

First Reading: 11/05/2018

Public Hearing and Second Reading: 12/03/2018

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Appendix A- Zoning of Subpart B- Land Development Regulations is repealed in its entirety and in its stead, the following Appendix A- Zoning is adopted: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 steep 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 qualify as a registered historic district; individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of the interior; or individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the secretary of the interior, or directly by the secretary of the interior in states without approved programs.

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

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

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

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

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 Ordinance, 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 Ordinance.

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 Zoning Ordinance 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. Manufactured (Mobile) Homes shall include items 1 thru 5 below:

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.
3. Tiny Homes
4. Park Models
5. Any other non-site-built structure which in area does not meet the minimum square feet required by the International Residential Code with Georgia amendments as adopted by this jurisdiction.

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.

Permanent Residence: Any building, structure or housing unit which is used as a residence for more than six (6) months per year.

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: a building, structure etc. which is or can be a person's home; and or the place where someone lives.

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 Ordinance 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.

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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 setbacks, 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 exit 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 additional renewal periods to be granted at the discretion of the Planning Director.

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 Zoning Ordinance.
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.

PART III- POWERS ENUMERATED

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 Zoning shall have the power to grant administrative variances (except for density and use) from the development standards of the Zoning Ordinance 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 Zoning Ordinance 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 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), 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.

9. Maximum units per building. No more than six units shall be permitted to form any one single building

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 ORDINANCE. 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.

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
3 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 ORDINANCE. 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 ordinance.

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 amount of permanent open space or natural space required shall be no less thirty (30) percent of the development. An active amenity area is required. The overall net density shall be no more than one (1) unit per acre except for multi-family applications which shall be four (4) units 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-days' 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 ORDINANCE. 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 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	3 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.

ARTICLE XXI.- RCT, RESIDENTIAL COTTAGE

Sec. 2101.- Purpose and intent

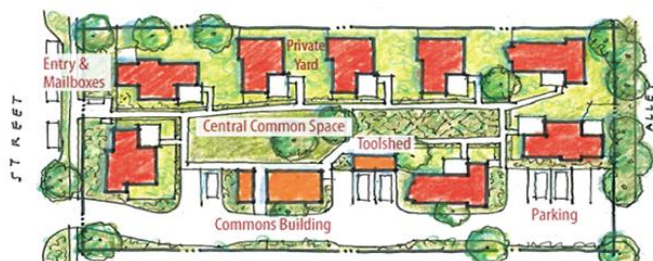
The trend toward smaller houses has become a social movement. People are choosing to downsize the space they live in, simplify, and live with less. People are embracing this life philosophy and the freedom that accompanies the smaller more economical house lifestyle. The residential cottage district 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
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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. Amphitheatres and stadiums.
5. Animal hospitals and veterinary clinics.
6. Assembly halls, auditoriums and meeting halls.
7. Auto, boat, truck, motorcycle, bicycle and other vehicle rental, repair, service and sales.
8. Auto, boat, truck, motorcycle, bicycle and other vehicle parts sales.
9. Auto car washes, single bay automated car washes attached to the business.
10. Banks and financial institutions.
11. Billiard halls, poolrooms and amusement/video arcades.
12. Blueprinting establishments.
13. Bowling alleys.
14. Building materials sales and lumberyards.
15. Bus passenger stations, terminals.
16. Cabinet shops.
17. Camper and recreational vehicle sales, service and repair.
18. Christmas tree sales.
19. Contractor's establishments, building, electrical and plumbing.
20. Convalescent homes, nursing homes, group homes, rehabilitation centers, sanitariums and similar institutionalized residential facilities involving professional care and treatment.
21. Department stores.
22. Dry-cleaning establishments, laundromats and laundries.
23. Equipment rental, sales and service.
24. Exterminators and pest control businesses.
25. Firearms sales and service, including gun clubs and indoor shooting ranges.
26. Firewood sales.
27. Flea markets.

28. Floor covering stores.
29. Funeral homes, mortuaries and mausoleums.
30. Furniture, fixtures and home furnishing stores, including rental, finishing, repair and sales but not manufacturing.
31. Garden supply centers, greenhouses and landscaping services.
32. Golf courses, golf driving ranges, miniature golf courses, and baseball batting cages.
33. Health clubs and spas.
34. Heliports and helistops.
35. Hospitals and clinics.
36. Hotels, motels, and bed and breakfast inns.
37. Kennels.
38. Lawn mower rental, repair and sales and service shops.
39. Mini-warehouses and mini-storage facilities, where no individual storage stall or compartment exceeds 500 square feet of total floor area.
40. Manufactured home and manufactured building sales, but not including residential occupancy of manufactured homes.
41. Monument sales establishments.
42. Palm reading and fortune telling establishments.
43. Parking garages and parking lots.
44. Pawn shops.
45. Pet stores and grooming establishments.
46. Printing establishments.
47. Private clubs operated for profit.
48. Race tracks for go-carts only. Minimum of five 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, whereas 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.

CENTRAL BUSINESS DISTRICT

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 1102 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 Ordinance.

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 ordinance.

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 obstructions or hazards 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: 1487 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 Surface Zone: That area on the ground directly beneath an Approach Surface.
- (3) Horizontal Surface Zone: That area on the ground directly beneath the Horizontal Surface.

- (4) Conical Surface Zone: That area on the ground directly beneath the Conical Surface
- (5) Transitional Surface 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. (For the airport configuration on December 1, 2018, the position is 34°27'30.37" N, 84°10'49.42" W.)

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 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.

Hazards and Obstructions to Air Navigation: A hazard or 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.

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: 14, at an approach heading of 139°; 32, at an approach heading of 319.

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 Surface Zone.

For runways 14 and 32, the primary surface is centered on the runway, 500 feet wide, and extends 200 feet beyond each end of the runway.

(b) Approach Surface Zone—Runways 14

The inner edge of this approach zone coincides with the width of the primary surface which is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(c) Approach Surface Zone—Runway 32

The inner edge of this approach zone coincides with the width of the primary surface which is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(e) Transitional Surface Zones.

The inner edge of this transitional zone coincides with the width of the primary surface, which is 500 feet wide, and extends upward at a slope of 7 to 1 until it intersects the horizontal surface at an elevation of 1637.

(f) Horizontal Surface Zone.

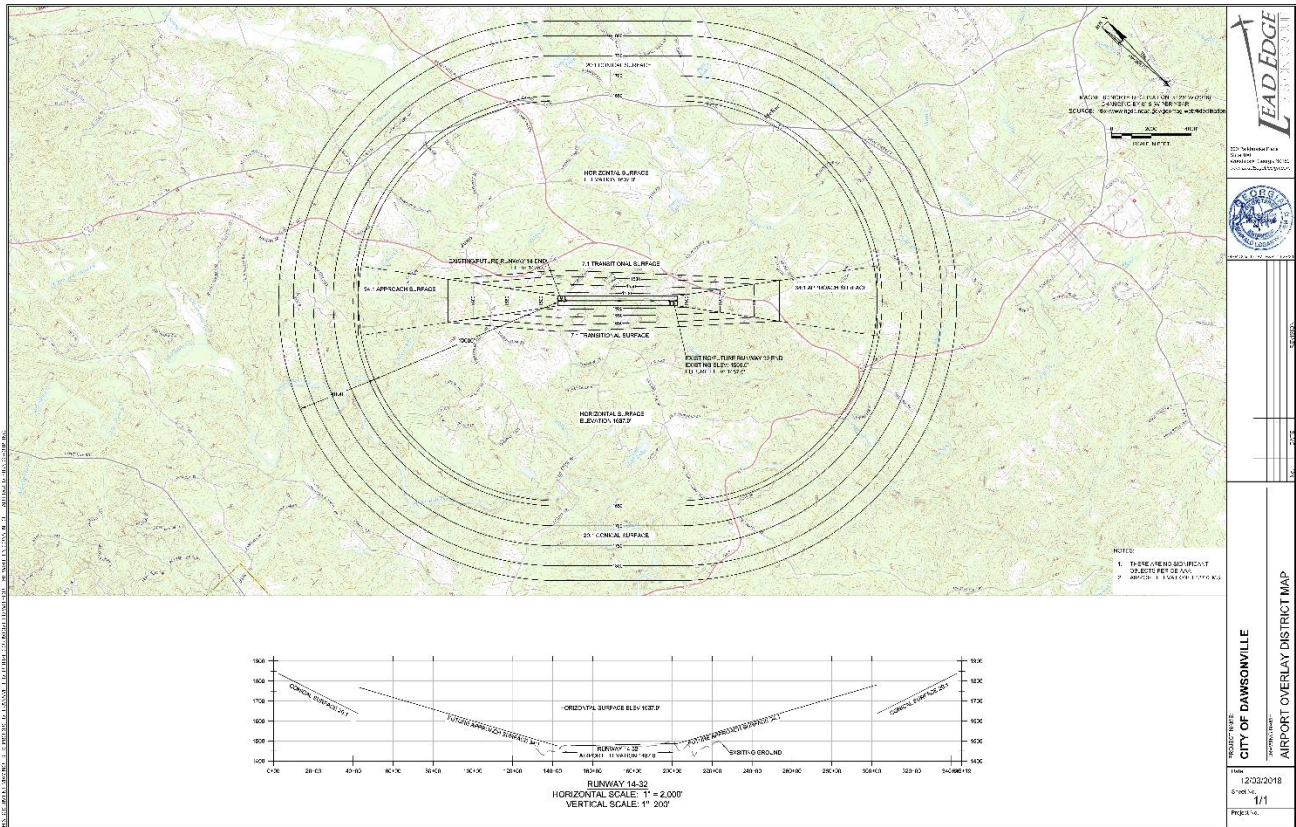
The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

(g) Conical Surface Zone.

The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward at a slope of 20 to 1 for a horizontal distance of 4,000 feet, reaching an elevation of 1837.

Sec. 3404.- Airport Overlay District Map.

Airport Overlay District boundaries are defined as all areas within the conical surface located in the City. The various airport zones established by this Chapter are illustrated on the Airspace Plan of Elliott Field Airport which is hereby adopted and made a part of this Chapter.



Sec. 3405.- Airport Zone Height Limitations.

No structure or tree shall be placed, altered, or maintained that penetrates any airport zone to a height in excess of the maximum height established for such zone.

Airport Zone	Height Limitation
Approach Surface 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 34 feet of horizontal distance, increasing to a maximum elevation of 1637.
Approach Surface 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 elevation of 1637.

Transitional Surface 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 Surface Zone	Maximum height is established at 150 feet above the airport elevation.
Conical Surface 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.

Sec. 3406.- Permitted Uses.

In the airport district the following uses are permitted:

- (1) Aviation facilities, including airport terminal 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 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, car washes, banks, restaurants, medical offices, 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 City. 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. Any use not specifically permitted in section 3406.

Additionally, the following uses are specifically 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 and Obstructions Shall Not Be Increased.

No permit shall be granted that would allow the establishment or creation of a hazard or obstruction or permit a nonconforming use, structure, or tree to become a greater hazard or obstruction to air navigation, than it was on the effective date of this Chapter or any amendments thereto or a greater hazard or obstruction 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 City to indicate to the operators of aircraft in the vicinity of the airport the presence of such hazard or 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 City 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.

No variances are permitted unless those which would improve the safety and usability of the airport overlay district. Variances may only be granted by the Mayor and Council upon the advice and recommendation of city staff and the city's airport consultant.

Sec. 3412.- Staff Review of Application for Variance.

Variance applications pursuant to this Chapter shall be reviewed by city staff along with the city airport consultant, and their response or recommendation must be received by the Planning Director and forwarded to the Mayor and Council prior to action on any such variance.

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, Councilmember Post 1

Steve Tolson, Councilmember Post 2

Jason Power, Councilmember Post 3

Mark French, Councilmember Post 4

Attested: _____
Beverly Banister, City Clerk