal residence per parcel of land.
- b. Apartments, duplexes, triplexes, quadplexes, semi-detached residences and townhouses.
- c. Owner-occupied condominiums.
- d. Bed and Breakfast Establishments
- e. Short-Term Home Rentals
- f. Private Amenity areas such as swimming pools, tennis courts, children's play areas, small gardens, non-commercial greenhouses, fitness and recreations centers, club house or community rooms and other similar uses Provided that the following conditions are met:
 - i. Adequate parking area is provided for the amenity area;, typically a minimum of 15 parking spaces, unless a variance is approved,
 - ii. The area is fenced and landscaped. All pools should be landscaped and screened such that at least 50% of the view from the public road is obscured.
 - iii. The amenity area shall be constructed and completed in the first phase of the development if the development is 100 acres or less. If the development is greater than 100 acres, the developer shall construct the amenity area in conjunction with the development of a specific phase of the development.

This shall be clearly delineated and noted on the master plan.

- iv. Lighting is provided for the parking area and all walkways and pedestrian access points.
- g. A limited commercial component to the project is allowed, i.e. golf clubhouse, villas, etc. This may be included at no more than four percent (4%) of the total gross acreage. The commercial uses are intended for small-scale neighborhood service and will be specifically determined by the Board of

Commissioners upon Master Plan approval. The commercial component of the plan shall be integrally designed with the residential component and shall provide both vehicular and pedestrian interconnectivity and access throughout.

Sec. 1804.- Prohibited Uses.

- a. Commercial Uses not specifically permitted in this section.
- b. Industrial Uses.
- c. Manufactured (Mobile) Homes and houses moved from other locations are prohibited.
- d. Animals that individually or in numbers create a nuisance by noise, smell, unsanitary or visual effects. Horses are prohibited. Kennels for the breeding of any animal for sale are prohibited. Pet fowl or birds may be kept in cages in accord with the terms of this subsection. No swine are permitted.
- e. Any use not permitted in accord with the terms hereof.

Sec. 1805.- Open Space Requirements.

- a. Minimum area. Each separate tract of open space shall contain at least two acres; except that no minimum tract size is required for open space in medians in streets or islands for cul-de-sac turnarounds.
- b. Minimum width. Walkways or "fingers" of open space created to provide access from individual lots to a larger expanse of open space shall have a minimum width sufficient to accommodate a path, given the existing terrain, the center of which path shall be at least twenty-five (25) feet from any property line. All path dimensions shall have a width no more than eight (8) feet.
- c. Desired features. Open Space shall include irreplaceable natural features of the site such as streams, significant stands of trees, individual trees of significant size, rock outcropping, and peaks and ridges that are themselves scenic features or from which scenic views are available.
- e. Natural limitations. Natural areas which are unsafe for or not easily accessible to pedestrians - including swamps, floodplains, wetland areas, steep slopes (35% or more for a distance of 100 feet or more), woodlands, lakes, ponds and streams - may be included as open space. These areas shall not count for more than fifty percent (50%) of the total open space required.
- f. Uses restricted. Buildings shall not occupy open space, but may occupy area allocated for one or more conventional lots.
- g. Easements restricted. Open space may be entered or crossed by utility easements where such easements will involve access by persons or vehicles for periodic maintenance or repair only.
- h. Open space shall be undisturbed except where designed as an active amenity area.

Sec. 1806.- Roads and utilities:

- a. All roads within RPC zoning district shall be private roads and shall be maintained by a property owners association formed by the developer; except those roads which serve to connect the development to other public roads.
- b. All roads within a RPC development district shall be designated as private on all plats, maps, deeds, and road signs of the development.

- c. All private roads with the development shall be built to public standards.
- d. All roads shall have sidewalks and/or permanent pedestrian access designed throughout the project.
- e. All utilities shall comply with applicable codes, and street lighting shall be included on all new streets by the developer. If either condition exists, then ongoing responsibility for maintenance of utilities and lighting shall be held by the Homeowners or Property Owner's Association as appropriate.

Sec. 1807.- Annual Review.

To ensure continued progress toward completion, the approved Master Development Plan with updated accomplishments shall be submitted to the City of Dawsonville Planning Commission for annual review. Failure to submit the review documents may result in Lapse of Approval.

ARTICLE XIX. - PUD, PLANNED UNIT DEVELOPMENT DISTRICT

THE PUD DISTRICT HAS BEEN DELETED. NO APPLICATIONS TO REZONE PROPERTY TO THIS DISTRICT WILL BE HEARD BY THE PLANNING COMMISSION OR THE MAYOR AND COUNCIL FROM THE ADOPTED DATE OF THIS RESOLUTION. ALL LAND AREAS CURRENTLY ZONED PUD DISTRICT SHALL ABIDE BY THE FOLLOWING REGULATIONS.

Sec. 1901. - 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.

Sec. 1902. - Permitted uses.

Any land uses and combinations thereof, including R2, R3, and neighborhood business district, and are restricted to these zoning regulations.

Sec. 1903. - 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, min areas or residential dwelling unit sizes, maximum number of dwelling units, maximum square footage figures for developments, minimum yards/building setbacks, landscape strips and buffers, height limitations, restrictive covenants 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.

Sec. 1904. - 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 section 910 of these regulations. The Planning Director or designee, 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.

Sec. 1905. - 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.

Sec. 1906. - 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 Planning Director or designee, 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 Planning Director or designee prior to issuance of building permits.

Sec. 1907. - Minimum site area and frontage required.

The minimum site area for a planned unit development district shall be 15 contiguous acres, and the site must have a minimum of 200 feet of frontage on a public street, which shall provide access to such public street.

Sec. 1908. - Suggested 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 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 and 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 percent 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 ten percent 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 percent of floodplain or other unusable land from a developmental perspective may be used to calculate allowed density.

ARTICLE XX. - PCS, PLANNED CONSERVATION SUBDIVISION DISTRICTS

Sec. 2001. - 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.

Sec. 2002. - 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.

Sec. 2003. - 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, acquires, 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.

Sec. 2004. - Open space.

An additional definition of "Open space" in this section shall be undeveloped land, which is set aside permanently for common use by the residents of the subdivision.

Sec. 2005. - 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.

Sec. 2006. - 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.

Sec. 2007. - 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.

Sec. 2008. - 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.

Sec. 2009. - 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 nonvehicular traffic within the development and connecting to neighboring residential and commercial areas.

Sec. 2010. - 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 Square Feet	Maximum Building Height
1	5 acres	60'	50'	50'	1,400'	35

Sec. 2011.- Prohibited Uses

1. Commercial Uses.
2. Industrial Uses.
3. Manufactured (Mobile) Homes and houses moved from other locations (Except industrialized single-family modular homes).
4. Animals which individually or in numbers, create a nuisance by noise, smell, unsanitary or visual effects. Animals such as dogs and cats are permitted when their number in relation to area does not create a nuisance to neighbors. Kennels for the breeding of any animal for sale are prohibited. Pet fowl or birds may be kept in cages under the same provisions. No swine are permitted.
5. Any use not permitted in accord with the terms hereof.

Sec. 2101.- Purpose and intent

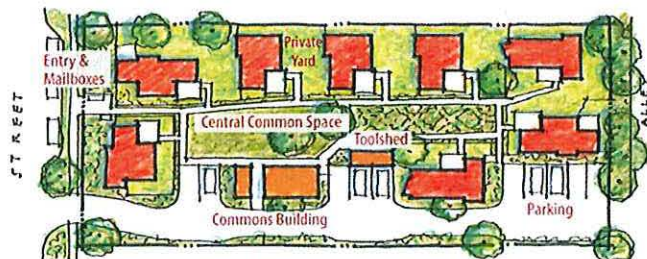
The trend toward smaller houses has become a social movement. People are choosing to downsize the space they live in, simplify, and live with less. People are embracing this life philosophy and the freedom that accompanies the smaller more economical house lifestyle. The residential cottage district is intended to provide single-family individual cottages and micro-planned/pocket developments with construction of small single-family cottages.

Sec. 2102- Permitted uses.

1. The construction of single-family cottages as allowable by current building codes not to exceed 1000 square feet in size on a minimum of 1 acre of land.
2. Additionally, RTC will allow for the construction of single-family cottages as allowable by current building codes in groups as a micro-planned/pocket development with a density of 8 units per acre with a minimum of 6 cottage units not to exceed 12 cottages units per cluster.

Sec. 2103.- Micro-planned/pocket development regulations.

1. Site plan approval by the Planning Commission and the Mayor and Council is required. Site lots should be designed and laid out in a clusters and shall have a central common area. (see illustration)



2. Lots—Each cottage shall be located on its own lot of record, and subdivision plat approval shall be required in accordance with the City of Dawsonville Regulations. All other land areas within the micro-development shall be under common ownership.
3. Clusters shall consist of 6 to 12 cottage units. There shall be a minimum separation between clusters of 50 maintained in an undisturbed buffer.
4. Streets—All streets within a micro-planned development shall be built to city specifications as provided in the City of Dawsonville Development Regulations and dedicated to the city.
5. Parking—Insofar as practicable, common parking areas comprised of pervious pavement shall be provided with walkways to a central common area as well as to each cottage. Parking facilities shall be grouped with no less than 3 spaces each. Minimum parking required shall be 2 per cottage unit.
6. All structures must be either site built or industrialized (modular) homes and placed on a permanent foundation. Structures shall not be placed in a way which would block the occupants view of the central common area.
7. Privacy between cottage units: Dwellings shall be designed so that no window peers into the living space of adjacent dwellings closer than 30 feet apart. This may be accomplished by:
 - a. 'Nesting' dwellings with open and closed sides: the open side may have windows facing its own side or rear yard, while the closed side may have high windows, translucent windows, or skylights to bring in ample light while preserving privacy;

8. Open Space/Green Space- The site shall be at a minimum 50% greenspace for micro-planned developments. Each unit shall have 300 sq. ft. of private open space and a minimum of 3,000 sq. ft. of common area open space. Additionally, At least 75 percent of the dwelling units of each cluster shall abut the common open space; and all of the dwelling units shall be within 60 feet walking distance measured from the nearest entrance of the dwelling along the shortest safe walking route to the nearest point of the common open space. The common open space shall have dwellings abutting at least two sides.

9. Buffers- A 50-foot undisturbed buffer shall be required along the property lines where a residential cottage micro-planned development abuts a zoning district other than RCT.

10. Amenity areas such as a community center, central gazebo, playgrounds, etc. are required.

Sec 2104- . Prohibited Uses.

1. Commercial Uses.

2. Industrial Uses.

3. Animals, which individually or in numbers, create a nuisance by noise, smell, unsanitary or visual effects. Animals such as dogs and cats are permitted when their number in relation to area does not create a nuisance to neighbors. Kennels for the breeding of any animal for sale are prohibited. Pet fowl or birds may be kept in cages under the same provisions. No swine are permitted. Horses are prohibited on lots less than (3) acres.

4. Any use not permitted in accord with the terms hereof.

PART V- COMMERCIAL ZONING DISTRICTS

ARTICLE XXII- COMMERCIAL ZONING DISTRICTS IN GENERAL

Sec. 2201.- Purpose.

The purpose of this Article is to establish Commercial Land Use Districts by defining their characteristics and prescribing development standards therefore. Commercial Land Use Districts are of greater intensity of use and are usually incompatible with Residential Districts.

Sec. 2202.- Maintenance Requirements.

Developments in commercial districts shall comply with the site maintenance requirement set forth herein after a Certificate of Occupancy has been issued and released. The owner shall be responsible for these requirements regardless of any tenant relationship or any relationship with any other party:

1. the cleanliness of the entire site shall be maintained by removing any trash, rubbish or other debris deposited at the site;

2. landscaping shall be maintained, and dead or damaged plants shall be replaced;
3. any damaged elements of a building (including broken windows) and the site (including curb stops, parking stripes and dumpster screening) shall be repaired or replaced if the building or the site becomes dilapidated or in disrepair;
4. all fire suppression systems, including sprinkler systems, shall be maintained in compliance with applicable local, state, and federal statutes, regulations, and ordinances;
5. if the commercial structure or structures shall be vacated, then the owner shall continue to maintain the site in accord with the terms hereof and shall remove all signs from the site within 60 days of the day the structure becomes vacant; and,
6. if any single occupant premise becomes vacant for more than 60 days and the owner fails to maintain the property in accord with the terms hereof and after notice from the County of such failure, then the owner shall be subject to citation and shall be subject to the maximum fine permitted for ordinance violations for each day of each violation of any provision of this ordinance.

Sec. 2203.- Outdoor Lighting.

Outdoor lighting shall be designed to provide the minimum lighting necessary to insure adequate safety, night vision and comfort and shall not create nor cause excessive glare upon adjacent properties or public streets or rights-of-way. All light sources shall be located, designed, fitted, aimed, shielded, installed and maintained to limit illumination only to the target area and shall minimize light trespass. Light sources shall not at any time be directed or angled such that the light emitted from the fixture is focused to a point off the property of the owner of such light fixture.

1. Light Levels. Light levels shall be as follows:

At property lines including rights-of-way	Minimum Foot-Candles	Maximum Foot-Candles
Abutting a residential district	None	1.5
Abutting an retail/office district	None	2.0
Abutting a industrial district	None	3.0

Off street parking lots	Minimum Foot-Candles	Maximum Foot-Candles
Office professional districts	1.5	8
Commercial districts	2.0	15
Industrial	1.5	12

2. Security and Parking Lot Lighting.

- a. All security and parking lot lighting shall be installed such that the lamp (light-emitting device) is not protruding from the bottom of the fixture.
- b. All light fixtures shall be installed so that the light produced is emitted downward.
- c. Light shall not be emitted horizontally from the side of the fixture.
- d. Pole lights shall not exceed 35 feet in height and shall have box-type fixtures.

e. Wall packs shall be used for security lighting along the side and rear of the buildings only and all light emitted shall be focused downward.

3. Sign Lighting. Sign lighting shall be as follows:

a. light fixtures illuminating signs shall be aimed and shielded so that direct illumination is focused exclusively upon the sign.

4. Building Facade Lighting and Landscape Lighting. Building facade lighting and landscape lighting shall be as follows: light fixtures shall be selected, located, aimed and shielded so that direct illumination is focused exclusively upon the building façade, plantings and other intended site features and away from adjoining properties and the public street and right-of-way.

5. Architectural Lighting. Architectural lighting shall be as follows: decorative and architectural lighting is allowed upon the building façade if the lighting emits ten or less foot-candles and is focused downward.

6. Grandfathering of Nonconforming Light Fixtures. Grandfathering of Nonconforming Light Fixtures shall be as follows:

a. all light fixtures lawfully in place before the date of this Ordinance shall be grandfathered. However, any light fixture that replaces a grandfathered light fixture or any grandfathered light fixture that is moved shall meet the standards of this Ordinance;

b. grandfathered light fixtures that direct light toward a street or parking lot that causes disabling glare to motorists shall be either shielded or redirected within 90 days of notification from The City of Dawsonville so that the light fixtures do not cause a potential hazard to motorists;

c. grandfathered light fixtures that can be adjusted to conform to this ordinance without changing the fixture shall so comply within 30 days of notice from The City of Dawsonville regarding conforming to the terms hereof; and

d. new businesses occupying existing structures with grandfathered light fixtures that do not comply with the terms of this ordinance may not replace bulbs or repair offending light fixtures. Instead, the offending fixture shall be replaced.

7. Submission of Plans. All sites of new commercial construction shall provide the Planning and Zoning Office a lighting plan for the site at the time of submission of plans before the issuance of land development permits or building permits, as applicable. The lighting plan shall include all proposed light fixtures, including light fixtures to be placed upon the building. The lighting plan shall show an overview of the site with light level calculations and foot-candles. The light intensity of each light fixture shall be in accordance with the regulations set forth herein. If light fixtures to be placed upon the building façade cannot be included during the submission of the plans, then the developer/owner/applicant shall show cause regarding why descriptions of the light fixtures cannot be shown at that time. If the cause shown is sufficient, then the Planning Director may allow the light fixtures to be shown when the developer/owner/applicant submits building plans if the developer/owner/applicant provides a revised lighting plan that provides information regarding the added light generated by such fixtures. All lighting plans submitted shall include a detail sheet, which shall provide descriptions of all light fixtures to be installed."

Sec. 2204.- Single-Family.

Single-Family residential use is permitted in any commercial zoning district unless otherwise noted with conditions herein.

ARTICLE XXIII. - NB, NEIGHBORHOOD BUSINESS DISTRICT

Sec. 2301. - Purpose and intent.

The neighborhood business district is intended to provide areas for limited small-scale commercial uses of a convenience nature serving and in close proximity to or in conjunction with residential properties as opposed to a regional market. The district is not intended to accommodate 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.

Sec. 2302. - Permitted uses.

The following uses are permitted in the NB-neighborhood business district:

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, nonprofit 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 material 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, nonprofit 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.

Sec. 2303. - Outdoor sales, storage, and display.

Except as otherwise provided, it shall be unlawful in the [HB,] highway business district to provide more than what would be equal to 20 % of the internal floor space for 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.

NEIGHBORHOOD BUSINESS DISTRICT

Minimum Lot Size	Front Setback	Side Setback	Rear Setback	Minimum Square Feet	Maximum Height of Building
43,560 sq. ft.	40'*	20'	20'	1,000'	50'

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

ARTICLE XXIV. - [HB,] HIGHWAY BUSINESS DISTRICT

Sec. 2401. - Purpose and intent.

The [HB,] 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.

Sec. 2402. - Permitted uses.

The following uses are permitted in the HB, highway business district:

1. Any use permitted in the neighborhood business district as enumerated in section 2302 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. Amphitheaters 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 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.
60. Truck stops and truck terminals.
61. Welding shops.

Sec. 2403. - Conditional uses.

The following uses are conditional uses in the HB, highway business district:

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 Article 35.
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.

Sec. 2404. - Outdoor sales, storage, and display.

Except as otherwise provided, it shall be unlawful in the [CB,] commercial highway business district to provide more than what would be equal to 20 % of the internal floor space for 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 Square Feet	Maximum Height of Building
43,560 sq. ft.	40'	20'	20'	1,000'	As engineered

*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 XXV. - TB, TOWN BUSINESS DISTRICT (HISTORICAL DISTRICT)

Sec. 2501. - 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.

Sec. 2502. - Permitted uses.

The following uses are permitted in the TB, town business district:

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. Hotels and Bed and 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, nonprofit 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.
30. 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, nonprofit or operated for profit.
38. Snack and sandwich shops.
39. Sporting goods stores.
40. Toy stores.
41. Travel agencies.
42. Watch and clock sales and repair shops.
43. Residences, single-family attached, duplexes, townhouses, condominiums and apartments. Townhouses and condominiums are subject to all provisions of section 1405, and section 1406, respectively.

Sec. 2503. - Conditional uses.

The following uses are conditional uses in the TB, town business district:

1. Commercial-residential group projects, as defined in article III.
2. Farmers' markets, flea markets, roadside stands and other similar seasonal or temporary activities.

Sec. 2504. - Outdoor sales, storage, and display.

Except as otherwise provided, it shall be unlawful in the [TB,] town business district to provide more than what would be equal to 10 % of the internal floor space for 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.

Sec. 2505. - 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 Historic Preservation Commission in accordance with the City of Dawsonville Historical District Ordinance. A certificate of appropriateness shall be issued by the HPC, 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.

Sec. 2506. - 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. Ft.	Maximum Height of Building
4,900 sq. ft.	0’*	0’	0’	1,000’	35’

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

ARTICLE XXVI. - CBD, CENTRAL BUSINESS DISTRICT

Sec. 2601. - 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 2605).

Sec. 2602. - Permitted uses.

The following uses are permitted in the CBD, central business district:

1. Any use permitted in the neighborhood business district, as enumerated in section 2302 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 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 1405, and section 1406, respectively.
10. Taxicab and limousine services.
11. Theaters, indoor only.

Sec. 2603. - Conditional uses.

The following uses are conditional uses in the CBD, central business district:

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.

Sec. 2404. - Outdoor sales, storage, and display.

Except as otherwise provided, it shall be unlawful in the [CBD,] central business district to provide more than what would be equal to 10 % of the internal floor space for 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.

Sec. 2605. - Alteration of structures, new construction.

Prior to any alteration (excluding 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 Planning Director or designee in accordance with the City of Dawsonville building code Ordinance. A certificate of occupancy shall be issued by the Planning Director or designee, 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.

Minimum Lot Size	Front Setback	Side Setback	Rear Setback	Minimum Square Feet	Maximum Height of Building
10,000 sq. ft.	40'*	10'	20'	1,000'	As engineered

*For developments abutting state highways a 50' front setback is required.

ARTICLE XXVII. - INST, INSTITUTIONAL DISTRICT

Sec. 2701. - 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 nonresidential and residential districts.

Sec. 2702. - Permitted uses.

The following uses are permitted in the INST, institutional district:

1. Any use permitted within the R-1, single-family residential district for institutional or governmental type use, as enumerated in section 1.102 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 100 feet to an R-1 district boundary, and provided a copy of the approved state license or permit is filed with the Planning Director or designee 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 100 feet to an 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 Planning Director or designee 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 nonprofit basis.

INST-INSTITUTIONAL DISTRICT

Minimum Lot Size	Front Setback	Side Setback	Rear Setback	Minimum Square Feet	Maximum Height of Building
20,000 sq. ft.	40'*	10'	20'	1,000'	As engineered

*Front set back may be greater if located on a state highway.

ARTICLE XXVIII. - O, OFFICE DISTRICT

Sec. 2801. - 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 nonresidential and residential districts.

Sec. 2802. - Permitted uses.

The following uses are permitted in the O, office district:

1. Any use permitted within the R-1, single-family residential district for offices, as enumerated in section 1102 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 100 feet to an R-1 district boundary, and provided a copy of the approved state license or permit is filed with the Planning Director or designee 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 100 feet to an 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 Planning Director or designee 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 nonprofit 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 100 feet to an R-1 district boundary, provided a copy of the approved state license or permit is filed with the Planning Director or designee 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, nonprofit or operated for profit.
- 11. All uses allowed in INST district.

O-OFFICE DISTRICT

Minimum Lot Size	Front Setback	Side Setback	Rear Setback	Minimum Square Feet	Maximum Building Height
20,000 sq. ft.	40’*	10’	20’	1,000’	As engineered

*Front set back may be greater if located on a state highway.

ARTICLE XXIX. - LI, LIGHT INDUSTRIAL DISTRICT

Sec. 2901. - 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.

Sec. 2902. - Permitted uses.

The following uses are permitted in the LI, light industrial district:

- 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, planeing 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 stops.
27. Wholesaling and warehousing facilities.
28. Wrecked motor vehicle compounds, government owned only.

Sec. 2903. - Conditional uses.

The following uses are conditional uses in the LI, light industrial district:

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.

Sec. 2904. - 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-footcandles of illumination at any property 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 hour, as measured at any given property line abutting a residential district.
3. Electromagnetic interference: No use, activity or process shall be conducted which products 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 Square Feet	Maximum Building Height
43,560 sq. ft.	40'*	20'	20'	1,500'	As engineered

*Front setbacks may be greater if located on a state highway.

ARTICLE XXX. - CIR, RESTRICTED INDUSTRIAL COMMERCIAL DISTRICT

Sec. 3001. - 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.

Sec. 3002. - Permitted uses.

The following uses are permitted in the CIR, restricted industrial commercial district:

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.

Sec. 3003. - Prohibited uses.

The following uses are prohibited uses in the CIR, restricted industrial commercial district:

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:
 - a. Cement or asphalt manufacture.
 - b. Steel fabrication.
 - c. Petroleum refining.
 - d. Bulk feedlots.
 - e. Commercial slaughtering of animals.
 - f. Paper or wood pulp manufacturers.
 - g. Open pit mining.
 - h. Quarrying or sand/gravel removal operations.

CIR-RESTRICTED INDUSTRIAL COMMERCIAL DISTRICT

Minimum Lot Size	Front Setback	Side Setback	Rear Setback	Minimum Square Feet	Maximum Height of Building
5 Acres	40'*	20'	20'	2,000'	As engineered

*Front setback may be greater if located on a state highway.

ARTICLE XXXI. C-PCD Commercial Planned Comprehensive Development District.

Sec.3101. - Scope.

Commercial Planned Developments are areas which due to their size and scope, or the need to provide for a planned or phased development, or the need to combine disparate commercial and/or residential uses within the same planned development, such developments would not otherwise be permitted by the provisions hereof.

Sec. 3102. Purpose.

This district is intended to provide for appropriate planned development of quality mixed use projects by allowing greater flexibility and creativity in the land development process, by undertaking techniques which foster community and pedestrians, by creating roadway and pedestrian connections to residential areas, by minimizing the need for surface parking through compact and efficient land use, providing transitions between high traffic streets and neighborhoods, and thereby achieving the objectives of the City of Dawsonville Comprehensive Plan

Sec. 3103.- Permitted Uses.

The following uses are allowed within this district. Uses not listed in this Subsection are prohibited in this district.

1. Corporate headquarters' and corporate campus developments
2. Churches and their customary related uses, including cemeteries upon specific approval by the Board of Commissioners
3. Assisted Living Facility
4. Parks, playgrounds, community centers, and schools (public or private)
5. Public cultural buildings such as libraries, museums, playhouses and theaters, and art galleries
6. Condominiums and Townhouses
7. Banks and other Financial Institutions
8. Business and Professional Offices, including, but not limited to, medical, dental, legal, financial, architectural, engineering, real estate, insurance and manufacturing representatives.
9. Personal service establishments, including, but not limited to, barber and beauty shops, drycleaners, and shoe repair.
10. Retail establishments except the following:
 - a. Automobile dealerships
 - b. Motels, Hotels
 - c. Liquor stores
 - d. Drive-in Theaters
11. Residences up to 6 units per acre total density.
12. Restaurants, grills, and similar eating and/or drinking establishments, including drive throughs.
13. Nursery schools, and Day Care Centers
14. Continuing Care Retirement Community upon specific approval by the Board of Commissioners
15. Wholesalers with a retail outlet.

16. Upon determination by the Planning Commission and the Mayor and Council that same will not be a hazard, or detrimental to the community, mixed density residential uses. Town homes and single-family residential units shall be limited to rear entry garages or drives via alleyways.

17. Public recreational, emergency service, utility, and semi-public uses.

Sec. 3104.- Prohibited Uses.

The following uses are specifically not allowed within this district. Other uses not listed as permitted uses above are also prohibited in this district.

1.Those uses and activities generating deleterious and hazardous sound, odor, or visual effects beyond the boundary of the area proposed for the C-PCD zone.

Sec. 3105.- Requirements and Standards for Approval.

1. An application for development as a Commercial Planned Comprehensive Development must contain a minimum area of ten (10) contiguous acres for strictly commercial proposals. The minimum area required for Commercial Planned Comprehensive Developments with a Residential component other than second story residential is twenty (20) acres.

2. The Planning Commission and the Mayor and Council in their review of the proposed development shall consider:

- a. The proper relation between the proposed development and surrounding uses, and the effect of the plan upon comprehensive planning for City of Dawsonville;
- b. The adequacy of existing and proposed street, utilities, and other public services to serve the development; and
- c. The character, design and appropriateness of the proposed land uses and the adequacy of the character, design and land use to encourage desirable development, including providing separation and screening between uses if desirable.

3. Cornices on buildings shall align where possible within the development and the height shall transition in a step-down approach when adjacent to residential development

4. Final approval of a C-PCD shall not be granted until the owner or owners of the property give written notice of their consent to the proposed development.

5. All CPCD projects shall have a minimum of two distinct types of land use. A minimum of fifty percent (50%) of the project shall consist of either, commercial, office, public, personal service, restaurant or similar uses. Land use calculation shall be determined by gross floor area for those projects that contain a vertical mixture of uses, and shall be calculated by the total project land area for those projects containing a horizontal mixture of uses. Separate land uses shall be integrated both horizontally and vertically.

6. Parking shall be oriented behind when practicable.

- a. Building entrances and parking areas and pathways shall be lit to two-foot candles with pedestrian scale lighting.
- b. Parking area lighting shall have an average of no more than 6-foot candles for the projects.

c. In general light should be designed so that light is not directed off the site and the fixtures shall be fully shielded or be designed with cut-offs to eliminate up lighting, spill, and glare.

d. Illuminance levels at property lines abutting adjoining residential districts shall be a maximum of 0.5-foot candles.

7. Open Space:

a. The amount of permanent open space or natural space required shall be no less than thirty percent (30%) of the development.

b. Natural areas that are unsafe for pedestrians or not easily accessible to pedestrians - including swamps, floodplains, wetland areas, steep slopes (thirty-five percent (35%) or more for a distance of 100 feet or more), woodlands, lakes, ponds and streams - may be included as open space; but these areas shall not count for more than fifty percent (50%) of the total open space required.

c. Developments are encouraged to utilize creative methods for storm water management and quality when such methods provide additional open space opportunities.

8. Bonuses:

a. Residential Density bonus:

i. Residential density may be increased by including second story units above retail or office which will not count against the overall 6 dwelling unit per acre density.

b. Open space reduction bonus: A ten (10) percent reduction in open space may be granted if the development includes a majority of the following items;

i. The site layout clusters building on the site to promote linked trips. A cluster is a group of buildings that are attached, oriented on adjacent street corners, or are close together such that a pedestrian need not walk across more than 64 lineal feet between building entrances.

ii. The site layout includes pedestrian facilities that connect through the development to the public right-of-way

iii. The site includes within its open space an active park

iv. The development provides at least ten (10) sq. ft. of public space (i.e. public art, fountains, benches with a focal area, or similar public spaces) in addition to sidewalks for every ten (10) off street surface parking spaces.

v. Reducing impervious cover of parking areas using alternative paving techniques by ten percent (10%).

9. Review and Application Procedures.

a. Pre-application Conference. Prior to filing a formal application as a C-PCD, the applicant shall confer with the Planning Staff in order to review the general character of the plan (on the basis of a tentative land use sketch if available) and to obtain information on projected programs and other matters.

b. Development Plan

1. An applicant shall file an application with the Planning Staff for approval of a Commercial Planned Comprehensive Development. This application shall be supported by a development

plan and written summary of intent, and shall show the relation between the proposed development and the surrounding area, both existing and proposed.

2. The following items shall be presented

- i. A general location map;
- ii. Existing topographic conditions, including contour interval of no more than two feet based on field surveys or photogrammetric methods;
- iii. The existing and proposed land uses and the approximate location of all buildings and structures;
- iv. The approximate location of all existing and proposed streets and major thoroughfares;
- v. The approximate location of all existing and proposed utilities; including a preliminary utility and drainage plan;
- vi. A legal description of the subject property and a current boundary survey;
- vii. The location and use of existing and proposed, public, semi-public or community facilities such as school, parking and open areas. The plans should include areas proposed to be dedicated or reserved for community or public use;
- viii. If a proposed development creates special concerns or problems or involves unusual circumstances, then additional information may be required to properly evaluate the proposal; the additional information may include the following information:
 - * An off-street parking and loading plan;
 - * An economic feasibility study report or market analysis;
 - * A comprehensive traffic study of the area;
 - * A traffic circulation plan within the development;
 - * An environmental impact study; and
 - * Other information as may be required.

c. The written statement submitted with the development plan shall include the following items:

1. A statement of the present ownership of all land within the proposed development;
2. An explanation of the character of the proposed development, including a summary of acres, development units, and gross density by type of land use. The explanation shall include minimum standards for floor area, lot size, yard and spacing requirements;
3. A development schedule and progression of unit division or staging; if applicable, both residential and commercial portions of the project shall be included in the first phase.
4. Proposed agreements, provisions, and covenants, which govern the use, maintenance, and protection of the development and any common or open areas.

d. A master drainage plan to identify major forms of detention/retention and to encourage creative water quality and quantity treatment processes.

10. Approval.

An application for approval of a C-PCD will be considered administratively as an application for amendment of the District Map and will be subject to the procedures established in this Resolution.

If the development plan is approved as submitted, the Planning Staff will cause the District Map to be changed to indicate the C-PCD. If the development plan is approved with modifications, the applicant shall file a properly revised site plan with the Planning Staff prior to changing the District Map. The site plan and supporting information of any approved plan shall be properly identified and permanently filed with the Planning Office.

11. Building and Occupancy Permits.

At such time as application is made therefore, the Department of Planning and Zoning, shall issue building permits for buildings and structures in the area covered by the approved development plan if they are in substantial conformity with the approved development plan, the development schedule, and with all other applicable regulation. The Building Inspector shall issue a certificate of occupancy for any completed building or structure located in the area covered by the approved development plan if it conforms to the requirements of the approved plan and all other applicable regulations.

12. Revision of the Development Plan.

Any major or substantial change in the approved development plan which affects the intent and character of the development, the density or land use pattern, the location or dimensions of streets, or similar substantial changes must be reviewed and approved by the Mayor and Council subsequent to receipt of the recommendation of the Planning Commission. A request for a revision of the development plan shall be supported by a written statement justifying the necessity or desirability for such revisions. Notwithstanding the foregoing, the Planning Director or designee shall have authority to approve minor changes in lot sizes or configurations without prior approval of the Planning Commission or Mayor and Council.

13. Reversion of Zoning Approval.

a. If any portion of an approved development is rezoned to any other land use classification prior to the substantial completion of construction of internal streets or buildings (whichever is commenced first), the approval of the development plan shall lapse under this provision, in which event the Planning Director or designee by operation of law shall, within 30 days of the rezoning approved by the Mayor and Council:

- i. cause the development to be removed from the official zoning map;
- ii. file a notice of revocation with the recorded development plan;
- iii. notify each owner of record, in writing, of the action; and
- iv. reinstate the land use classification and regulation which were in effect prior to the approval of the development plan.

b. If implementation of any approved C-PCD is delayed by more than two years from the approved schedule of development, no further development shall be allowed until the undeveloped portion of the tract is reclassified to another land use classification or the development plan as provided for in Subsection 9 above is revised in accordance with the procedures set forth in Subsection 12 above.

14. Fees.

At time of application for reclassification to Commercial Planned Comprehensive Development (C-PCD), the applicant shall pay a non-refundable fee as noted in the City of Dawsonville fee schedule (Section 2-110) which fee shall be in addition to any other fees required by this resolution.

ARTICLE XXXII.- MUV, MIXED USE VILLAGE USE DISTRICT

Sec. 3201. Purpose.

The Mixed Use Village (MUV) district is established primarily to encourage the development of mixed use developments consisting of both residential and commercial property. The MUV district is intended to:

- A. Encourage the development of large tracts of land as planned, mixed use communities;
- B. Encourage flexible and creative concepts in site planning;
- C. Preserve the natural amenities of the land by encouraging scenic and functional open space areas; and
- D. Provide for an efficient use of land.

Sec. 3202. Permitted Uses.

Within the MUV district, land and structures shall be used in accordance with the standards set forth herein. Any use not specifically designated as a permitted use shall be prohibited.

Structure and land may be used for only the following purposes:

1. Single-family attached dwellings;
2. Single-family detached dwellings;
3. Multi-family dwellings;
4. Patio homes;
5. Townhomes;
6. Condominiums;
7. Apartments;
8. Live work units; residential, above or behind commercial and office uses in the same building;
9. Small accessory apartments (guest house);
10. Accessory buildings and uses;
11. Clubs and lodges (non-commercial);
12. Colleges and universities;
13. Commercial and office uses;

14. Retail and service uses;
15. Day care facilities;
16. Family day care;
17. Golf courses;
18. Group homes;
19. Guest houses;
20. Home occupations;
21. Neighborhood recreation centers;
22. Nursing home facilities;
23. Continuum of care retirement facilities
24. Parks, public and private;
25. Personal care homes;
26. Public utility facilities;
27. Recycling centers (collecting);
28. Religious institutions;
29. Retirement centers;
30. Schools, public and private;
31. Public uses;
32. Parking structures

Sec. 3203.- Conditional Uses.

Low intensity manufacturing not to exceed 50,000 square feet for the total MUV. Such facilities must be located in an enclosed building or structure, must be designed to fit the architectural theme of the community, must not emit any noxious odors or noise and shall not be used for the storage of hazardous materials.

Sec. 3204.- Prohibited Uses.

Structure and land shall not be used for the following purposes: Adult entertainment establishments; adult video stores; adult book stores; adult novelty stores; mobile homes; or any use not designated as a permitted use.

Sec. 3205.- Land Area.

Land area for the MUV shall be a minimum of 20 acres in size.

Sec. 3206.- Density and Lot Sizes.

The gross overall density shall not exceed 2.8 units per acre; however, to promote innovative design, the intent of the MUV is to be density neutral. There is no specific lot size required or specified. Lot sizes shall be based on the development master plan presented and approved by the Mayor and Council.

Sec. 3207.- Village Core Area.

The Village Core Area is defined as the geographic area within the community where the majority of commercial, business and public facilities shall be located that are intended to serve the entire community. The Village Core Area should also contain dense housing as compared to the rest of the community. The Village Core Area shall be designated on the conceptual plan.

Sec. 3208.- Setbacks and Buffers.

Front, side and rear setbacks and buffer requirements shall be established as part of the Master Development Plan.

Sec. 3209.- Utility Construction.

All water and sewer service construction shall meet the standards of the service provider. Utilities shall be placed underground. Storm water facilities shall be constructed to the specifications of the applicable local or state authority.

Sec. 3210.- Transportation System.

The street network shall be designed in a generally connected pattern limiting cul-de-sacs when possible. Street patterns shall be designed to respect and follow existing topography as much as possible, to minimize earthmoving and disruption of existing natural features. The applicant may request alternative design standards for infrastructure such as narrower streets or alternative stormwater methods to provide for more creative land development and to decrease potential environmental impacts of proposed development. Any proposed alleyways shall be designed in accordance with the approved development plan. Streets shall be designated public or private on the Master Development Plan.

1. Streets shall be designed to:

- a. Preserve existing hardwood tree lines and watercourses;
- b. Minimize alteration of natural, cultural and historic features;
- c. Minimize acreage devoted to streets;
- d. Calm vehicle traffic;
- e. Promote pedestrian circulation;
- f. Maximize the view of natural vistas.

2. Street Construction. Street design and construction shall be shown on in the Master Development Plan. In the Core Village the street shall be designed to meet the 300 to 600 feet grid. See § 2-38 of the Community Agenda.

3. Parking. Parking spaces shall be provided in accordance with current City of Dawsonville regulations as to number of spaces for a particular use and dimension of spaces. Parking may be shared between uses if no

conflicts shall arise from such arrangement. If shared parking is proposed, then the applicant shall submit a plan for such arrangement with the Master Development Plan.

a. On-street parking shall be permitted throughout the district and shall be depicted on the Master Development Plan. On-street parking spaces shall count toward the minimum spaces required based on the land uses proposed. Off-street parking design shall be approved by the City of Dawsonville Department of Public Works.

4. Alleys. Alleys shall be permitted as appropriate. Alleys shall be designed with a minimum of 12-foot lane width and a minimum R-O-W of 20 feet. Alley design shall be approved by the City of Dawsonville Department of Public Works.

5. Pedestrian Circulation. As part of the Master Development Plan, the applicant shall submit a pedestrian circulation plan depicting size and location of all pathways, trails and sidewalks. All proposed land uses shall be connected to the pedestrian circulation system. Multi-use trails shall be noted in the Master Development Plan. Golf carts are permitted on the multi-use trails if so designated on the Master Development Plan.

6. Street Trees. As part of the Master Development Plan, the applicant shall provide a street tree plan showing the location, spacing and type of street trees proposed throughout the development. Such plan may be depicted on a section of roadway providing an example of the intended tree planting program for the entire community. Street trees shall not be required in areas where the applicant intends to preserve existing trees. Developments in the MUV district shall meet the provisions of the most current landscaping requirements adopted by City of Dawsonville related to parking areas.

Sec. 3211.- Sign Program.

The intent of the MUV district is to promote architectural style in signage by encouraging monument type signs using architectural materials. As part of the Master Development Plan, the applicant shall submit a sign plan that illustrates the size and style of signs to be constructed, as well as a description of materials to be used for all freestanding, wall, entrance and directional signage. The intent of these regulations is to promote signs architecturally compatible with surrounding development.

Sec. 3212.- Open Space.

A minimum of 30 percent of the total land area of the MUV district shall be open space or green space. Open space may include areas for both passive and active recreation. Examples include parks, playgrounds, play fields, plazas, greenways, trails, streams, creeks, ponds and natural areas. The concept plan shall show all proposed areas of open space. For the purpose of this section, the developer or owner may designate a portion of the open space as a wetland, stream and/or wildlife mitigation bank, and such area shall be counted as part of the open space. In addition, such mitigation bank may be placed in the ownership of a third party but shall be considered as part of the overall required development open space as long as such area remains a mitigation bank or is undeveloped.

Sec. 3213.- Architectural Standards.

As part of the concept plan approval process, the applicant shall provide preliminary information regarding the architectural theme of the community. Such preliminary information shall include drawings showing at least two typical residential elevations and drawings showing at least two elevations of typical proposed commercial buildings. As part of

the Master Development Plan approval process, the applicant shall submit information regarding intended architectural design for the community. Such information shall include at minimum a description of materials and colors of exterior of all buildings, roofing materials and pitches, and requirements (if appropriate) regarding porches and parking garages. Architectural standards may change due to future changes in the real estate market pertaining to household sizes and buyers wants and desires. The Planning Commission and Mayor and Council shall have the authority to approve any modifications to architectural standards within the Master Development Plan.

Sec. 3214.- Landscaping.

Prior to constructing any structure or facility, the applicant shall submit a landscaping plan showing the location of all proposed landscaping for the area to be disturbed. Such plan shall show all proposed planting material (type and size), ground cover, proposed irrigation, and existing vegetation to be preserved.

Sec. 3215.- Approval Process.

In order to develop in the MUV district, the applicant shall first obtain approval of the concept plan. Thereafter or concurrent with presentation of the concept plan, the applicant shall submit a detailed Master Development Plan that shall be approved before the issuance of a land disturbance permit.

1. Concept Plan. In order to rezone to MUV, the developer/applicant must submit a Concept Plan that shall include, but not be limited to:

- a. Proposed uses;
- b. Number of units per use;
- c. Designated areas of use;
- d. Open space, amenities, road systems, access points;
- e. Proposed name of development;
- f. Location of all wetlands and streams as those terms are defined under State and Federal law; and
- g. Public and private streets.

A Concept Plan of the development shall be submitted to City of Dawsonville at the time of filing for rezoning to the MUV district. The Concept Plan shall be prepared by an architect, landscape architect, engineer and/or land surveyor whose state registration is current and valid.

After the Concept Plan is approved, minor variations from the plan shall be permitted at the discretion of the Planning Director or designee. Major variations shall be reviewed and approved by the Planning Commission and the Mayor and Council.

As each phase of the development is developed, the owner shall provide the city with an updated summary of density "used" and remaining density "available" for future phases.

2. Master Development Plan Approval. After zoning for the MUV district is approved, which includes approval of the concept plan, or concurrent with applying for re-zoning to MUV district, the developer and/or property

owner shall submit the proposed Master Development Plan for any phase to be constructed before a land disturbance permit is approved by City of Dawsonville. The Master Development Plan shall include:

- a. Location of streets, roadways, alleyways, sidewalks, trails and other transportation facilities;
- b. Location and size of water and sewer facilities;
- c. Location and size of all stormwater and sediment control facilities;
- d. Location and size of lots and building areas along with proposed setbacks;
- e. Location and designation of all buffered areas; streams, creeks and waterways, wetlands, adjacent property owners;
- f. Location of proposed open space/greenway areas;
- g. Proposed sign program with specifications and locations of signs;
- h. Proposed landscaping for the particular phase to be developed;
- i. Architectural standards as stated in this Article.
- j. Additional items that may be requested by the City of Dawsonville planning staff or the Mayor and Council necessary to insure compliance with the terms of this Article.

After the Master Development Plan is approved, variations from the Master Development Plan shall be submitted to the Planning Commission for review and recommendation and then submitted to the Mayor and Council for approval or denial.

As each phase of the development is permitted, the owner shall provide City of Dawsonville with an updated summary of density "used" and remaining density "available" for future phases.

PART VI- SPECIAL DISTRICTS AND OVERLAYS

ARTICLE XXXIII - AP, ANNEXED PROPERTY DISTRICT

Sec. 3301.- Purpose and intent.

The annexed property ("AP") district is intended to permit those landowners who petition to annex land into the corporate limits of the City of Dawsonville without changing the use of their land or the intensity of the use of their land upon annexation the option of maintaining the same land use performance standards upon the annexed property after annexation as were upon the land prior to annexation by virtue of the land performance standards of the county.

Sec. 3302. - Permitted uses in AP.

The land use performance standards, both in permissible uses and the intensity of permissible uses, shall be the same as were allowed under the county zoning ordinance governing the land immediately prior to its annexation into the City of Dawsonville. No change in the county zoning ordinance after an annexation shall affect or change the land use performance standards for the property annexed.

Sec. 3303. - Conditional uses.

The land use performance standards, both in conditional uses and the intensity of conditional uses, shall be the same as were conditionally allowed under the county zoning ordinance governing the land immediately prior to its annexation into the City of Dawsonville. No change in the county zoning ordinance after an annexation shall affect or change the land use performance standards for the property annexed.

Sec. 3304. - Assignment of AP.

1. Upon the effective date of this article, the AP zoning designation shall be an option for the initial zoning of property annexed into the corporate limits of the City of Dawsonville.
 - a. All persons wishing to maintain the same use of their land as well as the same intensity of the use of their land after annexation shall secure such desire by indicating on their petition for annexation that they wish their property be zoned AP upon annexation.
 - b. Only upon annexation is a landowner eligible to have his land classified within the AP zoning district. Once the land is assigned to a different land use district under the city's zoning ordinance as provided in section 3305 below, the AP district is no longer available.
2. Nothing contained herein shall be construed to require property upon annexation or any time after annexation to be assigned the AP zoning designation. Rather, the use of the AP zoning category is at the request of the zoning applicant and is conditioned upon the granting of the same by the mayor and council.
3. Once designated as AP by the mayor and council, no rezoning petition may be filed on an AP property for 12 months from the effective date of the annexation as determined by Chapter 36 of Title 36 of the Official Code of Georgia Annotated. The foregoing notwithstanding, property shall not remain within the AP zoning district for any longer than is described in section 3305 below.

Sec. 3305. - Conversion to city created performance standards.

1. The AP zoning designation is intended to be a temporary land use district for those persons who desire to have their land annexed into the corporate limits of the city, without changing the use of their land or the intensity of the use of their land. It is not intended to permanently supplant the specific zoning designations of the City of Dawsonville Zoning Ordinance, but instead, to provide for continuity in land use performance standards upon annexation.
2. The AP zoning designation may be applied to land annexed into the corporate limits of the city for a period of up to 16 months after the effective date of the annexation as determined by Chapter 36 of Title 36 of the Official Code of Georgia Annotated.
 - a. At any time at least 12 months after the effective date of annexation of the property into the corporate limits of the city, the property may be rezoned pursuant to the application of the landowner or on the initiation of a rezoning by the governing authority.
 - b. If no rezoning is accomplished by the end of the 16-month period referred to above, the land shall automatically be converted from AP zoning designation to the R1 zoning designation under the City of Dawsonville Zoning Ordinance.

c. For good cause shown, the Mayor and Council of the City of Dawsonville may extend the use of the AP zoning designation on a piece of property for longer than the 16-month period, but in no event shall the AP zoning designation be applied to a parcel in the corporate limits of the city for longer than 18 months.

3. Persons who support the application will be asked to comment first. The petitioner may, upon recognition and upon s name and address, present and explain his application. The petitioner or his designated agent shall be required to attend public hearing unless written notice of hardship is received prior to such meeting. Failure of the petitioner or agent to public hearing or meeting, except in cases of hardship, may be due cause for dismissal of such application. A time limit be imposed at the discretion of the chairman/mayor, but in no event shall such time limitation provide for less than ten minutes nor shall it be any less than the time allowed for those persons speaking in opposition to the application.

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/mayor, but in no event shall such time limitation provide for less than ten minutes, nor shall it be any less than the time allowed for those persons speaking in favor of the application.

ARTICLE XXXIV.- AIR, AIRPORT OVERLAY DISTRICT

Sec. 3401.- Purpose and Intent.

The purpose of the Airport Overlay Zone is to impose height and use restrictions necessary to ensure that structures and natural objects will not impair flight safety or decrease the operational capability of Elliott Field Airport. These zones overlay the various zoning districts and are intended to provide greater restrictions than the zoning districts otherwise provide with regard to heights and aircraft navigation.

Sec. 3402.- Definitions.

Airport: Elliott Field Airport.

Airport Elevation: 1,497 feet above mean sea level.

Airport Overlay Zones: Areas located on the ground that are defined in their boundaries by the Airport Surfaces overhead, including:

- (1) Primary Surface Zone: That area on the ground that coincides with the Primary Surface for each runway.
- (2) Approach Zone: That area on the ground directly beneath an Approach Surface.
- (3) Horizontal Zone: That area on the ground directly beneath the Horizontal Surface.
- (4) Conical Zone: That area on the ground directly beneath the Conical Surface

(5) Transitional Zone: That area on the ground directly beneath the Transitional Surfaces.

(6) Navigable Airspace Zone: That area on the ground within 6 nautical miles of the Airport Reference Point, and not included in any of the other Airport Zones.

Airport Reference Point: A horizontal reference point calculated in accordance with Federal Aviation Administration Advisory Circular 150/5300-4B. (For the airport configuration on July 1, 1990, the position is 34°16'22"N, 83°49'47"E.)

Airport Surfaces: Imaginary planes that define the lower limit of aircraft operational areas round an airport, including:

- (1) Primary Surface: A surface longitudinally centered on a runway and extending 200 feet beyond each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- (2) Approach Surface: A surface centered on the extended runway centerline, extending outward and upward from the end of the primary surface at a slope designated by the Federal Aviation Administration.
- (3) Horizontal Surface: A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs.
- (4) Conical Surface: A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- (5) Transitional Surfaces: These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of 7 feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

Airport Zone Structure: An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

Hazard to Air Navigation: An obstruction determined to have substantial adverse effect on the same and efficient utilization of the navigable airspace.

Height Datum: The vertical distance above mean sea level elevation.

Navigable Airspace Surface: That area of airspace greater than 200 feet above ground level or above the established airport elevation (Elliott Field elevation of 1,497 feet, plus 200 feet equals 1,697 feet), whichever is higher, within 3 nautical miles (18,228 feet) of the established airport reference point, which height increases in the proportion of 100 feet for each additional nautical mile of distance from the airport to a maximum of 500 feet at 6 nautical miles (36,456 feet).

Obstruction (or Obstruction to Air Navigation): Any structure, growth or other object, including a mobile object, which extends above an Airport Surface as defined in this Section.

Runway: A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Runway Designations: Runways are numbered by the compass heading of approach for landing aircraft. At Elliott Field, runways are: 4, at an approach heading of 40°; 22, at an approach heading of 220°; 11, at an approach heading of 110°; and, 29, at an approach heading of 290°. **NUMBERS ARE WRONG**

Tree: A self-supporting woody plant that normally reaches a mature height of at least 15 feet.

Sec. 3403.- Airport Zones Established.

In order to carry out the provisions of this Chapter, there are hereby created and established certain zones within the airport overlay zone which include all of the land lying beneath the primary surfaces, approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Elliott Field Airport. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation.

The airport zones are:

(a) Primary Zone.

For runways 14 and 32, the primary surface is centered on the runway, 150 feet wide, and extends 150 feet beyond each end of the runway.

(b) Approach Zone—Runways 14

The inner edge of this approach zone coincides with the width of the primary surface which is 150 feet wide. The approach zone expands outward uniformly to a width of 300 feet at a horizontal distance of 150 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(c) Approach Zone—Runway 32

The inner edge of this approach zone coincides with the width of the primary surface which is 150 feet wide. The approach zone expands outward uniformly to a width of 300 feet at a horizontal distance of 150 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(e) Transitional Zones.

The transitional zones are the areas beneath the transitional surfaces.

(f) Horizontal Zone.

The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

(g) Conical Zone.

The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward for a horizontal distance of 4,000 feet.

(h) Navigable Airspace Zones.

These consist of four zones which are centered on each runway centerline, beginning 11,000 feet from the end of each Primary Zone and expanding outwardly as shown in the table as follows:

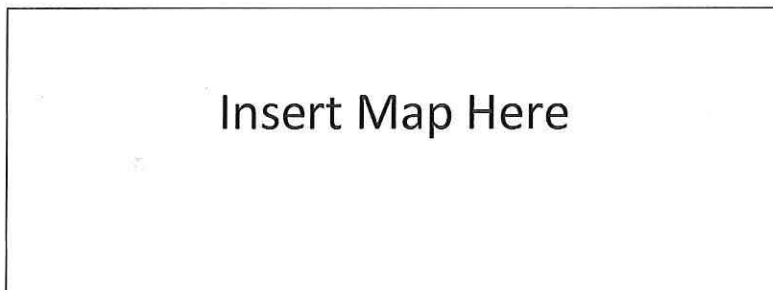
NAVIGABLE AIRSPACE ZONES

	Runway (all figures are in feet)	
	14	32
Inner Edge Width at 11,000 feet from Primary Zone		

Elevation		
At 3 Nautical Miles:		
Rate of Expansion per 5,000 ft		
Width		
Elevation		
At 6 Nautical Miles:		
Width		
Elevation		

Sec. 3404.- Airport Overlay Zone Map.

Airport Overlay District boundaries are defined as all areas within 2,500 feet from all sides and ends of all runways located in the City, as measured perpendicular to such sides and ends of runways. The various airport zones established by this Chapter are illustrated on the Approach Plan and Profile Map of Elliott Field Airport which is hereby adopted and made a part of this Chapter.



Sec. 3405.- Airport Zone Height Limitations.

No structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any airport zone to a height in excess of the maximum height established for such zone, as shown in the following table; provided, however, that nothing in this Section shall be construed as prohibiting the construction or maintenance of any structure or growth of any tree to a height up to 50 feet above the surface of land.

Airport Zone	Height Limitation
Approach Zone— Runway 14	Beginning at a maximum height limitation of 0 feet at the Primary Surface, the maximum height increases by 1 foot for every 20 feet of horizontal distance, increasing to a maximum of 150 feet at a distance of 3,000 feet from the Primary Surface.
Approach Zone— Runway 32	Beginning at a maximum height limitation of 0 feet at the Primary Surface, the maximum height increases by 1 foot for every 34 feet of horizontal distance, increasing to a maximum of 150 feet at a distance of 5,100 feet from the Primary Surface.

Transitional Zones	Maximum height increases 1 foot for each 7 feet outward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits sloping 7 feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the horizontal surface.
Horizontal Zone	Maximum height is established at 150 feet above the airport elevation.
Conical Zone	Maximum height increases 1 for each 20 feet of horizontal distance, beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
Navigable Airspace Zone	No structure or tree may exceed a height of 200 feet above the airport elevation (1,277 feet plus 200 feet equals 1,477 feet) within 3 nautical miles of the airport reference point. Between 3 and 6 nautical miles, maximum height increases 100 feet per nautical mile to a maximum height limitation of 500 feet above the airport reference point. (1,277 feet plus 500 feet equals 1,777 feet).

Sec. 3406.- Permitted Uses.

In the airport district the following uses are permitted:

- (1) Aviation facilities, including passenger terminals, air cargo facilities, hangars, aircraft refueling, parking facilities, and other uses integral to airport operations.
- (2) Commercial or industrial uses that are related to aviation and require direct access to an airport facility or aviation services, including assembly or sale of aircraft, air frames, aircraft engines, aircraft parts or associated components, radios or navigational equipment, and similar products or services.
- (3) Service establishments such as auto rental and travel agencies, hotels, commercial parking lots and garages, automobile service stations, day care facilities, car washes, banks, gift shops, newsstands, bookstores, restaurants, medical offices, postal facilities, laundry services, and similar facilities available to airport users and airport employees.
- (4) Public and institutional uses that support the aviation industry such as aviation technical schools, security services, and inspection facilities.
- (5) Warehousing and storage facilities that support the aviation industry.
- (6) Public transportation and freight facilities.
- (7) Uses shall be allowed only upon first obtaining a recommendation for approval by the airport manager (and/or his designated agent). As a condition of this authorization, a sound attenuation may be required.

Sec. 3407.- Use Restriction.

No use shall be located within any Airport Zone that would create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights

and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

Additionally, the following uses are prohibited:

- (1) Churches, schools, lodges, clubs, theaters, and other places of public assembly
- (2) Multi-family dwellings in excess of four (4) units.
- (3) Hospitals and institutions, including any type of group or congregate homes, including personal care homes.
- (4) Any other similar uses where concentrations of persons are customary.

Sec. 3408.- Hazards Shall Not Be Increased.

No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation, than it was on the effective date of this Chapter or any amendments thereto or a greater hazard than it is when the application for a permit is made.

Sec. 3409.- Marking and Lighting.

The owner of any existing nonconforming structure or tree within an Airport Zone must permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport Manager to indicate to the operators of aircraft in the vicinity of the airport the presence of such obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the City.

Sec. 3410.- Nonconforming Uses Abandoned or Destroyed.

Whenever the Public Works Director determines that a nonconforming tree or structure has been abandoned or more than 50 percent torn down, physically deteriorated, or decayed, such tree or structure shall be removed or modified to the extent necessary to comply with the applicable height limit.

Sec. 3411.- Variances.

Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this section, may apply to the Planning Commission for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.

Sec. 3412.- Staff Review of Application for Variance.

Variance applications pursuant to this Chapter shall be reviewed by the Director of Public Works and the Airport Manager, and their response or recommendation must be received by the Planning Director and forwarded to the Planning Commission prior to action on any such variance.

Sec. 3413.- Findings Required to Support Variances.

A variance may be allowed only where it is duly found that the requirements of the variance procedures and standards contained in Section 907 of this Ordinance are met; and relief granted will not create a hazard to air navigation as defined by this Chapter or as determined by the Federal Aviation Administration.

Sec. 3414.- Marking and Lighting a Condition of Variance Approval.

Any variance granted shall be conditioned to require the owner of the structure or tree in question to install, at the owner's expense, such markings and lights as may be necessary, and to permit the City, at its own expense, to operate and maintain the necessary markings and lights.

ARTICLE XXXV.- IBD, INCENTIVIZED BUSINESS DISTRICT OVERLAY ZONES

Sec. 3501.- Purpose and intent.

The purpose and intent of Incentivized Business District Overlay Zones is to encourage economic development along the main arterial corridors leading into the City of Dawsonville as shown on the Incentivized Business District Overlay Zone Map by providing incentives for commercial growth.

Sec. 3502.- Properties not wholly contained therein.

Portions of properties where the property boundary lines do not lie wholly within the Incentivized Business District Overlay Zones shall be deemed to be contained within the zone.

Sec. 3503.- Incentives.

The following incentives shall be available for properties within the IBD:

1. Reduced rate annexation, map amendments (rezoning) and variances.

Rates shall be at cost and assessed only for the main action requested.

2. Reduced permit fees.

A twenty percent (20%) reduction in permit fees shall be provided for all new construction. A ten percent (10%) reduction in permit fees shall be provided in cases of renovation or remodel.

3. Five- year individual moratorium on city taxes.

From the date of application for annexation, map amendment or date of permit application whichever is first the applicant shall be exempt from city taxes for 5 years.

4. Reduced sewer/water tap fees.

Initial sewer/water tap fees shall be calculated at a reduced rate as reflected in the city of Dawsonville fee schedule.

5. Shared cost of public infrastructure.

Where new development occurs the City of Dawsonville shall be responsible for the installation of public sidewalks.

6. Relaxed sign regulations.

A twenty percent (20%) increase in height and overall square feet of permanent signs shall be allowed.

7. Relaxed setbacks.

Side and rear setbacks shall be reduced to zero where commercial properties within the IBD abuts another commercial zone. Front setbacks shall be reduced by ten (10) feet.

Sec. 3504.- Additions.

Expansion of current IBD zones and the creation of new zones shall be accomplished by map amendment as approved by the Planning Commission and the Mayor and Council.

ARTICLE XXXVI. - ADMINISTRATION, INTERPRETATION, ENFORCEMENT, PENALTIES AND REMEDIES

Sec. 3601. - Administration and interpretation.

The provisions of this ordinance shall be administered by the Planning Director or designee who shall be appointed by the City Manager. The Planning Director or designee shall be responsible for interpretation of the provisions of these regulations and for assisting the city clerk with maintenance of the official zoning map at City Hall.

Sec. 3602. - Enforcement.

The provisions of these regulations shall be enforced by the Planning Director or designee.

Sec. 3603. - 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 accessory structures for residential zoning districts shall not be required. Development permit fees are listed in the City of Dawsonville fee schedule. 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 on any parcel of land for an approved use within the zoned district as specified in this Ordinance. All development permits shall be issued by the Planning Director or designee, 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 this Ordinance, the City Development Regulations or any other codes and laws. Development permits shall be valid for two years from date of issuance and shall thereafter expire. If work described in any development permit has not begun within 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.

Sec. 3604. - 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 Planning Director or designee has issued a building permit for such work in conformity with the provisions of these regulations. Building permit fees shall be as set forth in the City of Dawsonville fee schedule.

All building permits shall be issued by the Planning Director or designee. In cases of uncertainty regarding whether a proposed building or structure conforms to any provisions within this Ordinance and the City Development Regulations, the Planning Director or designee 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 90 days of date of issuance, or if the work authorized by it is suspended or abandoned for a period of six months or more, or if the work authorized by it is not completed within eighteen months of date of issuance.

Sec. 3605. - Certificate of occupancy/completion required.

A certificate of occupancy or certificate of completion as appropriate issued by the Planning Director or designee is required in advance of occupancy or use of any lot or change or extension in the use of any lot; any building, sign or structure hereafter erected; or any change in the use of an existing building, sign or structure. All certificates of occupancy/completion shall be issued by the Planning Director or designee, and no such certificate shall be issued unless the proposed use of a building, structure, sign or land conforms to the applicable provisions of this Ordinance and the City Development 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/certificate of completion is issued.

Sec. 3606. - Penalties for violation.

Any person, firm or corporation violating, neglecting or refusing to comply with any of the provisions of this Ordinance 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 Municipal Court of Dawsonville or other court of proper jurisdiction. Each day such violation continues shall constitute a separate offense.

Sec. 3607. - 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 this Ordinance, the Planning Director or designee, 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 Municipal Court of Dawsonville or other 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 or use of such building, sign, structure or land. Where a violation of these regulations exists with respect to a building, sign, structure or land, the Planning Director or designee may, in addition to other remedies, require that utility service be withheld therefrom until such time as the structure or premises is no longer in violation of these regulations.

ARTICLE XXXVII. - LEGAL STATUS PROVISIONS

Sec. 3701. - Conflict with other laws.

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

Sec. 3702. - Separability.

Should any article, section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declarations shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Sec. 3703. - Repeal of conflicting ordinances.

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

Sec. 3704. - Effective date.

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

SO ORDAINED AND ADOPTED THIS THE _____ DAY OF DECEMBER, 2018.

Mike Eason, Mayor

Caleb Phillips, Council Member Post 1

Stephen Tolson, Council Member Post 2

Jason Power, Council Member Post 3

Mark French, Council Member Post 4

ATTEST:

Beverly Banister, City Clerk



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 14

SUBJECT: Business License Ordinance

DATE(s): 11/5/18 WORK SESSION 11/26/18 CITY COUNCIL MEETING

BUDGET INFORMATION: GL ACCOUNT # _____

Funds Available from: _____ Annual Budget _____ Capital Budget Other _____

Budget Amendment Request from Reserve: _____ Enterprise Fund _____ General Fund

PURPOSE FOR REQUEST:

Request to update and amend the Business License Ordinance.

FIRST READING : NOVEMBER 5, 2018

SECOND READING AND VOTE : DECEMBER 3, 2018

HISTORY/ FACTS / ISSUES

This ordinance was last updated in 2017 for peddlers and vendors. Prior to that updates occurred in 2005 and 2008. Currently all business licenses are renewable in January, having all licenses come due at the same time puts considerable strain on staff. This revision will primarily resolve this issue by making licenses due one year from the date of initial application. Additionally a section on Pawn Shops has been added. +

OPTIONS:

Approve/deny or request additional changes.

RECOMMENDED SAMPLE MOTION:

Recommend approval of updated Business License Ordinance as amended.

DEPARTMENT: Planning and Zoning

REQUESTED BY: R. Irvin 



October 29, 2018

To: The Honorable Mike Eason, Mayor
& City of Dawsonville Council

Re: Staff Recommendation; Business License Ordinance Revision

Gentlemen,

The following is a summary of the changes being proposed for the City of Dawsonville Business License Ordinance.

- Fee schedule for Occupational Tax has been modified.
- Clarification of roles of Planning Director and CFO.
- Due dates for business license renewals changed from January each year to one year from original application.
- Powers and duties of Code Enforcement Officers, Planning Director, CFO enumerated.
- Regulations for Pawnbrokers established.

The Planning and Zoning staff would recommend approval.

Please let me know if you have any questions regarding this matter.

Sincerely,

R.J. Irvin
Planning Director, City of Dawsonville

FIRST READING _____
SECOND READING _____
PASSED _____

AN ORDINANCE TO AMEND THE CITY OF DAWSONVILLE OCCUPATION TAXES AND MISCELLANEOUS BUSINESS REGULATIONS ORDINANCE REGARDING GENERAL BUSINESS LICENSING, REGISTRATION AND FEES; TO PROVIDE FOR REGULATION OF PAWNSHOPS; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, Article IX, Section IV, Paragraph I of the Georgia Constitution authorizes municipal governments to levy and collect taxes and fees within their municipal limits;

WHEREAS, the General Assembly of Georgia authorized local governments to impose business and occupation taxes and regulatory fees in O.C.G.A. § 48-13-5, et seq;

WHEREAS, the General Assembly of Georgia authorized municipalities to license pawnbrokers, define their powers and privileges by ordinance, impose taxes upon them, revoke their licenses, and exercise such general supervision as will ensure fair dealings between the pawnbroker and its customers in O.C.G.A. § 44-12-136, and

WHEREAS, the City of Dawsonville has determined that it is in the best interest of the health, safety and welfare of its citizens to amend its code to provide for taxation and regulation of businesses,

NOW THEREFORE, pursuant to the authority granted to the City of Dawsonville by its Charter and the authority referenced above, the Council of the City of Dawsonville hereby ordains as follows:

SECTION 1. AMENDMENT OF OCCUPATION TAX PROVISION

Section 8-21 through 8-61 of Chapter 8, Article II of the Code of Dawsonville Georgia, are repealed in their entirety and the new Sections 8-21 through 8-58 set forth below are adopted.

ARTICLE II- BUSINESS REGISTRATION AND FEES

Sec. 8-21. - Occupation tax required; occupation tax required for business dealings within the city.

Each person engaged in any business, trade, profession or occupation in the City of Dawsonville, Georgia, whether with a location in the City of Dawsonville, or in the case of an out-of- state business with no location in Georgia exerting substantial efforts within the state pursuant to O.C.G.A. § 48-13-7, shall pay an occupation tax for said business, trade, profession or occupation; which tax and any applicable certificate, except for practitioners of professions and occupations, shall be displayed in a conspicuous place in the place of business, if the taxpayer has a permanent business location in the City of Dawsonville, Georgia. If the taxpayer has no permanent business location in the City of Dawsonville, Georgia, such business tax certificate shall be shown to a city code enforcement officer, planning director, chief financial officer or to any law enforcement officer of the City of Dawsonville, Georgia, upon their request.

Sec. 8-22. - Construction of terms; definitions.

(a) Wherever the term "City of Dawsonville" is used herein, such term shall be construed to mean "Dawsonville, Georgia"; wherever the term "city" is used herein, it shall be construed to mean "Dawsonville, Georgia."

(b) As used in this chapter, the term:

Administrative fee means a component of an occupation tax, which approximates the reasonable cost of processing and handling the occupation tax and associated documents.

Business means any person, corporation, partnership, or other legal entity which exerts substantial efforts within the city, engages in, causes to be engaged in, and/or represents or holds out to the public to be engaged in any occupation or activity with the object of gain or benefit, either directly or indirectly.

Business location or office shall include any structure or vehicle where a business, profession, or occupation is conducted, but shall not include a temporary or construction work site which serves a single customer or project, or a vehicle used for sales or delivery by a business or practitioner of a profession or occupation which has a location or office. A temporary work site which serves multiple customers is included in this definition. The renter's or lessee's location which is the site of personal property which is rented or leased from another does not constitute a location or office for the personal property's owner, lessor, or the agent of the owner or lessor. The site of the real property which is rented or leased to another does not constitute a location or office for the real property's owner, lessor, or the agent of the owner or the lessor unless, in addition to showing the property to prospective lessees or tenants and performing maintenance or repair of the property, otherwise conducts the business of renting or leasing the real property at such site or otherwise conducts any other business, profession, or occupation at such site.

Dominant line means the type of business within a multiple-line business that the greatest amount of income is derived from.

Employee.

(1) Except as otherwise provided in subsection (2) of this definition, "employee" means an individual whose work is performed under the direction and supervision of the employer and whose employer withholds FICA, Federal Income Tax, or state income tax from such individual's compensation or whose employer issues to such individual for purposes of documenting compensation a form I.R.S. W-2 but not a form I.R.S. 1099.

(2) An individual who performs work under the direction and supervision of one (1) business or practitioner in the terms of a contract or agreement with another business which recruits such individual is an employee or practitioner which issues to such individual for purposes of documenting compensation a form I.R.S. W-2.

Engaged in business means doing or performing of any act of selling any goods or services, or soliciting business, or offering any goods or services for sale primarily in an attempt to make a profit, including selling or performing services of the character of a wholesaler or retailer, or being involved in any of the functions performed as a manufacturer, or renting real or personal property; all of the foregoing performed either as an owner, operator or agent of any business, trade, profession, or occupation within the city.

Manufacturing means a person who, either directly or by contracting with others for the necessary labor or mechanical services, manufactures for sale or commercial use any articles, substances or commodities, including, but not limited to, the following: materials upon which commercial activities have been applied, by hand or machinery, so that as a result thereof a new substance of trade or commerce is produced; the production or fabrication of special or custom-made articles; the making, fabrication, processing, refining, mixing, slaughtering, packing, aging, curing, preserving, canning, preparing and freezing of fresh foods, fruits, vegetables and meats.

Nonprofit organization means an organization which complies with U.S. Internal Revenue Code 501-a.

Occupation tax means a tax levied for revenue raising purposes on persons, partnerships, corporations or other entities for engaging in an occupation, profession or business, if the business pays an occupation tax.

Person wherever used in this chapter shall be held to include sole proprietors, corporations, partnerships or any other form of business organization.

Practitioner of profession or occupation is one who by state law requires state licensure regulating such profession or occupation. "Practitioners of professions and occupations" shall not include a practitioner who is an employee of a business, if the business pays an occupation tax.

Regulatory fees means payments, whether designated as license fees, permit fees, or by another name, which are required by a local government as an exercise of its police power and as a part of or as an aid to regulation of an occupation, profession, or business. The amount of the regulatory fee shall approximate the reasonable cost of the actual regulatory activity performed by the city. A regulatory fee may not include an administrative fee or registration fee. The city is not authorized to require any administrative fee, registration fee, or fee by any other name in connection with a regulatory fee, except an occupation tax, as defined in the code section. Regulatory fees do not include development impact fees and defined by O.C.G.A. § 36-71-2(8) or other costs or conditions of zoning or land development.

Retailer means a person who sells to consumers or any other person for any purpose, other than for resale, any tangible personal property.

Services means the accommodating or performing a duty or work by a person utilizing time or talents for direct or indirect remuneration.

Wholesaler means a person who sells to jobbers or to persons, other than consumers, any tangible personal property.

Sec. 8-23. - Regulatory fee structure.

A regulatory fee, if any, will only be imposed as provided under state law on those applicable businesses. A regulatory fee may not include an administrative fee.

Sec 8-24. - Occupation tax levied; restrictions.

(a) An occupation tax shall be levied upon those businesses and practitioners of professions and occupations with one (1) or more locations or offices within the corporate limits of the city of and upon the applicable out-of- state businesses with no location or office in Georgia pursuant to O.C.G.A. § 48-13-7 based upon the following criteria:

(1) Number of full-time equivalent employees of the business or practitioner determined as follows:

By adding the total number of hours worked during the preceding calendar year by all employees and dividing that total by two thousand eighty (2,080) (forty (40) hours per week times fifty-two (52) weeks) and rounding the result to the nearest whole. (Five-tenths (0.5) or greater would be rounded up; less than five-tenths (0.5) would be rounded down.)

Employees whose total number of hours worked are not available (such as salaried employees) shall be calculated at a rate of forty (40) hours per week.

In businesses where it can be shown that calculation by this method would be impractical, an alternate method may be used which would provide an accurate count of full-time equivalent employees.

An employee whose hours total more than two thousand eighty (2,080) during a year, may be counted as having worked two thousand eighty (2,080) hours.

(2) For the purpose of calculating full-time equivalent employees, all employees, including owners, who actually perform work at the business shall be included.

(b)(1) The city shall not require the payment of more than one (1) occupational tax for each location that a business or practitioner shall have.

(2) The city shall not require an occupation tax on those employees that were taxed by occupation tax in other localities or states, provided that those businesses were taxed in full compliance with O.C.G.A. § 48-13-7 and § 48-13-14. Upon request by any city official, including, but not limited to, personnel of the finance department, and planning and zoning department, the operator of a business shall be required to provide proof that the business was taxed pursuant to O.C.G.A. § 48-13-7 and § 48-13-14.

(3) An occupation tax shall not be levied in any other manner except as described in this section.

(c) Occupation tax schedule. The occupation tax levied shall be based on the table located in the City of Dawsonville Fee Schedule.

Employee 1-9	1 employee = \$100; 2 to 5 employees= \$150.00; 6 to 9 employees = \$200
Employee 10 +	\$200.00 plus 15.00 per employee over 9, i.e. 10 employees would be \$215.00

Sec. 8-25. - Paying occupation tax of business with no location in Georgia.

For out-of-state businesses with no location in Georgia, occupation taxes apply to the employees of the business which are reasonably attributed to sales or services in the state. The assessment of an occupation tax is hereby imposed on those businesses and practitioners of professions with no location or office in the state if the business' largest dollar volume of business in Georgia is in the city and the business or practitioner:

- (1) Has one (1) or more employees or agents who exert substantial efforts within the jurisdiction of the city for the purpose of soliciting business or serving customers or clients; or
- (2) Owns personal or real property which generates income, and which is located within the jurisdiction of the city.

Sec. 8-26. - Dominant line of business to be identified on business registration.

The business registration of each business operated in the city shall identify the dominant line of business that the business conducts. Except for practitioners of professions and occupations, no business shall conduct any line of business without first having that line of business registered with the planning and zoning department and that line of business being noted by the planning director or chief financial officer upon the occupation tax certificate form which is to be displayed by the business owner.

Sec. 8-27. - Number of businesses considered operating in city.

Where a person conducts business at more than one (1) store or place, each store or place shall be considered a separate business for the purpose of occupation tax.

Sec. 8-28. - Professionals as classified in O.C.G.A. §§ 48-13-9(c)(1)-(18).

Practitioners of professions as described in O.C.G.A. §§ 48-13-9(c)(1)-(18) shall elect as their entire occupation tax:

- (1) One (1) of the following:
 - a. The occupation tax based on number of employees.
 - b. A fee of four hundred dollars (\$400.00) per practitioner who is licensed to provide the service, such tax to be paid at the practitioner's office or location. The per practitioner fee shall include all persons in the business who qualify as a practitioner under the state's regulatory guidelines and framework.

Sec. 8-29 – Home Occupation

The occupation tax or license fee for a profession or business conducted as a home occupation shall be \$75.00 regardless of any contrary provision set forth herein.

Sec. 8-30. - Purpose and scope of tax.

The occupation tax levied herein is for revenue purposes only and is not for regulatory purposes, nor is the payment of the tax made a condition precedent to the practice of any such profession, trade or calling. The occupation tax applies to those businesses and occupations which are covered by the provisions of O.C.G.A. §§ 48-13-5 to 48-13-26. All other applicable businesses and occupations are taxed by the local government pursuant to the pertinent general and/or local law ordinance.

Sec. 8-31. - When registration and tax due and payable.

(a) The registration and occupation tax shall be due and payable to the city at the business license office of the city one calendar year from the date of original registration and shall be delinquent if not paid within 90 days of the due date. For any new profession, trade or calling begun in the city, the registration and tax shall be due and payable within 30 days of the commencement of the business.

(b) Regulatory fees authorized by this chapter shall be paid before commencing business as a condition precedent for transacting business.

(c) Regulatory fees may be paid after commencing business when:

(1) The work done, or services provided are necessary for the health and safety of one (1) or more individuals; and

(2) The work done, or services provided have no adverse effect on any other person; and

(3) Regulatory fees are tendered to the local government within two (2) business days after commencing business.

(d) The tax certificate herein provided for shall be issued by the planning director or chief financial officer.

(e) Payment of an occupation tax shall not be required prior to the commencement of business. Payment of an occupation tax shall not be required as a precondition for the practice of professions and occupations as set out in O.C.G.A. § 48-13-9(c).

Sec. 8-32. - Allocation of employees of businesses with multiple intra or interstate locations.

For those businesses who have multiple locations inside and outside of the city where the number of employees can be allocated to each location, the number of employees used to determine the occupational tax assessed will be those employees attributed to each city location. In the case where the number of employees attributed locally cannot be determined in those businesses with multiple locations, the total number of employees will be divided by the total number of locations in the city and elsewhere and allotted to those locations. Upon request, the business or practitioner with a location or officer situated in more than one (1) jurisdiction shall provide to the city the following:

(1) Information necessary to allocate the number of employees of the business or practitioner; and

(2) Information relating to the allocation of the business's or practitioner's number of employees by other local governments.

Sec. 8-33. - Exemption on grounds that business operated for charitable purpose.

No business on which a business registration or occupation tax is levied by this chapter shall be exempt from said registration or tax on the grounds that such business is operated for a charitable purpose, unless eighty (80) percent or more of the entire proceeds from said business are devoted to such purpose.

Sec. 8-34. - Evidence of state registration required if applicable; state registration to be displayed.

Each person who is licensed under Title 43 of the state license examining boards shall provide evidence of proper and current state licensure before the city registration may be issued.

Sec. 8-35. - Evidence of qualification required if applicable.

(a) Any business required to obtain health permits, bonds, certificate of qualification, certificates of competency or any other regulatory matter shall first, before the issuance of a city business registration, show evidence of such qualification.

(b) Any business required to submit an annual application for continuance of that business shall do so before the registration is issued.

Sec. 8-36. - Code enforcement officers and or the Planning Director or designee; business inspector.

Code enforcement officers and or the Planning Director or designee shall be classified as business inspectors with full subpoena and arresting powers in conjunction with any violation pertaining to the business tax ordinance. The planning director or chief financial officer shall administer and enforce the provisions of this chapter for the levy, assessment and collection and penalties imposed herein. In carrying out its responsibilities hereunder, the planning director or chief financial officer shall have the following duties:

(1) To prepare and provide the necessary forms for registration of a business, and for the submission of required information as may be necessary to properly administer and enforce the provisions of this chapter.

(2) To issue to each person an occupation tax certificate within a reasonable time after the payment of the occupation tax assessed and levied in this chapter; provided, however, where under other ordinances of the city, permits, certifications, and compliance with the enumerated conditions are required for the operation of the business, the planning director or chief financial officer shall not issue said certificate until the applicant exhibits to the planning director or chief financial officer such obtained permits, certifications and compliances;

(3) To audit periodically, and when deemed necessary by the planning director or chief financial officer, the books and records of the businesses subject to the provisions of this chapter, and to require the submission of such additional information as may be necessary in order to correctly determine the amount of the occupation tax due and to insure the collection of same; and

(4) The planning director or chief financial officer shall have the power and authority to make and publish reasonable rules and regulations not inconsistent with this chapter or other laws of the city and the state or the constitution of this state for the administration and enforcement of the provisions of this chapter and the collection of the occupation tax and fees hereunder.

Sec. 8-37. - Businesses not covered by this chapter.

The following businesses are not covered by the provisions of this chapter but may be assessed an occupation tax or other type of tax or fee pursuant to the provisions of other general laws of the state or by act of local law.

(1) Those businesses regulated by the Georgia Public Service Commission.

(2) Those electrical service businesses organized under O.C.G.A. tit. 46, Ch. 3.

(3) Any farm operation for the production from or on the land of agricultural products, but not including agribusiness.

(4) Cooperative marketing associations governed by O.C.G.A. § 2-10-105.

(5) Insurance companies governed by O.C.G.A. § 33-8-8.

(6) Motor common carriers governed by O.C.G.A. § 46-7-15.

- (7) Those businesses governed by O.C.G.A. § 48-5-355.
- (8) Agricultural products and livestock raised in the state governed by O.C.G.A. § 48-5-356.
- (9) Disabled veterans and blind persons with proof of exemption under O.C.G.A. § 43-12-1.
- (10) Depository financial institutions governed by O.C.G.A. § 48-6-93.
- (11) Facilities operated by a charitable trust governed by O.C.G.A. § 48-13-55.
- (12) Any state or local authority or nonprofit organization or vendor acting pursuant to a contract with a tax-exempt agricultural fair.
- (13) Any person engaging in casual or isolated activity and commercial transactions, where such involve personal assets and are not an occupation for the individual.
 - a. In regard to yard/garage sales, this exemption shall apply to persons or nonprofit organizations conducting such sales at a private residence or at a commercial location with an occupancy permit and with permission of the property owner, not exceeding four (4) events per year.
- (14) Any practitioner whose office is maintained by and who is employed in practice exclusively by the United States, the state, a municipality or county of the state, instrumentalities of the United States, the state or a municipality or county of the state, shall not be required to obtain a license or pay an occupation tax for that practice.

The city may require any business claiming not to be covered by the provisions of this chapter to provide specific and detailed evidence showing such noncoverage.

Sec. 8-38. - Occupation tax inapplicable where prohibited by law or provided for pursuant to other existing law.

This occupation tax is not levied upon any part of a business where such levy is prohibited or exempted by the laws of Georgia or of the United States.

Sec. 8-39. - Occupation taxes levied on business to be transacted during calendar year; filing of returns showing number of employees during preceding calendar year.

(a) All occupation taxes levied by this chapter are levied on number of employees during the calendar year from the date of establishment of the business. However, for convenience of both the city and the taxpayer, those businesses subject to the occupation tax levied herein shall, on or before the times hereinafter set forth, file with the planning director or chief financial officer the returns hereinafter specifically provided for, showing the number of full-time equivalent employees of that business during the preceding calendar year.

(b) The owner, proprietor, manager or secretary officer of the business subject to said occupation tax for the current calendar year from date of establishment of the business shall file with the planning and zoning department of the city, on a form furnished by the planning director or chief financial officer, a signed return setting forth the number of full-time equivalent employees of such business for the preceding calendar year.

(c) If any person fails to make a return, the planning director or chief financial officer may make an estimate of the number of full-time equivalent employees of the business. The estimate shall be made for the period or periods in respect to which the person failed to make the return and shall be based upon any information which is or may come into the possession of the planning director or chief financial officer.

(1) The planning director or chief financial officer shall give to the operator written notice of his determination. The notice may be served personally or by mail; if by mail, such service shall be addressed to the operator at his/her address as it appears in the records of the planning director

or chief financial officer. Service by mail is complete when delivered by certified mail with a receipt signed by the addressee.

(2) The amount of the determination shall bear interest and penalty as required in section 8-49.

Sec. 8-40. - Payment of occupation tax by newly established businesses.

In the case of a business subject to occupation tax which was not conducted for any period of time in the corporate limits of the city previously, the owner, proprietor, manager or executive officer of the business liable for occupation tax shall estimate the number of full-time-equivalent employees anticipated to be employed during the next year. The estimate shall be, at a minimum, the number of full-time-equivalent employees which will be employed when the business begins operation.

Sec. 8-41. - More than one (1) place of business.

Where a business is operated at more than one (1) place, the number of employees of each location will be entered on a separate occupation tax return on a form to be furnished by the city.

Sec. 8-42. - Returns confidential.

Except in the case of judicial proceedings or other proceedings necessary to collect the occupation tax hereby levied, it shall be unlawful for any officer, employee, agent or clerk of the city or any other person to divulge or make known in any manner any information provided for the purpose of determining the amount of occupation tax required under this chapter. Such information shall be confidential and open only to the officials, employees, agents or clerks of the city using said returns for the purpose of this occupation tax levy and the collection of the tax. Independent auditors or bookkeepers employed by the city shall be classed as "agents of the city." Nothing herein shall be construed to prohibit the publication by the city officials of statistics, so classified as to prevent the identification of particular reports or returns and items thereof, or information such as name, location, ownership and line of business with no association made to number of employees or amount of tax paid, or the inspection of the records by duly-qualified employees of the tax departments of the State of Georgia or of the United States, and other local governments. Information provided by a business or practitioner may be disclosed to the governing authority of another local government for tax purposes.

Sec. 8-43. - Inspection of books and records.

In any case the planning director or chief financial officer, through his officers, agents, employees or representatives, may inspect the books of the business for which the returns are made. The planning director or the chief financial officer or their designees shall have the right to inspect the books or records for the business of which the return was made in the city, and upon demand of the planning director, or chief financial officer or their designees such books or records shall be submitted for inspection by a representative of the city within thirty (30) days. In the case of practitioners of professions and occupations, the city shall be sensitive to the issues of client or customer confidentiality. In such cases, the practitioner may redact information claimed to be privileged before disclosing books or records of financial transactions. If such practitioner alleges that redaction provides inadequate protection to the confidences of its clients or customers, such practitioner may petition the Superior Court of Dawson county for an in-camera inspection, prior to examination by the planning director or chief financial officer. Except for practitioners of professions and occupations electing to pay a flat fee in lieu of a per employee tax, adequate records shall be kept in Dawsonville, Georgia, for examination by the planning director or chief financial officer or their designees at their discretion. If, after examination of the books or records, it is determined that a deficiency occurs as a result of underreporting, a penalty of ten (10) percent of the deficiency and an additional one (1) percent of the deficiency for each month or fraction thereof that the deficiency was due and unpaid shall be assessed.

Sec. 8-44. - Tax certificate to be revoked for failure to pay tax, file returns, permit inspection of books.

The failure of any business to pay said occupation tax or any part thereof before it becomes delinquent or upon failure to permit inspection of its books as above provided, any business tax certificate granted by the city under this chapter permitting the owner of said business to do business in the city for the current year shall be,

ipso facto, revoked. No new occupation tax certificate shall be granted by the city to a person who has failed to submit adequate records as requested by the planning director or chief financial officer in accordance with provisions found in section 8-43. In the case of those practitioners where the local government cannot suspend the right of the practitioner to conduct business, the imposition of civil penalties shall be permitted and pursued by the county in the case of delinquent occupation taxes.

Sec. 8-45. - Effect of failure to comply with chapter provisions; continuing in business after tax certificate revocation.

Any persons, their managers, agents or employees who do business in the city after the registration for such business has been revoked as provided in Section 8-44 hereby required to make occupation tax returns, and who fail to make such returns within the time and in the manner provided in this article, who refuse to amend such returns so as to set forth the truth, or who shall make false returns; and any persons, their managers, agents or employees who refuse to permit an inspection of books in their charge when the officers, agents, employees or representatives of the city request such inspection, during normal city business hours, for the purpose of determining the accuracy of the returns provided for in this article, shall be subject to penalties provided in this article. In the case of those practitioners where the local government cannot suspend the right of the practitioner to conduct business, the imposition of civil penalties shall be permitted and pursued by the local government in the case of delinquent occupation tax.

Sec. 8-46. Effect of failure to comply with chapter provisions; penalties.

- (a) Any individual, business or practitioner subject to any occupation tax imposed by this ordinance which is unpaid for ninety (90) days after the date on which payment was due shall be subject to a penalty of ten percent (10%) of the tax or fee due, and interest at the rate of 1.5 percent (1.5%) per month.
- (b) Individuals, businesses and practitioners who fail or refuse to pay any occupation tax charged pursuant to this ordinance shall be subject to a civil fine, to be imposed by court of competent jurisdiction over enforcement of City's ordinances, not more than five hundred dollars (\$500.00), which may be enforced by the contempt power of the court.
- (c) Individuals, businesses and practitioners who fail or refuse to make a timely or truthful tax return or make available truthful and accurate information the City requests or requires for determining applicability or amount of occupation tax or for levying or collecting such occupation tax shall be subject to a civil penalty of up to one thousand dollars (\$1,000.00).

Sec. 8-47. - Execution for delinquent occupation tax.

- (a) In addition to the other remedies herein provided for the collection of the occupation tax herein levied, the city director of planning and zoning, upon any tax or installment of said tax becoming delinquent and remaining unpaid, shall issue execution for the correct amount of said tax against the person liable for said tax. Such executions shall bear interest at the rate authorized by O.C.G.A. § 48-2-40 or, if such statute should be repealed or ruled invalid by a court of competent jurisdiction, one percent (1%) per month. The lien of said occupation tax shall become fixed on and date from the time when such tax or any installment thereof becomes delinquent. The execution shall be levied by the chief financial officer upon the property of the person liable for said tax, and sufficient property shall be advertised and sold to pay the amount of said execution, with interest and costs. All other proceedings in relation thereto shall be had as is provided by the ordinances and the Charter of the city and the laws of Georgia and the defendant in said execution shall have rights of defense, by affidavit of illegality and otherwise, which are provided by the Charter of the city and the laws of Georgia in regard to tax executions.
- (b) When a nulla bona entry has been entered by property authority upon an execution issued by the chief financial officer against any person defaulting on the occupation tax, except for practitioners of professions and occupations, the person against whom the entry was made shall not be allowed or entitled to have or collect any fees or charges whatsoever for services rendered after the entry of the nulla bona. If, at any time after the entry of nulla bona has been made, the person against whom the

execution issues pays the tax in full with all interest, penalties and costs accrued on the tax, the person may collect any fees and charges due the person as though the person had never defaulted in the payment of the taxes.

Sec. 8-48. - Amendment, repeal of provision.

This chapter shall be subject to amendment or repeal, in whole or in part, at any time and no such amendment or repeal shall be construed to deny the right of the council to assess and collect any of the taxes or other charges prescribed. Said amendment may increase or lower the amounts and tax rates of any occupation and may change the classification thereof. The payment of any occupation tax provided for shall not be construed as prohibiting the levy or collection by the city of additional occupation taxes upon the same person, property or business.

Sec. 8-49. - Applications of provisions to prior ordinance.

This chapter does not repeal or affect the force of any part of any ordinance heretofore passed where taxes levied under such prior ordinance have not been paid in full. So much and such parts of ordinances heretofore and hereinafter passed as provided for the issuing and enforcing of execution for any tax or assessment required by such ordinances, or that imposed fines or penalties for the nonpayment of such tax, or for failure to pay regulatory fees provided for in said ordinance or ordinances, or failure to comply with any other provisions hereof, shall continue and remain in force until such tax, regulatory fee or assessment shall be fully paid.

Sec. 8-50. - Enforcement of provision.

It is hereby made the duty of the planning director and city code enforcement officers to see that the provisions of this chapter relating to occupation taxes are observed; and to summon all violators of the same to appear before the municipal court. It is hereby made the further duty of the planning director, chief financial officer or their designees and assistants, to inspect all certificates issued by the city, as often as in their judgment it may seem necessary to determine whether the certificate held is the proper one for the business sought to be transacted thereunder.

Sec. 8-51. - Provisions to remain in full force and effect until changed by council.

This chapter shall remain in full force and effect until changed by amendment adopted by the council. All provisions hereto relating to any form of tax herein levied shall remain in full force and effect until such taxes have been paid in full.

Sec. 8-52. - Requirement of public hearing.

In any year when revenue from occupation taxes is greater than the preceding year, the city shall hold a public hearing as a part of the process for determining how to use the additional revenue.

Sec. 8-53. - Option to establish exemption or reduction in occupation tax.

The city may by subsequent ordinance or resolution provide for an exemption or reduction in occupation tax to one (1) or more types of businesses or practitioners of occupations or professions as part of a plan for economic development or attracting or encouraging selected types of businesses or practitioners of selected occupations or professions. Such exemptions or reductions in occupation tax shall not be arbitrary or capricious.

Sec. 8-54. - Conflicts between specific and general provisions.

Where there is an apparent conflict in this chapter between specific and general provisions, it is the intention hereof that the specific shall control.

Sec. 8-55. - Occupation tax certificate not transferable.

An occupation tax certificate and/or regulatory fee certificate shall not be transferable, and a transfer of ownership shall be considered in the same light as the termination of such business and the establishment of a new business. Therefore, a new certificate shall be required for each new owner of the business.

Sec. 8-56. - Duty to keep information current.

Any person required by this chapter to register his or her business shall notify the planning and zoning department in writing within thirty (30) days of the following changes:

- (1) Any change of address of the business, in which case the same occupation tax certificate shall be valid at the new location.
- (2) Any change of ownership, in which case the transfer shall be treated as the termination of one (1) business and the establishment of a new business for the purposes of this chapter.
- (3) The termination of any business.

Sec. 8-57. - Compliance with other ordinances and laws.

(a) All businesses are required to comply with the provisions of all ordinances of the city and other laws and the issuance of a occupation tax receipt to any business pursuant to this chapter shall not authorize that business to engage in or carry on business or to perform any other activity in violation of state or federal law or regulations and other ordinances of the city nor shall it relieve that business from obtaining any certificate or permit required by the provision of other laws or ordinances.

(b) No certificate shall be issued or renewed until any delinquent property taxes and other debts to the city have been paid.

Sec. 8-58. - Practitioners of professions and occupations.

It being the intention of the mayor and council that no portion of this taxation scheme shall be construed to be, or have the practical effect of, regulation of practitioners of professions and occupations and if any provision hereof shall be construed by a court of competent jurisdiction to be an unlawful regulation of such profession, then such provision shall be considered rescinded by the mayor and council as if such provision had not been adopted, and in such case, the remaining provisions of this chapter shall be applied to such practitioner.

SECTION 2. ADDITION OF PAWNBROKERS PROVISION

Article IX Sections 8-500 thru 8-516 of Chapter 8 regarding the regulation of Pawnbrokers is hereby adopted and added to the Dawsonville Code of Ordinances as follows:

ARTICLE IX- PAWNBROKERS

Sec. 8-500. - Findings and intent.

This chapter is adopted to address the interest of public safety, health and the welfare of the community and to aid and assist in the recovery of stolen property, and to aid and assist local law enforcement in fulfilling their public safety functions. This chapter is enacted pursuant to O.C.G.A. § 44-12-130 et seq.

Sec. 8-501. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section:

Accepted identification means an official document, most commonly in the form of a plastic-coated/sealed card, issued for purposes of identification or driver's license.

These documents must be issued by one (1) of the fifty (50) states or a branch of the U.S. Military, i.e., Army, Navy, Air Force, Marines, Coast Guard, or current State of Georgia and counties of Georgia probation and parole cards. The identification must, at a minimum, bear a true photograph of the person presenting it, date of birth and description of the person.

Annual pawnshop license means an official document issued for any person, association, partnership, corporation or limited liability company, or any other entity to engage in or operate a pawnshop, or to conduct, promote, or carry on, in or upon any premises within the city, any pawnshop establishment as defined in this chapter. No license so issued shall condone or make legal any activity thereunder if the same is deemed illegal or unlawful under the laws of the state or the United States.

Business occupation tax certificate means a tax levied for revenue raising purposes on persons, partnerships, corporations or other entities for engaging in an occupation, profession or business.

City means the City of Dawsonville, Georgia.

Deceptive business practice means any practices as defined in O.C.G.A. § 16-9-50.

Employee permit means an official document issued for permission to be employed or work in a pawnshop regulated by the City of Dawsonville, or to be a pawnbroker.

Employee means any person who works for a pawnbroker or in a pawnshop, whether on a part-time or full-time basis, regardless of whether remuneration is received or not.

Interest in a pawnshop means the identification of any person involved or any member of his or her family being the outright owner of the pawnshop; a co-owner of the pawnshop; a partner in a partnership which owns all or part of the pawnshop; or a stockholder in any corporation organized for pecuniary gain which owns all or any part of the pawnshop.

Managing agent means an owner or full-time employee that has day-to-day managerial oversight of the pawnshop and is actively engaged in the daily operations of the pawnshop and resident of the State of Georgia.

Minor means any person who has not attained the age of eighteen (18) years.

Month means that period of time from one (1) date in a calendar month to the corresponding date in the following calendar month, but if there is no such corresponding date, then the last day of such following month.

New in box means any unused item in the original unopened, factory sealed boxes.

OCGA means Official Code of Georgia Annotated, as amended.

Pawnbroker means any person or employee engaged in whole or in part in the business of lending money on the security of pledged goods, or in the business of purchasing tangible personal property on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or in the business of purchasing tangible personal property from persons or sources other than manufacturers or licensed dealers as a part of or in conjunction with the business activities described in this paragraph.

Pawnshop means any business wherein a well-defined part thereof is to take or receive, by way of pledge, pawn or exchange, any goods, wares, merchandise, motor vehicles, or any kind of personal property or title whatsoever, as security for the repayment of money lent thereon.

Pawn transaction means any loan on the security of pledged goods or any purchase of pledged goods on the condition that the pledged goods may be redeemed or repurchased by the pledger or seller for a fixed price within a fixed period of time.

Person means an individual, partnership, corporation, joint venture, trust, association, or any other legal entity however organized.

Pledged goods means tangible personal property, including, without limitation, glass taken from buildings such as mantel mirrors, art glass, copper wire, or any kind of plumbing materials and all types of motor vehicles or any motor vehicle certificate of title, which property is purchased by, deposited with, or otherwise actually delivered into the possession of a pawnbroker in connection with a pawn transaction. However, for purposes of this chapter, possession of any motor vehicle certificate of title which has come into the possession of a pawnbroker through a pawn transaction made in accordance with law shall be conclusively deemed to be possession of the motor vehicle, and the pawnbroker shall retain physical possession of the motor vehicle certificate of title for the entire length of the pawn transaction but shall not be required in any way to retain physical possession of the motor vehicle at any time. Pledged goods shall not include choses in action, securities, or printed evidences of indebtedness.

Registered agent means a resident of Dawson County associated with the pawnshop upon whom any process, notice or demand required or permitted by law or under this chapter to be served upon the licensee or owner may be served.

Sec. 8-502. - Enforcement.

The City Code enforcement officers and/or the Planning Director of the City of Dawsonville, Georgia, shall see that the provisions of this chapter are observed and enforced.

Sec. 8-503. - General policies and purposes.

- (1) Pawnbrokers may operate only after the issuance of a license for such operation by the city and only in the manner permitted by such license. Pawn transactions may only occur through a licensee who complies with the rules and regulations of this chapter and with the laws, licensing, regulatory and revenue requirements of the State of Georgia.
- (2) All licenses are a mere grant or privilege subject to all terms and conditions imposed by this chapter and state law and subject to being revoked by the city.
- (3) Each licensee of the city shall display the license issued under this chapter prominently at all times at the location for which the license is issued. A separate license must be issued for each location and a separate application must be made for each location.
- (4) It is not the intent of this chapter to regulate traditional secondhand dealers of property where no pawn transaction occurs.

Sec. 8-504. - Qualifications for issuance of pawnshop license.

Any person who desires to obtain a license for the operation of a pawnshop must meet the minimum qualifications set forth in this chapter. If the applicant is a partnership, each partner must meet the qualifications of any individual license and must make sworn statements of these qualifications as part of the application process. If the applicant is a corporation, the majority stockholder and each principle officer of the corporation must meet the qualifications as part of the application process.

- (1) Any person applying to operate a pawnshop for which a license is sought shall not have been convicted, pled guilty or entered a plea of nolo contendere to violating any provisions of this chapter or any other ordinance of the city, or rules or regulations of the city and shall not have been convicted of any crime involving "moral turpitude," a felony theft, burglary, robbery, or fraud, or have been convicted in any state of any offense which if committed or attempted in this state, would have been punishable as one (1) or more of the above-mentioned offenses, for a period of ten (10) years from the date of such convictions, unless a longer time is ordered by a court of competent jurisdiction. For purposes of this section, a conviction or plea of guilty or nolo contendere entered and terms completed for the above-mentioned offenses under the Georgia First Offender Act, O.C.G.A. § 42-8- 60 et seq., shall be ignored. Provided, however, that any such offense shall not be ignored where the defendant violated any term of probation imposed by the court granting first offender status or committed another crime

and the sentencing court ruled an adjudication of guilt as to the crime for which the defendant had previously been sentenced as a first offender.

(2) Every managing agent applicant for a license shall be at least eighteen (18) years of age, a U.S. citizen or an alien lawfully admitted for permanent residency, and a resident of the State of Georgia, and shall make application on forms furnished by the planning and zoning department and in connection therewith, shall, under oath, answer all questions, supply all information and furnish all certificates, affidavits, bonds and other supporting data as required thereby.

(3) All licensed pawnshops must have and continuously maintain in Dawson County a registered agent upon whom any process, notice or demand required or permitted by law or under this chapter to be served upon the licensee or owner may be served. This person must be a resident of Dawson County. The licensee shall file the name of such agent, along with the written, notarized consent of such agent with the city in such form as may be prescribed.

(4) All persons filing an application for a license will be required to complete a waiver in order for the applicant's criminal history to be obtained.

(5) No person shall have, own or enjoy any ownership, interest in, share in the profits from, or otherwise participate in the business of any pawnshop in the city unless a full description of such interest is disclosed upon the filing of an application for the original annual license. Said person shall be subject to the same qualifications as the license holder. Failure to qualify may be grounds for revocation of the license.

(6) The planning director may approve all applications for renewal of an existing license upon payment of the license fees for renewal of licenses, where no objections have been filed and the application clearly shows no change in the ownership, managing agent, location, or operation of the business. If objections have been filed or if there have been any changes in the ownership, managing agent, location, or operation of the business, a new application must be approved by the mayor and council. The city license issued shall be valid for the calendar year from the date of business establishment indicated thereon and shall expire at midnight one year thereafter unless renewed by the planning director prior to expiration. Renewal licenses for subsequent years become effective upon approval of the planning director. A licensee that desires to continue in business during the next or subsequent year must make application for and pay the required fees prior to expiration.

(7) No license shall be granted where the applicant has had any pawnshop license issued by any county, municipality, or other governmental subdivision which has been suspended or revoked.

(8) No license shall be granted for a location that is not in compliance with all federal, state, or local regulation, rule or ordinance.

(9) No license shall be issued where the applicant has supplied false information in the license application or where any required fee has not been paid by such applicant, including any fees or assessments owed to the city.

Sec. 8-505. - Pawnshop license application.

Before operating a pawnshop, any person desiring to do so shall first file an application for a license with the City of Dawsonville Planning and Zoning Department to operate a pawnshop, pursuant to the following:

(1) The application shall be made on an annual basis.

(2) All applications for a license shall be made in person by the applicant to the planning and zoning department in writing on forms furnished by the city the same shall be required on all owners, interest holders and partners, a signed affidavit by the applicant shall contain but not be restricted to the following statements and information:

- a. The applicant(s)'s full true and legal name(s) and any other aliases or name changes used in the last five (5) years.
- b. The telephone number, present address and length of residency of the applicant(s).
- c. Acceptable written proof that the applicant(s) is at least eighteen (18) years of age.
- d. Business, occupation or employment history of the applicant(s) for the five (5) years immediately preceding the date of the application.
- e. The pawnshop permit history of the applicant(s) and whether, in previous operations in this or any other city, state or territory, the applicant(s) has had such permit revoked or suspended. If such permit has been revoked or suspended, the applicant(s) must state the reason, and the business activity or occupation subsequent to such action of suspension or revocation.
- f. If the owner(s) is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or charter, together with place and date of incorporation, and the names and addresses of each of its current officers and directors. If the owner(s) is a partnership, the applicant shall set forth the name, residence address and dates of birth of the partners. If the owner(s) is a limited partnership, it shall furnish a copy of its certificate filed with the county clerk or secretary of state. If one (1) or more of the partners is a corporation, the provisions of this subsection pertaining to corporations shall apply.
- g. If any of the owners, partners or interest holders have been convicted of any crime in the past ten years, a completed description of any such crime including date of violation, date of conviction, jurisdiction and any disposition, including any fine or sentence imposed and whether the terms of the disposition have been fully completed.
- h. If the owner is a person doing business under a trade name, a copy of the trade name, properly recorded, must be provided. If owner is a corporation, a copy of authority to do business in Georgia, including articles of incorporation, trade name, affidavit, if any, and the last annual report, if any, must be provided.
- i. Address of premises to be regulated.
- j. Whether the premises are owned or rented and must provide a copy of the deed or rental agreement.
- k. Each application for a license shall be verified and acknowledged under oath to be true and correct by all owners, partners and interest holders.
- l. The applicant must disclose any ownership interest in any other pawnshop, whether it is located locally or out of state and must disclose the nature of such ownership interest.
- m. Each applicant shall certify on the application that they have read this chapter and, if the license is granted, each licensee shall maintain a copy of this chapter on the premises.
- n. Any other information that may be required by the planning and zoning department to include, but not limited to, source of financing and any other information obtained during the investigative process for the business operation.

(3) The written application for the license shall be a permanent record which the licensee must maintain current as required by this chapter. Failure to maintain a current application shall be grounds for revocation of the license.

(4) No license shall be issued until a fee in an amount established by action of the mayor and council, is paid to the city by the applicant.

(5) The planning director shall investigate each applicant for such license and shall report to the mayor and council whether such applicant is a person of good character and has not been convicted of a criminal offense as indicated in this chapter. All applicants shall furnish all data, information and records requested of them, and failure to furnish such data, information and records within thirty (30) days from the date of such request shall automatically serve as grounds to deny the application. An applicant, by filing an application, agrees to produce for questioning any person or persons who are considered relevant to the ascertainment of facts relative to such license, as may be required by the mayor and council, the planning director, or other official designated by the mayor and council. The failure to produce such person within thirty (30) days after being requested to do so may result in denial of the application.

(6) No pawnbroker shall move from the location specified on its license until a change of location fee of one hundred dollars (\$100.00), has been paid to the city and approval has been obtained from the planning and zoning department. Such approval shall not be given unless all requirements and regulations as contained in the City Code have been met.

(7) In the event the "managing agent" changes, the licensee shall notify the city within five (5) days of the change. A fee of one hundred dollars (\$100.00) will be charged for the processing of an application for the change of the "managing agent," and such applicant must be approved by the planning director. If the applicant does not meet the qualifications for managing agent as required by this chapter and the application is denied, the applicant may appeal the decision of the planning director as set out in section 8-515.

(8) In the event the "registered agent" changes, the licensee shall notify the city within five (5) days of the change. A fine of twenty-five dollars (\$25.00) will be charged for the processing of a change in the "registered agent."

(9) No pawnbroker shall operate, conduct, manage, engage in, or carry on a pawnbroker business under any name other than the name of the business as specified on the license.

(10) The owner shall notify the planning and zoning department of any change in the information, material or data set out in the original application.

(11) Upon completion of the review of the application by the planning director the matter shall be placed on an agenda for mayor and council who may grant or deny the application consistent with this chapter. No application shall be acted upon by the mayor and council until a notice of such application in a local newspaper is published for at least four (4) different days prior to the regular meeting at which such application is to be presented and considered.

(12) No application shall be acted upon by the mayor and council except at a regular meeting of the council.

(13) Any applicant who is denied a license may appeal such denial by filing a notice of appeal pursuant to the appeal procedure set forth in section 2-16.

(14) Upon approval by the mayor and council of the application for a license, the planning and zoning department shall issue a license in accordance with the approved application. If the applicant is an individual, the license shall be issued in the name of the individual. If the application is a corporation, the license shall be issued in the name of the corporation. If the application is a partnership, the license shall be issued in the name of the partnership and in the name of one (1) of the partners. All licenses issued shall be granted for the full calendar year or for the number of months remaining in the calendar year. Any applicant granted a license before July 1 shall pay the full license fee without proration. License fees for licenses granted on or after July 1 shall be one-half ($\frac{1}{2}$) the annual license fee. License fees are not refundable once paid to the city.

Sec. 8-506. - Annual employee permit application.

All persons before being employed at a pawnshop or similar place where money is advanced on goods or other effects, or merchandise of any kind is taken in pawn shall first file an application with the Dawson County Sheriff's Office for a permit to work in such business. The issuance of such permit by the Dawson County Sheriff's Office will be based on a criminal history and background investigation of the applicant. The permit will expire at midnight one (1) year from the date of issuance.

- (1) All required applications for an annual employee permit shall be in writing and on forms provided by the Dawson County Sheriff's Office.
- (2) Every employee must disclose any ownership or interest in any other pawnshop, whether it is located locally, or must disclose the nature of such ownership or interest as defined in this chapter.
- (3) Employees of a pawnshop, as defined herein, shall not be less than eighteen (18) years of age. Any employee who has been convicted, pled guilty or entered a plea of nolo contendere to violating any provisions of this chapter or any other ordinance of the city, or rules or regulations of the city, or any felony theft, burglary, robbery, or fraud, or has been convicted in any state of any offense which if committed in this state, would have been punishable as one (1) or more of the above-mentioned offenses, shall not be issued a permit to work on the premises of a pawnshop for a period of five (5) years from the date of such conviction, unless a longer time is ordered by a court of competent jurisdiction. For purposes of this section, a conviction or plea of guilty or nolo contendere entered and terms completed for the above-mentioned offenses under the Georgia First Offender Act, O.C.G.A. § 42-8-60 et seq., shall be ignored. Provided, however, that any such offense shall not be ignored where the defendant violated any term of probation imposed by the court granting first offender status or committed another crime and the sentencing court ruled an adjudication of guilt as to the crime for which the defendant had previously been sentenced as a first offender.
- (4) All applications shall be completed by the applicant and sworn to and signed by the applicant in the presence of a notary public or other officer authorized to administer oaths.
- (5) All applicants shall furnish all data, information and records requested of them, and failure to furnish such data, information and records within thirty (30) days from the date of such request shall automatically serve as grounds to deny the application. An applicant, by filing an application, agrees to produce for questioning any person or persons who are considered relevant to the ascertainment of facts relative to such permit, as may be required by, the Dawson County Sheriff's Office. The failure to produce such person within thirty (30) days after being requested to do so may result in denial of the application.
- (6) All permits issued through administrative error can be terminated and seized by the Dawson County Sheriff's Office.
- (7) All permits issued hereunder remain the property of the Dawson County Sheriff's Office and shall be produced for inspection upon the demand of any officer of the Dawson County Sheriff's Office, the planning director or city code enforcement officer.
- (8) No pawnshop owner shall allow any employee or manager to work on the premises unless the employee or manager has in their possession a current valid city permit. Upon the filing of the notice with the Dawson County Sheriff's Office, the applicant may become a conditional employee and work on the licensed premises with a receipt issued by the Dawson County Sheriff's Office until such time the investigation is completed, and approval or denial of the permit is issued.
- (9) For the purpose of this section, independent contractors shall be considered as employees and shall be permitted as employees, regardless of the business relationship with the owner or managing agent of any pawnshop.

(10) Employee permits are nontransferable and are valid only for the individual named on the permit. Each such permit is valid for the individual named while employed in any establishment licensed in the city.

(11) Permits issued under this section shall be active for a period of one (1) year. At the expiration of one (1) year from the date of the issuance of the permit, it shall be the duty of the employee to renew the permit by going through the process described in this section. In addition, employees who cease employment with a pawn shop establishment with which they were employed when their permit was obtained for a period of six (6) months or more must also renew their permit before returning to a pawn shop establishment in the city.

(12) Employees after receiving their permit must notify the Dawson County Sheriff's Office of any changes in information originally provided to obtain an employee permit; otherwise, their permit is invalid. Employees who are under a conviction that may affect their employment under this chapter are under a duty to fully inform the Dawson County Sheriff's Office of such conviction, and to supply sufficient documentation relating to the conviction to allow the city to fully investigate. Failure to inform the Dawson County Sheriff's Office and/or provide documentation of any such conviction invalidates an employee permit and shall serve as automatic forfeiture and cancellation of the permit.

(13) It shall also be the duty of the pawn broker to file with the planning and zoning office and the Dawson County Sheriff's Office, on a monthly basis, a report which lists all employees currently employed in a capacity that would require an employee permit. Each such report shall include the name and date of birth of all such individuals, as well as the same information on all such individuals who have terminated employment during the one-month employment period. Failure to submit said report by the twentieth day each month shall constitute a violation of this Code.

(14) Any applicant who is denied a permit may appeal such denial by filing a notice of appeal pursuant to the appeal procedure set forth in section 2-16.

Sec. 8-507. - Commencement for business—Forfeiture of license.

(a) All holders of licenses under this chapter shall, within six (6) months after the issuance of the license, open for business the establishment referred to in the license, unless such period is extended by the mayor and council. Failure to open the licensed establishment as referred to in this subsection within the six-month period shall serve as an automatic forfeiture and cancellation of the license, and no refund of license fees shall be made to the license holder.

(b) Any holder of a license under this chapter who shall begin the operation of the business as authorized in the license, but who shall for a period of three (3) consecutive months thereafter cease to operate the business as authorized in the license, shall automatically forfeit his license, which license shall, by virtue of such failure to operate, be canceled without the necessity for any further action by the planning director, city code enforcement officer or the mayor and council.

Sec. 8-508. - License transfer.

No license granted for a pawnshop shall be transferable except upon application to planning and zoning department in the same form and manner, and subject to the same requirements with respect to the transferee as are applicable in an original application. Any such license may be transferred only to another applicant doing the same business at the same location as the license holder to whom the license was originally issued provided and excepting, however, that if the license holder is a partnership and one (1) or more of the partners should die, one (1) or more of the surviving partners may acquire, by purchase or otherwise, the interest of the deceased partner or partners without affecting a surrender or termination of such license, and in such case, the license upon notification to the city shall be placed in the name of the surviving partner. When permission for transfer has been granted, the original licensee or transferee shall cease doing business and deliver the license to the planning director, who shall record such transfer, and the transferee shall pay a fee therefore as

a condition precedent to engaging in operations under the license. The fee for such transfer shall be established from time to time by the mayor and council.

Sec. 8-509.- Record of transactions.

(a) Every pawnbroker shall maintain a permanent electronic record of its pawn transactions in which an accurate description of all property pledged, traded or sold to the pawnshop can be transmitted to the Dawson County Sheriff's Office via an electronic automated reporting system. Each of these transactions shall contain an accurate description of all property pledged, traded or sold to the pawnbroker and shall be made at the time of each transaction, provided that the following information is included:

- (1) The date and time of the purchase, pawn or sale of the property.
- (2) The full name, street address and telephone number of the customer making the pledge, trade or sale.
- (3) The pawnshop shall require all persons pledging, trading, pawning, exchanging, or selling property to show accepted identification as defined in section 2-2 prior to conducting a pawnshop transaction.
- (4) A description of the customer in terms of sex, race, date of birth, height and weight, as well as the driver's license number of the customer or some other identification card which contains a photograph of the customer.
- (5) A description of the pledged or purchased property by serial, model or other number, if available, and by any identifying marks (e.g., brand name, color, style, etc.).
- (6) The number of the receipt or pawn transaction issued for the property pawned or bought.
- (7) The price paid, or the amount loaned.
- (8) The maturity date of the transaction, if a pawn.
- (9) A photograph of the customer and the item pawned or bought which will be taken with the electronic automated reporting system at the time of the transaction.
- (10) The pawnshop shall obtain from each person pledging, trading, pawning, exchanging, or selling any property, the fingerprint of the right-hand index finger, unless such finger is missing, in which event the print of the next finger in existence on the right hand shall be obtained with a notation as to the exact finger printed. An electronic digital fingerprint scanner will be the primary method of entry required. The fingerprint shall be imprinted onto the pawn transaction form in the designated area along with the signature of the person pawning, trading, pledging, exchanging, or selling the property. The fingerprint must be clear and legible. In the event that more than one (1) pawn transaction form is required, a fingerprint and signature should be obtained for each form. Fingerprints and the information required herein shall be obtained each time such person pledges, trades, pawns, exchanges, or sells any property.
- (11) The signature of the customer.
- (12) The tag bearing the pawnshop transaction number must remain attached to the item until the property is disposed of by sale, trade, or other lawful means. This paragraph does not apply to the purchase of property from licensed wholesale or distributor businesses for the purpose of retail sales; however, the pawnshop shall be required to maintain all purchasing records for property exempted from this paragraph.

(b) Every pawnbroker shall enter each transaction as it occurs into the electronic automated reporting system or may elect to upload electronically via the internet a batch file of all transactions for each business day to the administrator of the electronic automated reporting system immediately at the

conclusion of each business day. The administrator of the electronic automated reporting system will electronically transmit all transactions to the Dawson County Sheriff's Office.

(c) The pawnshop shall store the above records, digital images, and fingerprints for a period as designated by state statute and make them available to law enforcement personnel upon request.

(d) In the event that the electronic automated reporting system becomes temporarily or permanently disabled, or the system is terminated pawnbrokers will be notified as soon as possible, by the administrator of the system. Pawnshops that incur electronic system failures or other events that would cause partial or complete loss of electronic reporting, should immediately notify the Dawson County Sheriff's Office with the reason of the failure. In these events, the pawnbrokers will be required to make records of transactions in paper form. Such paper forms must include all information as enumerated in paragraph (a) of this section. Pawnbrokers shall maintain a three-day supply of these paper forms. On a daily basis, all transactions not reported in the electronic automated reporting system, will be delivered to the Dawson County Sheriff's Office by the pawnshop within twenty-four (24) hours of the end of the business day for every day until the event has been corrected.

(e) Any duly authorized law enforcement officer authorized by the Dawson County Sheriff, may, during the ordinary hours of business or any other reasonable time, inspect any pawnbroker's electronic or paper records or any goods in his possession at the pawnbroker's place of business to ensure compliance not only with this section, but this chapter and state law.

(f) The Sheriff or his designee shall select and designate the required automated reporting system and required equipment needed. A fee will be assessed to each pawnshop for each reported transaction: said fee shall be an amount set by the Sheriff equal to that charged by the administrator of the automated reporting system.

The assessed fee to the pawnshops shall not exceed the actual cost charged by the City of Dawsonville or by the third-party administrator. This fee will be invoiced to the pawnbroker and collected by the Sheriff or his designee, which may be a third-party administrator of the automated reporting system.

Sec. 8-510.- Disposal of articles.

Any pawnbroker or employee of a pawnshop who makes a loan on pledged goods or buys pledged goods on the condition that the seller may repurchase said goods, shall hold said goods for at least thirty (30) days or longer if directed by the Dawson County Sheriff's Office, before disposing of them by sale, transfer, shipment or otherwise. Non-pledged goods bought under this section shall be held for at least seven (7) calendar days before disposing of them by sale, transfer, shipment or otherwise.

Sec. 8-511. - Miscellaneous.

(a) It shall be unlawful for any pawnbroker or employee of a pawnbroker to receive goods in pawn, trade, purchase or sale from a person under eighteen (18) years of age.

(b) It shall be unlawful for any pawnbroker to receive in pawn, pledge or sale, goods of any character or description any item which is a new in box item unless a receipt or other proof of purchase is provided.

(c) (1) No employee of the city who has any interest in a pawnshop, as defined herein, shall be assigned to work in any area or division of the city which regulates the business of pawnshops.

(2) No employee of the city with regulating authority may own, work in or be employed (paid or unpaid) by a pawnshop inside the city limits of the city. Regulating authority, for purposes of this section, is defined as any person involved in or assigned to the inspection of the premises, approval of the occupation tax certificate applications, annual pawnshop license applications, or annual employee permit applications; and granting or denying of such applications, or enforcement of this chapter and its provisions.

(3) No employee of the city with regulating authority as defined herein, may regulate a pawnshop where such is owned or operated by any person related to the employee of the city within a third degree of kinship. The term third-degree kinship shall include, for purposes of this chapter, children, grandchildren, mother, father, brothers and sisters, aunts and uncles, first cousins and in-laws.

(4) The definition of employees of the city does not include elected officials of the city.

(d) A pawnbroker selling goods other than those pledged may add new merchandise to its stock of the same type as that on which loans are made, up to a value of one thousand dollars (\$1,000.00) per month, without having to pay an additional occupation tax as would otherwise be imposed according to the terms of the business taxes of the city. The pawnbroker must maintain all records, invoices, and bills of sale for such merchandise which shall be subject to inspection and review by any duly authorized law enforcement. No article(s) shall be maintained on the premises for sale on a consignment basis for any citizen, employee or pawnbroker.

Sec. 8-512. - Lost or stolen items.

(1) It shall be the duty of every person operating or employed by a pawnbroker to report to the Dawson County Sheriff's Office any article or goods sold or pawned to the pawnbroker if that person shall have a reason to believe that the article or goods was stolen or lost when presented by the seller or customer.

(2) With respect to any item(s) which would normally have a serial number or other means of identification, any pawnbroker or employee of a pawnbroker who becomes aware that such items have had the identification removed, defaced or destroyed, such fact shall be immediately reported to the Dawson County Sheriff's Office.

(3) If it is determined that an item bought, sold, traded or pawned by a seller or customer to the pawnbroker or his employee is the subject of any reported theft, then the surrender of said item to the Dawson County Sheriff's Office shall be done upon demand. The officer receiving the item shall give the pawnbroker a receipt for the item.

(4) The Dawson County Sheriff's Office has the authority to place property that is the subject of investigation on "investigative hold". In that event, the Dawson County Sheriff's Office shall notify the pawnshop of the need for an investigative hold and identify all property subject to the investigative hold. Upon notification, it shall be the responsibility of the pawnshop to maintain the subject property until such time as the property is released from the investigative hold status or the property is confiscated as evidence.

Sec. 8-513. - Denial, transfer, suspension, revocation or forfeiture of annual pawnshop license.

Denial, immediate suspension, revocation, or forfeiture of an issued license shall occur only after notice and opportunity for a hearing before the administrative hearing officer consistent with the procedures set forth in section 2-16, appeal procedure, and only on the following occurrences:

(1) Any license issued under this chapter for a pawnbroker shall be immediately revoked in the case of bankruptcy, receivership or levy of legal process upon the licensed outlet, pawnbroker or property therein.

(2) A license application may be denied to any applicant where it appears that the applicant would not have adequate participation in the proposed business to direct and manage its affairs, or where it appears that the application is intended to be a mere surrogate for a person or persons who would not otherwise qualify for a license for any reason whatsoever.

(3) Except as provided in the transfers, section 2-9, transfers, any change in the ownership of any entity owning a licensed location shall be grounds for the mayor and council to revoke any license issued under this chapter.

(4) A license shall be immediately suspended or revoked by the planning director upon learning that a licensee furnished fraudulent or untruthful information in the application for a license, or omits information required in the application for a license, or fails to pay all fees, taxes, or other charges imposed under the provisions of this chapter and the Code of Ordinances of the city, or engages in deceptive business practices as defined in this chapter.

(5) The license of any licensee does not meet the qualifications set forth in this chapter at any time such information to the mayor and council.

(6) The pawnbroker has been convicted, pled guilty or entered a plea of nolo contendere to violating any provisions of this chapter or any other ordinance of the city, or rules or regulations of the city, or felony theft, burglary, robbery, or fraud, or has been convicted in any state of any offense which if committed or attempted in this state, would have been punishable as one (1) or more of the above-mentioned offenses, within ten (10) years of the date of such conviction unless a longer time is ordered by a jury of competent jurisdiction. For purposes of this section, a conviction or plea of guilty or nolo contendere entered and terms completed for the above-mentioned offenses under the Georgia First Offender Act, O.C.G.A. § 42-8-60 et seq., shall be ignored. Provided, however, that any such offense shall not be ignored where the defendant violated any term of probation imposed by the court granting first offender status or committed another crime and the sentencing court ruled an adjudication of guilt as to the crime for which the defendant had previously been sentenced as a first offender.

Sec. 8-514. - Denial, suspension, revocation or forfeiture of annual employee permit.

Denial, immediate suspension, revocation, or forfeiture of an issued permit shall occur only after notice and opportunity for a hearing before the administrative hearing officer consistent with the procedures set forth in section 2-16, appeal procedure, and only upon the following occurrences:

(1) The pawnshop employee has been convicted, pled guilty or entered a plea of nolo contendere to violating any provisions of this chapter or any other ordinance of the city, or rules or regulations of the city, or felony theft, burglary, robbery, or fraud, or has been convicted in any state of any offense which if committed or attempted in this state, would have been punishable as one (1) or more of the above-mentioned offenses, within five (5) years from the date of such conviction, unless a longer time is ordered by a jury of competent jurisdiction. For purposes of this section, a conviction or plea of guilty or nolo contendere entered and terms completed for the above-mentioned offenses under the Georgia First Offender Act, O.C.G.A. § 42-8-60 et seq., shall be ignored. Provided, however, that any such offense shall not be ignored where the defendant violated any term of probation imposed by the court granting first offender status or committed another crime and the sentencing court ruled an adjudication of guilt as to the crime for which the defendant had previously been sentenced as a first offender.

Sec. 8-515. - Annual pawnshop license and annual employee permit appeal procedure.

Any pawnbroker whose license or any employee whose permit has been denied, suspended, revoked, or forfeited, may appeal same by filing a notice of appeal with the planning director, in cases involving annual pawnshop licenses, or to the Dawson County Sheriff's Office in cases involving annual employee permits, within ten (10) business days of the date on which the applicant is notified of same. The notice of appeal shall specify the subject matter of the appeal, the date of any original and amended application or requests, the date of the adverse decision (or receipt of notice thereof) the grounds or basis for the appeal, the action requested, the name and address of the applicant, and the reasons why the license or permit should not be denied, suspended, revoked or forfeited. The planning director, in cases involving annual pawnshop licenses, or the Dawson County Sheriff's Office in cases involving annual employee permits, shall schedule a hearing before the administrative hearing officer at a time and place not more than thirty (30) calendar days after receiving the notice of appeal. At the hearing, the applicant shall have the opportunity to present argument and evidence as

to why the annual pawnshop license or annual employee permit should be approved or should not be denied, suspended, revoked or forfeited. The planning director or Dawson County Sheriff's Office shall also be given the opportunity to present argument and evidence as to why the license or permit should not be approved, or should be denied, suspended, revoked or forfeited. The administrative hearing officer shall not be bound by the traditional rules of evidence in the hearing, but the rules governing evidence in administrative hearings shall apply. Both parties shall be afforded the opportunity to present evidence and cross-examine witnesses. The administrative hearing officer shall have the power to rule on the admissibility of evidence, hear testimony under oath, and consider documents and other tangible evidence presented.

The administrative hearing officer shall either approve issuance of a license, or permit or the suspension, revocation or forfeiture of the license or permit in writing and shall issue findings of fact with the reasons supporting his decision within fifteen (15) days of the conclusion of the hearing. The decision of the hearing officer shall be mailed or delivered to the appellant. If the hearing is not held within forty-five (45) days as provided herein, or the decision is not rendered within fifteen (15) days of the conclusion of the hearing as provided herein, then the applicant's license or permit shall be deemed to remain in effect, or if applicable the appellant's license or permit shall not be denied, suspended, revoked or forfeited unless the parties agree to a continuance, or the administrative hearing officer requests a continuance for good cause shown.

The appellant or the city shall have the right to appeal the decision of the administrative hearing officer to the Superior Court of Dawson County, Georgia, via certiorari as provided by Georgia law.

Sec. 8-516. - Violations.

(1) It shall be unlawful for any pawnbroker or employee of a pawnbroker to violate any of the provisions of this chapter, whether or not such person or employee is the holder of a current valid license or permit issued according to the terms of this chapter. Further, any person failing to comply with any provision of this chapter or other rules, ordinances and regulations as may be passed by the mayor and council for conduct of the business of a pawnbroker, shall upon conviction, have the license or permit to conduct business revoked.

(2) It shall be unlawful for any pawnbroker or employee of a pawnbroker to:

(a) Make any false statement in an application for any license or permit provided for in this chapter.

(b) Make any false entry in any record book, ledger or form required by the terms of this chapter.

(c) Violate any criminal law of this state while acting in the course of business as a pawnbroker or employee of a pawnbroker.

(3) Any person violating any of the provisions of this chapter shall be punished as provided in section 1-8 of the Code of Ordinances of Dawsonville. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this chapter is committed, continued or permitted by any such person, and shall be punished accordingly.

SO ORDAINED THIS ____ DAY OF _____, 2018.

Mike Eason, Mayor

Caleb Phillips, Council Member Post 1

Stephen Tolson, Council Member Post 2

Jason Power, Council Member Post 3

Mark French, Council Member Post 4

ATTEST:

Beverly Banister, Clerk



**DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 15**

SUBJECT: IMPACT FEE STUDY PROPOSAL

CITY COUNCIL MEETING DATE: 11/05/2018

BUDGET INFORMATION: GL ACCOUNT # _____

Funds Available from: _____ Annual Budget _____ Capital Budget Other _____

Budget Amendment Request from Reserve: _____ Enterprise Fund _____ General Fund

PURPOSE FOR REQUEST:

TO PRESENT AND DISCUSS THE IMPACT FEE STUDY PROPOSAL

HISTORY/ FACTS / ISSUES:

OPTIONS:

APPROVE, AMEND, DENY OR TABLE

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Mike Eason, Mayor

Dawsonville Impact Fee Program

Scope of Services

Ross Associates services will include advice and assistance to Dawsonville in general on impact fee matters, and the preparation of an Impact Fee Methodology Report (including all impact fee calculations), a Capital Improvements Element (CIE), an impact fee schedule of fees by land use categories, an Impact Fee Ordinance that conforms to current state law requirements, an Administrative Procedures Manual dealing with all operational aspects of the impact fee program, and an Excel Spreadsheet with appropriate forms for collecting the fees and maintaining financial data.

The results of our proposed services will be the completion of an impact fee program and fee schedule for Dawsonville meeting all legal and administrative requirements. In addition, the CIE will conform to DCA requirements as an amendment to the Comprehensive Plan.

Our services will include the following items:

Task 1: Project Initiation

A schedule of key steps and estimated dates will be prepared to guide preparation of the study, from initiation to adoption to completion of all services, leading to implementation of the City's impact fee program.

We will review impact fee eligible capital improvement projects in place, underway and proposed, in the City's following two public facility categories:

- Parks and Recreation, and
- Road Improvements.

Project cost estimates and start dates for impact fee eligible projects will be determined in conjunction with City estimates.

Budgeted capital projects, adopted Capital Improvement Plan project listings and departmental service plans/projections will be key inputs for the impact fee eligible project listing will be obtained from the City. All current cost estimates will be converted to Net Present Value (NPV) using average annual inflation rates (the CPI and Engineering News Record's BCI and CCI for building and other construction projects), discounted by the City's current investment interest rate.

Deliverables:

- Policy directions meeting with all affected departments and City officials regarding needed data on existing capital improvements and planned projects.

Task 2: Impact Fee Methodology Report

We will prepare an Impact Fee Methodology Report addressing the City's two impact fee eligible public facility categories listed above, including impact fee calculations which will reflect the following:

Forecasts

Population, dwelling unit and employment forecasts to 2040:

Socioeconomic forecasts will be prepared for the City beginning with Countywide forecasts prepared by Woods & Poole Economics and, most recently, for the Dawson County impact fee program. This step will include preparation of trend analyses against historic annual population data for various time frames, prepared as 1st, 2nd and 3rd order regressions or as straight-line and growth projections. The results will be presented in a Technical Appendix containing all pertinent calculations and the recommended forecast to 2040.

Tax digest forecasts:

These will be needed to calculate credits for new development property taxes attributable to impact fee projects, and will reflect average new house sales prices and per-employee nonresidential property values. The calculation of a credit against impact fees may be needed to avoid potential situations of double taxation.

Level of Service (LOS) Standards.

The LOS for parks and recreation will be based on the City's current recreation capital improvements serving the total number of housing units in the city today, and for all of the recreational facilities projected to 2040. The Level of Service for road improvements will be set at LOS "D", but the share of future road improvement costs attributed to new growth will be based on traffic generation today and projected to 2040.

Determination of the LOS standards to use—current, future or other—will be a function of City policies and the most advantageous impact fee calculations themselves.

Funding Mechanisms

Funding vehicles in place, including funding from the General Fund and from other sources (such as SPLOST, bonds or short-term financing vehicles) will be obtained from the City.

Maximum Impact Fees

The maximum potential impact fee for each land use category is calculated to set the ceiling on fees that can be charged under the state law. The actual fees to be charged will be decided by the City Council as part of the Impact Fee Ordinance review process.

Deliverables:

- Methodology Report containing all forecasts, credit data and NPV components, impact fee calculations for each public facility category, and a maximum fee schedule by land use category. Pertinent Technical Appendices will be attached.
- Briefing Paper summarizing the Methodology Report for public and City Council presentation.
- Attendance at one City Council work session to review the proposed Methodology Report, which then will be finalized reflecting City Council comments.

Task 3: Capital Improvements Element

We will prepare a Capital Improvements Element (CIE) based on the finalized Methodology Report. The CIE document will be drawn from those portions of the Methodology Report (with supplemental text added) that are required to be included by the Georgia Department of Community Affairs.

Impact fee projects will be included in a 5-Year Community Work Program in the same format used in the Comprehensive Plan.

Deliverables:

- A Capital Improvements Element containing all data required by the Georgia Department of Community Affairs. Pertinent Technical Appendices will be included.
- A Briefing Paper summarizing the Capital Improvements Element for public and City Council presentation.
- Attendance at the transmittal public hearing before the City Council regarding transmittal of the CIE to the Georgia Mountains Regional Commission and DCA.
- Review of comments from DCA on the CIE (if any) and appropriate responses.

Task 4: Adoption of the Impact Fee Program

Adoption will involve the following:

Ordinance Review

Preparation of an Impact Fee Ordinance conforming to the Georgia Development Impact Fee Law.

Council Briefing

Preparation of briefing materials as needed for discussions with the City Council members regarding appropriate levels of impact fees to be charged.

Fee Schedule for Adoption

Preparation of an impact fee schedule as an attachment to the City's Impact Fee Ordinance.

Deliverables:

- Attendance at one City Council workshop to discuss the draft Impact Fee Ordinance and fee schedule.
- Attendance at one meeting of the City Council to adopt the DCA-approved CIE, the Impact Fee Ordinance and the impact fee schedule.

Task 5: Implementation of the Impact Fee Program

We will prepare an Administrative Procedures Manual consisting of two parts—collecting and accounting for impact fees, and procedures for such processes as handling appeals, preparing individual assessments, making refunds, applying credits, and preparing the required Annual CIE Report.

We will also prepare a spreadsheet-based fee assessment and collection program specifically tailored to the City.

Our services will include meeting with City staff for training and for implementing the system for administering the impact fees that complies with the Georgia Development Impact Fee Act.

Deliverables:

- Administrative Procedures Manual for administrative processes (appeals, annual reporting, etc.)
- Installation of a computerized fee assessment and collection program in the form of an Excel Spreadsheet.
- Training sessions with City staff.

Task 6: Continuing Services

Following adoption and implementation of the updated Impact Fee Program, ROSS+associates will stand ready to answer questions, provide explanations and otherwise provide continuing advice to the City as questions or issues arise for a period of one year at no cost to the City. This assistance will be advisory in nature and delivered by telephone or email as appropriate to the inquiry.

Data needed from City:

As we proceed, we will work with the City to obtain a great deal of data, such as the following. I hasten to add that there are a number of different methodologies that can be used, based on the data that is actually available. We therefore anticipate that some of the following items may not be available.

Cost of creating the current system.

The water system improvements will focus on the City's water supply and treatment facilities, storage capacity, and distribution system (water mains, valves, etc.). For sanitary sewer, the cost of building the wastewater treatment facility, including debt service and engineering, will be needed, as well as collection system costs by year of installation (outfalls, pumping stations, etc.) and any other improvements identified by the City as having current excess capacity. Depending on the facilities and past funding, we may need:

- Past retired and continuing bond issues (both principal and interest are eligible).
- Direct cash paid for system capital improvements (including Renewal & Extension expenditures).
- Grants received and W&S loans obtained.
- Breakdown of water system versus sewerage system improvements.

System data.

- Sewage treatment capacity; average daily flow data at the plant for the most recent full 12 months available.
- Number of existing customer water meters by size, by water-only and water/sewer customers.
- Average daily flow to the City's water customers for the most recent full 12 months available (by meter size, if available).
- Current direct and indirect costs of installation of meters, by meter size. Cost to the City of sewer taps. (This will not be needed if current practice is charging on a case-by-case actual cost basis.)
- City policies regarding meter installation by customers, fire flows (bypass, compound or separate meters), and metering for irrigation or swimming pools.
- Current water rates.
- Historic and projected O&M costs.

Planned or programmed system improvements.

- For the water system, a breakdown of costs to address any existing system deficiencies versus new capacity planned for future demand.

- A project listing for new sewerage improvements, and breakdowns between the cost to address existing deficiencies, and the cost of new capacity created that will support future development.
- Anticipated funding mechanisms (revenue bonds, PAYG, R&E, W&S loans, etc.)

Products of our study:

1. A methodology report presenting all calculations and data used in determining the maximum capital recovery fees allowed. This report will be consistent with all requirements of the Georgia Development Impact Fee Act.
2. Advice and assistance to City Staff and the City Attorney in preparation of a resource recovery fee ordinance, including the fee schedule approved by the Mayor and Council.
3. Advice and assistance to City Staff regarding implementation and interpretation of the requirements of the Development Impact Fee Act and the City's capital recovery fee program.

Understandings:

We propose that invoices will be submitted no more often than once each month, and will be payable within thirty days of receipt. Each invoice will be based on the amount of the work completed during the preceding month as a percentage of all work to be performed.

The City may terminate this agreement in writing at any time, or we may mutually agree to amend it depending on the requirements of the project. In any event, the terms of our agreement will lapse upon delivery of the final methodology report and draft ordinance provisions, unless extended by our mutual consent.

From the date of authorization, we will assign the resources necessary to complete the study in three months, from start to presentation of the final report, dependant on receipt of engineering data and breakdowns from the City or its engineers within the first month. We are prepared to begin immediately.

We look forward to working with the City on this project. Execution of this Agreement will authorize us to proceed as of the date noted below.

ROSS+associates

City of Dawsonville, Georgia



By: William F. Ross, President

(signature)

By:

Date:



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 16

SUBJECT: TSPLOST PROJECT LIST

CITY COUNCIL MEETING DATE: 11/05/2018

BUDGET INFORMATION: GL ACCOUNT # _____

Funds Available from: _____ Annual Budget _____ Capital Budget Other _____

Budget Amendment Request from Reserve: _____ Enterprise Fund _____ General Fund

PURPOSE FOR REQUEST:

TO PRESENT AND DISCUSS THE CITY AND COUNTY'S PROJECT LIST FOR CONSIDERATION OF TSPLOST

HISTORY/ FACTS / ISSUES:

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Mike Eason, Mayor

CITY OF DAWSONVILLE

TSPLOST PROJECTS

Based on a cost of \$125,000.00 per mile for paving & \$70,000.00 per mile for grinding.

1. Grind & repave Main Street to the Park - .15 mile – Estimated Total: \$32,000.00
2. Resurface Perimeter Road (joint city/county project) – 2.44 miles – (City 1.3 miles/\$165,000.00, County 1.2 miles/\$155,000.00) Estimated total: \$320,000.00
3. Grind & repave Maple Street, including move a sidewalk - .6 miles - \$150,000.00
4. Grind & repave JC Burt Road – (joint city/county project) - (city .05 miles/\$12,000.00, county .2/\$41,000.00 miles) .25 mile - \$53,000.00
5. Repave Robinson Road, Elliott Village, George’s Place – (joint city/county project) - .4 mile - \$55,000.00
6. Repave Jack Heard - .2 mile - \$30,000.00
7. Resurface Howser Mill – (joint city/county project) – (city - .6 mile/\$75,000.00, county 2.9 miles/\$362,500.00 – 3.5 miles - \$445,000.00
8. Grind & repave Stegal Place - .5 mile - \$98,000.00
9. Perimeter Road Extension - (Joint Project w/County)- \$30 million Total, \$4 million TSPLOST for engineering & land acquisition
10. Pave Shoal Creek Road & Replace Bridge – (Joint project w/county) – (City 1.1 miles/\$140,000.00, County – 1.7 miles/\$215,000.00) – 2.8 miles - \$355,000.00 paving only, does not include new bridge
11. Pave Gold Mine Road – (joint project w/county) – city 1.5 miles \$197,000.00
12. Roundabout at Perimeter Road & GA Hwy 9 North - \$4 million
13. Roundabout at Dairy Queen – GA Hwy 53 – Allen Street - \$4 million
14. Roundabout at Perimeter Road & GA Hwy 9South & Burt’s Crossing - \$4 million
15. Roundabout at intersection of GA Hwy 9 & GA Hwy 53 - \$4 million
16. Roundabout at intersection of GA Hwy 53 and Howser Mill Road at Dollar General - \$4 million

County Project TSPLOST List	
Project	Estimated Cost
Shoal Creek Road	
widening/rehab	\$1,300,000.00
Bridge Replacement	\$3,500,000.00
Dogwood/Nightfire rehab/Shoulder widening	\$300,000.00
Lumpkin Campground Road Corridor improvement	\$10,000,000.00
Elliott Road Widening	\$500,000.00
Existing Asset Road improvement program	\$26,900,000.00
*Total	\$42,500,000.00
* 85% of 50 mil revenue	



**DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 17**

SUBJECT: 2019 MEETINGS CALENDAR

CITY COUNCIL MEETING DATE: 11/05/2018

BUDGET INFORMATION: GL ACCOUNT # _____

Funds Available from: _____ Annual Budget _____ Capital Budget Other _____

Budget Amendment Request from Reserve: _____ Enterprise Fund _____ General Fund

PURPOSE FOR REQUEST:

TO DISCUSS THE 2019 MEETINGS CALENDAR; SEE ATTACHED PROPOSAL OF MEETING DATES AND TIMES

APPROVAL WILL BE REQUIRED AT THE DECEMBER 3, 2018 MEETING

HISTORY/ FACTS / ISSUES:

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Mike Eason, Mayor

2019

City Council Regular Meeting

5:30 PM

City Council Regular & Work Session Mtg

5:30 PM

Jan-19

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Feb-19

S	M	T	W	T	F	S
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3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28		

Mar-19

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Apr-19

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Aug-19

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Sep-19

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City Hall is CLOSED in observance of a holiday

2019

Planning Commission	Historic Preservation Commission	Downtown Development Authority
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5:30 PM

5:30 PM

5:30 PM

Jan-19						
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Nov-19						
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Dec-19						
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DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 18

SUBJECT: RESOLUTION – TIMELINE FOR PREPARING AGENDAS

CITY COUNCIL MEETING DATE: 11/05/2018

BUDGET INFORMATION: GL ACCOUNT # _____

Funds Available from: _____ Annual Budget _____ Capital Budget Other _____

Budget Amendment Request from Reserve: _____ Enterprise Fund _____ General Fund

PURPOSE FOR REQUEST:

TO PRESENT AND APPROVE A RESOLUTION FOR THE TIMELINE OF PREPARING AGENDAS AND SUBMISSION OF SUPPORT DOCUMENTATION

HISTORY/ FACTS / ISSUES:

OPTIONS:

APPROVE, AMEND, DENY OR TABLE

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Mike Eason, Mayor

A RESOLUTION FOR THE PURPOSE OF SETTING A TIMELINE FOR PREPARING AGENDAS AND SUBMISSION OF DOCUMENTS IN SUPPORT OF OR OPPOSITION TO AGENDA ITEMS FOR ALL REGULAR COUNCIL, AUTHORITY AND COMMISSION MEETINGS

WHEREAS, the City of Dawsonville has via ordinance created certain commissions and authorities, including but not limited to the Planning Commission, the Historic Preservation Commission and the Downtown Development Authority; and

WHEREAS, in conjunction with agenda items for consideration by the City Council, its authorities and commissions, members of the public may desire to submit documents in support or opposition to an agenda item; and

WHEREAS, the City's decision makers need sufficient time in order to review the supporting/opposing documentation related to upcoming agenda items and to ask questions so as to be adequately prepared for their meetings and to efficiently run City business;

NOW THEREFORE, the Council of the City of Dawsonville hereby resolves as follows:

All proposed agendas for the Council, its authorities and its commissions shall be prepared in draft form and sent out to Council, its authorities and/or commissions and appropriate staff at least five (5) business days prior to any regular meeting of the City Council, any Work Session of the City Council, and all meetings of Commissions and Authorities of the City of Dawsonville, including but not limited to the Planning Commission, the Historic Preservation Commission and the Downtown Development Authority.

A final copy of the agenda shall be posted at City Hall and on the City's website and distributed with supporting documentation to the Council, its authorities, commissions and appropriate staff no later than three (3) business days prior to the meeting.

Any member of the public who desires to submit additional documentation in support of or in opposition to proposed agenda items shall submit the same to the Clerk not less than one (1) business day prior to the meeting by 12:00 p.m. in order to be considered at the meeting.

The timelines set forth hereinabove shall not apply to items that are added to the agenda after it has been prepared, posted at City Hall and sent out to the Council, its authorities and/or commissions.

SO RESOLVED this ____ day of _____, 2018.

By: CITY OF DAWSONVILLE

Mike Eason, Mayor

Caleb Phillips, Councilmember Post 1

Stephen Tolson, Councilmember Post 2

Jason Power, Councilmember Post 3

Mark French, Councilmember Post 4

Attested: _____
Beverly Banister, City Clerk