Mayor and City Council Regular Meeting

Thursday, November 05, 2026 at 7:00 PM

Dacula City Hall, Council Chambers

442 Harbins Rd. | P.O. Box 400 | Dacula, Georgia 30019 | (770) 963-7451

Agenda

Updated on November 4, 2026

CALL TO ORDER AND ROLL CALL OF MEMBERS:

INVOCATION:

PLEDGE OF ALLEGIANCE:

CONSENT AGENDA:

1. Approval of the Minutes from the Worksession on October 1, 2026
2. Approval of the Minutes from the Regular Meeting on October 1, 2026
3. Resolution to activate a Downtown Development Authority for the City of Dacula, Georgia
4. Ordinance to amend Chapter 12, Article V
5. Ordinance to amend Chapter 13, Article III
6. ERP software proposal
7. FFY-2027 CDBG application

OLD BUSINESS:

NEW BUSINESS:

8. **PUBLIC HEARING**: Ratification of Official Zoning Map Revisions
9. Ratification of Official Zoning Map Revisions
10. **PUBLIC HEARING:** Ordinance to amend Article IX of the Zoning Resolution
11. Ordinance to amend Article IX of the Zoning Resolution

STAFF COMMENTS:

MAYOR AND COUNCIL COMMENT(S):

PUBLIC COMMENTS:

EXECUTIVE SESSION: Personnel, real property, and legal matters

ADJOURNMENT:

Mayor and City Council Worksession

Thursday, October 01, 2026 at 6:00 PM

Dacula City Hall, Council Chambers

442 Harbins Rd. | P.O. Box 400 | Dacula, Georgia 30019 | (770) 963-7451

Minutes

Amended October 1, 2026

I. CALL TO ORDER AND ROLL CALL OF MEMBERS:

Meeting started at 6:00 p.m.

Councilmembers Present:

Mayor Trey King
Councilmember Sean Williams
Councilmember Jason Shelton
Councilmember Ann Mitchell
Councilmember Denis W. Haynes, Jr.

City Staff Present:

Brittni Nix, City Administrator
Jack Wilson, City Attorney
Courtney Mahady, Assistant City Clerk
Hayes Taylor, Senior Planner
Dana Stump, Administrative Assistant for Planning & Development
Amy White, Chief Marshal

Mayor and Council discussed the following items.

II. OLD BUSINESS:

1. Health Insurance Benefit

   City Administrator, Brittni Nix, initiated the discussion regarding the health insurance benfits.

III. NEW BUSINESS:

2. Official Acceptance of Annexation Application: 2026-CD-AA-01

   Senior Planner, Hayes Taylor, discussed the annexation application.

3. Ordinance to amend Chapter 12 - Article I - Business Licenses and Regulations

   City Administrator, Brittni Nix, discussed the ordinance to amend Chapter 12, Article I.

4. Authorization to write off and discharge unpaid ad valorem tax bills under $5.00

City Administrator, Brittni Nix, discussed the authorization to write off and discharge unpaid ad valorem tax bills under $5.00.

5. Network installation

City Administrator, Brittni Nix, discussed the network installation.

No votes were taken during this meeting.

IV. MARSHAL UPDATE:

Amy White provided the marshal update.

V. CITY ADMINISTRATOR UPDATE:

Brittni Nix provided the city administrator update.

VI. MEMBER COMMENT(S) / QUESTION(S):

None

VII. ADJOURNMENT:

Meeting adjourned at 6:40 p.m.

Minutes approved _____ _____

Date *Signature*

Mayor and City Council Regular Meeting

Thursday, October 01, 2026 at 7:00 PM

Dacula City Hall, Council Chambers

442 Harbins Rd. | P.O. Box 400 | Dacula, Georgia 30019 | (770) 963-7451

Minutes

Amended October 1, 2026

I. CALL TO ORDER AND ROLL CALL OF MEMBERS:

Mayor King called the October 1, 2026 Council Meeting to order at 7:00 p.m. and a roll call of the members was taken. He welcomed everyone to the meeting.

Councilmembers Present:

Mayor Trey King
Councilmember Sean Williams
Councilmember Jason Shelton
Councilmember Ann Mitchell
Councilmember Denis W. Haynes, Jr.

City Staff Present:

Brittni Nix, City Administrator
Jack Wilson, City Attorney
Courtney Mahady, Assistant City Clerk
Hayes Taylor, Senior Planner
Dana Stump, Administrative Assistant for Planning & Development
Amy White, Chief Marshal

II. INVOCATION:

Pastor Jeff Rogers gave the invocation.

III. PLEDGE OF ALLEGIANCE:

Mayor King led the Pledge of Allegiance.

IV. CONSENT AGENDA:

1. Approval of the Minutes from the Worksession on September 3, 2026
2. Approval of the Minutes from the Regular Meeting on September 3, 2026
3. Official Acceptance of Annexation Application: 2026-CD-AA-01
4. Ordinance to amend Chapter 12 - Article I - Business Licenses and Regulations
5. Authorization to write off and discharge unpaid ad valorem tax bills under $5.00

~~6. Network installation~~

Item #6 Network installation was removed from the consent agenda and moved under new business as item #7.

Motion to approve consent agenda items #1-5 made by Councilmember Shelton, Seconded by Councilmember Mitchell.
Voting Yea: Councilmember Williams, Councilmember Shelton, Councilmember Mitchell, Councilmember Haynes, Jr.

V. OLD BUSINESS:

6. Health Insurance Benefit

Following discussion during the work session, the item was determined not to be ready for a vote and will remain tabled. The Mayor and Council moved on to New Business.

VI. NEW BUSINESS:

7. Network installation

Mayor King called for a motion to approve the MIS Solutions for the network installation of the municipal complex and authorize the City Administrator to further finalize the proposal.

Motion to approve made by Councilmember Williams, Seconded by Councilmember Shelton.
Voting Yea: Councilmember Williams, Councilmember Shelton, Councilmember Mitchell, Councilmember Haynes, Jr.

VII. STAFF COMMENTS:

None

VIII. MAYOR AND COUNCIL COMMENT(S):

8. Submission of the FY-2027 Proposed Budget and FY-2026 Budget Adjustments to City Council and the citizens of Dacula

Councilmember Williams thanked city staff for their ongoing hard work.

Councilmember Shelton expressed appreciation to Chief Marshal White for her hard work.

Councilmember Mitchell thanked city staff for their efforts in preparing the budget and for helping her better understand the budget and the work involved in its development.

Mayor King submitted the FY-2027 Proposed Budget and FY-2026 Budget Adjustments to City Council and the citizens of Dacula for review. He noted that Public Hearings for the budget are scheduled for 6:30 p.m. on November 5, 2026 and December 3, 2026.

Mayor King also included the Not Dracula Day Blood Drive is Saturday, October 3 from 10:00 a.m. to 3:00 p.m.

IX. PUBLIC COMMENTS:

Matt Pennington expressed concern about data centers and Flock cameras.

X. EXECUTIVE SESSION: Personnel, real property, and legal matters

Motion to enter into executive session at 7:12 p.m. for the purposes of personnel matters made by Councilmember Mitchell, Seconded by Councilmember Haynes, Jr..
Voting Yea: Councilmember Williams, Councilmember Shelton, Councilmember Mitchell, Councilmember Haynes, Jr.

Motion to exit executive session at 7:48 p.m. made by Councilmember Haynes, Jr., Seconded by Councilmember Shelton.
Voting Yea: Councilmember Williams, Councilmember Shelton, Councilmember Mitchell, Councilmember Haynes, Jr.

XI. ADJOURNMENT:

Motion to adjourn made by Councilmember Williams, Seconded by Councilmember Haynes, Jr..
Voting Yea: Councilmember Williams, Councilmember Shelton, Councilmember Mitchell, Councilmember Haynes, Jr.

Meeting adjourned at 7:49 p.m.

Minutes approved _____ _____

Date *Signature*

AN ORDINANCE AND RESOLUTION
TO ACTIVATE A DOWNTOWN DEVELOPMENT AUTHORITY
FOR THE CITY OF DACULA, GEORGIA

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens to formally activate the City of Dacula Development Authority to provide for the efficient and orderly development of potential commercial properties in the City of Dacula; and

WHEREAS, the City's Charter expressly permits the creation of boards and authorities for the City by ordinance; and

WHEREAS, the revitalization and development of properties within the City of Dacula for commercial and industrial use promotes the public good and general welfare of trade, commerce, industry, and employment opportunities by creating a climate favorable to the location of new industry, trade, and commerce and the development of existing industry, trade and commerce with the municipal limits; and

WHEREAS, Georgia law pursuant to O.C.G.A. § 36-42-4 provides for the formation and activation of a development authority for each municipal corporation to have all powers necessary of convenient to carry out and effectuate the development of industry and commerce within the municipal limits and provides for the qualifications for members of said authority; and

WHEREAS, the Mayor and City Council have identified the area to be covered by the Downtown Development Authority as shown on Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, the Mayor and City Council have identified the seven individuals to serve as the directors of the City of Dacula Development Authority as listed on Exhibit "B" attached hereto and incorporated herein by reference;

NOW THEREFORE THE COUNCIL OF THE CITY OF DACULA HEREBY ORDAINS AND RESOLVES that the following ordinance and resolution be adopted to activate the City of Dacula Downtown Development Authority as provided by O.C.G.A. § 36-42-4 *et. seq.:*

Section 5-1 Statement of Findings.

(1) There exists an urgent need to provide incentives for the investment of funds for the revitalization and redevelopment of the central business district of the City.

(2) Adequate financing for the revitalization and redevelopment of the central business district of the City cannot be provided through ordinary operation of private enterprise, and the involvement of a public agency as herein contemplated in such an undertaking would not be competitive with private enterprise.

(3) The Downtown Development Authorities Law (Georgia Laws 1981, p. 1744 et seq., codified as O.C.G.A. Title 26, Chapter 42, hereinafter sometimes referred to as the "Act"), which was enacted by the General Assembly of the State of Georgia, creates for every municipal corporation in the state a public body corporate and politic to be known as the Downtown Development Authority of such municipal corporation, which shall consist of a board of seven directors to be appointed by the governing body of such municipal corporation.

(4) The Mayor and Council have determined that there is a need for a Downtown Development Authority to function in the City to aid in the financing of projects for the revitalization and redevelopment of the central business district of the City which will develop and promote for the public good and general welfare trade, commerce, industry and employment opportunities within the city and the state.

(5) The Mayor and Council, after a thorough study and investigation, have determined that it is desirable and necessary that a Downtown Development Authority be activate immediately to function in the City with all powers granted to such authorities under said Act to issue revenue bonds, notes and other obligations for the purpose of providing funds to finance the cost of revitalization and redevelopment of the central business district of the City, all as more fully set forth in said Act to issue revenue bonds, notes and other obligations for the purpose of providing funds to finance the cost of revitalization and redevelopment of the central business district of the city, all as more fully set forth in said Act.

Section 5-2 Declaration of Need.

There is determined and declared to be a pressing existing need for a Downtown Development Authority to function in the City in accordance with the terms and provisions of the Downtown Development Authority Law for the purpose of providing a means of financing of

projects for the revitalization and redevelopment of the central business district of the City, thereby promoting the public good and general welfare of the residents of the city and the state.

Section 5-3 Activation of Authority.

There is activated the public body corporate and politic to be known as the "Downtown Development Authority of the City of Dacula" (hereinafter referred to as the "authority"), which authority was created pursuant to the Downtown Development Authorities Law, Georgia Laws 1981, p. 1744 et seq. A true and correct copy of the Act shall be attached to the ordinance codified in this article and by this reference thereto same is incorporated herein and made a part hereof.

Section 5-4 District Designated.

The central business district of the City is designated as the downtown development district of the City as required by Section 3 of the Act, and said area and district are geographically constituted to encompass the area shown on that map attached hereto as Exhibit "A" and incorporated herein by reference.

Section 5-5 Appointment of Members.

The Downtown Development Authority shall consist of seven (7) members. Four (4) of whom shall be residents of the City of Dacula and two (2) that operate businesses located within the downtown development area and are taxpayers who reside in the county where the municipal corporation is located. Notwithstanding the foregoing, one member may reside outside the county; provided, however, that such appointed member owns a business within the downtown development area and is a resident of the State of Georgia.

The Mayor and City Council hereby appoint the individuals named on Exhibit "B" to serve as members of the Downtown Development Authority. Any vacancies in memberships shall be filled for the remainder of the term by appointment of the Mayor and City Council.

Section 5-6 Term of Members.

The initial members of the authority are hereby appointed for the terms listed on Exhibit "B" attached hereto and incorporated herein by reference. The initial members shall serve for the terms listed on Exhibit "B." Thereafter, the Mayor and Council shall appoint the members by majority vote and each member serve a four year term. Each appointee will be subject to approval by the Mayor and Council and may be removed at any time for cause. Removal will be by ten (10) day written notice and majority vote by the Mayor and Council. This vote will be held in a public meeting. Grounds for removal for cause shall include, but not be limited to, missing three or more meetings in a calendar year, conflict of interest, or conduct not becoming a Board member or representative of the City.

The Downtown Development Authority shall elect one of its members as Chairman and a second as vice-chairman. The chair and vice-chairman shall serve for a period of one year unless re-elected or until successors are elected. The Authority shall appoint a secretary/treasurer who may be, but need not be, a member of the Authority. The secretary/treasurer may be an employee of the City.

Section 5-7 Residency Requirements of Directors.

In the event a director at any time ceases to be a taxpayer residing in the City or qualifying as a business operator, or otherwise does not meet the qualifications of State law, his/her eligibility to serve as a director shall cease and his/her appointment as a director shall end.

Section 5-8 Organization; Powers; Duties.

The board of directors hereinbefore elected shall organize itself, carry out its duties and responsibilities and exercise its powers and prerogatives in accordance with the terms and provisions of the Act as it now exists and as same may hereafter be amended or modified.

Section5-9 Copy furnished to State.

The City Administrator is directed to furnish to the Secretary of State and Department of Community Affairs a certified copy of this resolution in compliance with the mandate set forth in Section 3 of the Act.

Section 5-10 Effective Date.

This article shall be effective immediately upon its adoption by the Mayor and Council and from and after such adoption, the authority shall be deemed to be duly created and activated and shall have perpetual existence.

Section 5-11 Action by Resolution Subsequent to Activating Authority.

The City Council, pursuant to the provisions of O.C.G.A. § 36-42-6, may, by proper resolution adopted subsequent to the activation of the authority:

(1) change its designation of the downtown development area to a geographical area within the City which, in the judgment of the City Council, constitutes the central business district, provided that any such change in the downtown development area shall be effective prospectively from the adoption of the resolution providing therefore and shall not affect any project of, or any action taken by the authority within or with respect to the downtown development area as defined prior to such change becoming effective;

(2) Appoint directors of the authority which the City Council is authorized to appoint; and

(3) Disapprove any proposed issue of revenue bonds, notes, or other obligations of the authority, in the manner provided in O.C.G.A. § 36-42-1 *et seq*.

Section 5-12 Procedures

A. Meetings of the Downtown Development Authority shall be regularly scheduled or at the call of the chair at such times as the secretary and chair may determine.

B. All meetings must have a quorum and a quorum shall consist of four (4) or more members.

C. Each matter heard by the Downtown Development Authority shall provide for a minimum of ten minutes for public comment in favor of an application and ten minutes for public comment opposed to an application.

D. Matters brought before the Downtown Development Authority shall be decided by majority vote of members present and voting.

E. An affirmative vote of at least four (4) members is required to approve a petition before the board.

F. Any member of the Downtown Development Authority shall be disqualified to act upon a matter in which the member has an interest.

G. Any member may elect to abstain from any vote.

H. The Downtown Development Authority shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact.

I. The Downtown Development Authority shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Administrator and shall be a public record.

This Ordinance and the amendments outlined herein shall be effective immediately upon their adoption by the Mayor and City Council.

SO ORDAINED by the governing authority of the City of Dacula, this _____ day of November, 2026.

AYES: ___

NAYES: ___

_____
HUGH D. KING, III
MAYOR, CITY OF DACULA

ATTEST:

_____
BRITTNI NIX,
CITY ADMINISTRATOR

EXHIBIT "A"

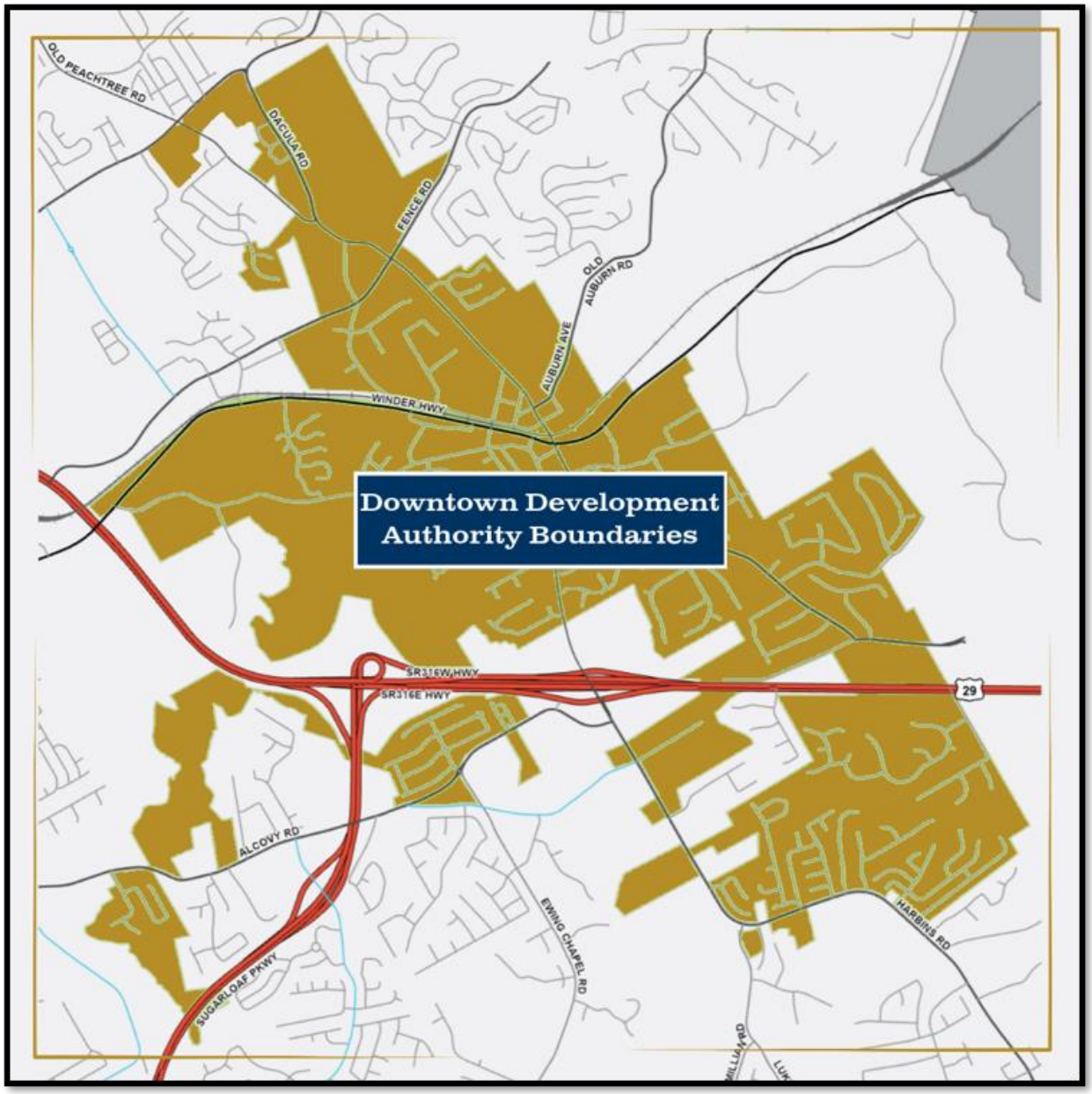

OLD PEACHTREE RD
DACULA RD
FENCE RD
OLD AUBURN RD
AUBURN AVE
WINDER HWY
Downtown Development Authority Boundaries
SR316W HWY
SR316E HWY
29
ALCOVY RD
SUGARLOAF PKWY
EWING CHAPEL RD
HARBINS RD

EXHIBIT "B"

MEMBER	TERM EXPIRES
Raylene Wilbur	12/31/2028
Sheldon Bethea	12/31/2028
Marshon Parker	12/31/2030
Peter Thakker	12/31/2030
Randall Nash	12/31/2032
John Courtney	12/31/2032
Denis W. Haynes, Jr.	12/31/2032

The term of a director (authority member) who is also a member of the governing body of a municipal corporation shall end when such director (member) is no longer a member of the governing body of the City.

HONORING OUR PAST, BUILDING OUR FUTURE
EST. CITY OF 1905
DACULA

MEMO

TO: Mayor and City Council of the City of Dacula

FROM: Brittni Nix, City Administrator

DATE: October 30, 2026

SUBJECT: Amendments to Chapter 12, Article V

The proposed resolution to amend Chapter 12, Article V renames the Article to Coin-Operated Amusement Machines and better aligns the city's ordinance with current regulations permitted by the State. Amendments include detailing requirements for operations such as posting licenses and notices, revocation of license procedures, and penalties permitted by the local government. Recommended updates also include instituting a distance requirement from churches (100 yards) and school (200 yards), limiting the number of machines to six per location, and requiring monthly gross sales receipts to prove that less than 50% of sales for the business derives from the subject machines (O.C.G.A. 50-27-86).

Staff recommends approving the ordinance to amend Chapter 12, Article V of the City of Dacula Code of Ordinances effective immediately.

AN ORDINANCE TO AMEND
THE CITY OF DACULA CODE OF ORDINANCES
CHAPTER 12
BUSINESS LICENSES AND REGULATIONS
ARTICLE V
MECHANICAL AMUSEMENT DEVICES

WHEREAS, the City has adopted a comprehensive Ordinance governing Business Licensing and Regulations as permitted by State law; and

WHERAS, the procedures for administering licensing, renewal, and citations related to the operation of mechanical amusement devices should be updated; and

WHEREAS, City staff has recommended the adoption of this Ordinance to update and clarify certain policies and procedures related to the administration of business licenses and enforcement actions related to mechanical amusement devices; and

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens of the City of Dacula to amend the City Code, update and revise the procedures as outlined herein;

NOW THEREFORE**,** THE MAYOR AND COUNCIL OF THE CITY OF DACULA HEREBY ORDAINS that Chapter 12, Article V be amended as follows:

SECTION 1

The revisions marked on Exhibit "A" attached hereto are hereby adopted.

SECTION 2

The City Administrator, Assistant City Administrator, and Director of Planning and Economic Development are further authorized to correct typographical errors in the text of the existing Code of Ordinances and to produce and publish a final codified version of the City Code with the amendments and revisions outlined herein.

SECTION 3

In the event any Court of competent jurisdiction determines that any portion of the foregoing amendment is invalid, unconstitutional or otherwise illegal, such rulings shall not impair the validity of the rest and remainder of this amendment.

SECTION 4

All laws and parts of laws in conflict with this Ordinance are hereby repealed. All of the rest and remainder of Chapter 12 not specifically amended herein shall continue in full force and effect.

SECTION 5

This Ordinance and the amendments outlined herein shall be effective immediately upon their adoption by the Mayor and City Council.

SO ORDAINED by the governing authority of the City of Dacula, this ____ day of November, 2026.

AYES: ___

NAYES: ___

_____
HUGH D. KING, III
MAYOR, CITY OF DACULA

ATTEST:

_____
BRITTNI NIX, CITY ADMINISTRATOR

ARTICLE V. ~~MECHANICAL AMUSEMENT DEVICES~~ COIN-OPERATED AMUSEMENT MACHINES

Sec. 12-140. Definitions.

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

Amusement game room **means any location where one or more bona fide coin-operated amusement machines are operated that permit non-cash redemption as provided in O.C.G.A. § 16-12-35(d)(1)(B), (C), or a combination thereof.**

~~*Mechanical amusement device*~~ ***Bona fide coin-operated amusement machine*** means any machine which, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally for use as a game, entertainment or amusement whether or not registering a score. It shall include such devices as marble machines, pinball machines, video machines, skill ball, mechanical grab machines, pool and billiard tables (mechanical or otherwise) and all games, operations or transactions similar thereto under whatever name they may be indicated

Gambling device means:

(1) Any contrivance which for a consideration affords the player an opportunity to obtain money or other thing of value, the award of which is determined by chance even though accompanied by some skill, whether or not the prize is automatically paid by contrivance;

(2) Any slot machine or any simulation or variation thereof;

(3) Any matchup or lineup game machine or device, operated for any consideration, in which two or more numerals, symbols, letters, or icons align in a winning combination on one or more lines vertically, horizontally, diagonally, or otherwise, without assistance by the player. Use of skill stops shall not be considered assistance by the player; or

(4) Any video game machine or device, operated for any consideration, for the play of poker, blackjack, any other card game, or keno or any simulation or variation of any of the foregoing, including, but not limited to, any game in which numerals, numbers, or any pictures, representations, or symbols are used as an equivalent or substitute for cards in the conduct of such game.

Any item described in subsection (2), (3), or (4) of this definition shall be a prohibited gambling device subject to and prohibited by this part, notwithstanding any inference to the contrary in any other law of this state.

Person, firm, corporation or association means and includes the following: any person, firm, corporation or association which owns any such machines; the person, firm, corporation or association in whose place of business any such machine is placed for use by the public; and the person, firm, corporation or association having control over such machine.

(Code 1993, § 5.24.010; Ord. of 6-5-1988, § 1; Ord. of 5-6-2010)

Sec. 12-141. Gambling devices prohibited.

Gambling devices, as that term is defined in O.C.G.A. § 16-12-20(2) are prohibited in the City, and the ownership, use, or transport thereof shall be a misdemeanor pursuant to state law, except as exempted

pursuant to O.C.G.A. § 16-12-35(a)—(k) and regulated by the Georgia Lottery Corporation ("GLC") pursuant to O.C.G.A. § 50-27-70 et seq.

~~Any person, firm, corporation or association operating a business with a City occupational tax certificate shall not authorize, license or permit any gambling devices whatsoever, or any mechanism that has been judicially determined to be a gambling device, or in any way contrary to law.~~

(Code 1993, § 5.24.020; Ord. of 6-5-1988, § 2; Ord. of 5-6-2010)

Sec. 12-142. License required.

No person, firm or corporation shall engage in the business of an operator or proprietor of an amusement game room, as the term is herein defined, without first having obtained a license and without first having paid the occupation tax required under this article.

~~Any person, firm, corporation or association displaying for public patronage or keeping for operation any mechanical amusement device shall obtain a license from the City upon payment of license fee. Application for such license shall be made to the mayor and council upon a form to be supplied by the City clerk for that purpose.~~

(Code 1993, § 5.24.030; Ord. of 6-5-1988, § 3)

Sec. 12-143. ~~Application for~~ Issuance of license.

(a) ~~The application for a license shall contain the following information:~~ **The application shall include the following information: verification of valid master license and location license in accordance with O.C.G.A. § 50-27-71(a.1) and (b)**

(1) Name, address, and age of the applicant and the date of the application;

(2) Address or place where the bona fide coin operated amusement machine or machines are to be offered to the public for play and the other business or businesses operated at that place or places.

(3) Name and address of the owner of the machine or machines and a copy of the owner's master license;

(4) Name and address of any other business owned or operated by applicant within the corporate limits of the City;

(5) List of any other licenses or permits from the City held by the applicant.

~~(1) Name and address of the applicant, age, date and place of birth;~~

~~(2) Prior convictions of the applicant, if any;~~

~~(3) Place where the machine or device is to be displayed or operated and the business conducted at that place; and~~

~~(4) Description of the machine to be covered by the license, mechanical features, name of manufacturer and serial number.~~

(b) No license shall be issued to any applicant unless he or she is over 18 years of age and a citizen of the United States.

(c) Upon issuing a license for an amusement game room, the City shall provide the licensee with a copy of this article. The City shall not require a fee for an amusement game room license or registration. A license

issued in accordance with this article shall be valid until December 31st of the year in which the license was issued. The owner or operator of an amusement game room shall be required to pay occupation taxes in accordance with chapter 12 of the Code of Ordinances of the City.

(Code 1993, § 5.24.040; Ord. of 6-5-1988, § 4)

Sec. 12-144. ~~License fees.~~ Occupation tax required.

No person, firm, or corporation shall engage in the business of an owner or proprietor of amusement game room without first having completed the occupation tax certificate form, paid the required occupational tax, and without first having obtained the license required under this article. A copy of said certificate/license shall be prominently displayed within the business location at all times.

~~Every applicant, before being granted a license, shall pay an annual license fee, plus an additional fee for each mechanical amusement device for the privilege of operating or maintaining for operation each mechanical amusement device. Licenses shall expire on March 31 of each year. The annual license fee shall be in an amount as established by the City council from time to time.~~

(Code 1993, § 5.24.050; Ord. of 6-5-1988, § 5)

Sec. 12-145. ~~Zoning requirements.~~ Distance.

(a) No person may operate an amusement game room, machine or device in or within 100 yards of a church building or within 200 yards of any school building, educational building, or school grounds.

(b) The school building or educational building referred to in this section shall apply only to state, county, City or private school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common school and colleges of this state, including pre-kindergarten schools which provide state-accredited pre-kindergarten programs of instruction and which are public schools or private schools as defined in O.C.G.A. § 20-2-690(b). The term "school building" includes only those structures in which instruction is offered.

(c) The term "church building," as used herein, shall mean the main structure used by any religious organization for purposes of worship or education.

(d) For the purposes of this section, distance shall be measured in a straight line from the main entrance of the school or church building in question to the main entrance of the establishment for the operation of amusement devices in question.

(e)No location which holds a license and properly operates amusement devices on the effective date of the ordinance from which this chapter is derived shall be denied continued operation under an existing license, or denied any renewal of such license, nor shall any new owner of said location be denied a new license based upon the measurements set forth in this section.

(f) As to any location licensed in the future, if the distance requirements herein are met at the time of issuance of any license, the subsequent opening and operation of a church or school within the distance prohibited herein shall not prevent the continuance of an existing license or the renewal thereof or the issuance of a new license to any subsequent owner of such property.

~~No mechanical amusement device shall be operated or maintained for operation and no license shall be granted to any applicant unless the premises upon which the mechanical amusement devices to be operated or~~

~~maintained for operation are located within an area zoned C-1, C-2 or C-3 according to the zoning ordinance of the City, effective as of the date upon which the application is made.~~

(Code 1993, § 5.24.060; Ord. of 6-5-1988, § 6)

Sec. 12-146. ~~Display of license; transferability.~~ Number of bona fide coin-operated amusement machines at a location.

No amusement game room in the City shall offer to the public more than six (6) class B bona fide coin-operated amusement machines, as defined in O.C.G.A. § 50-27-70, at the same location.

~~(a) Each license shall be posted permanently and conspicuously at the location of the machine in the premises wherein the device is to be operated or maintained to be operated.~~

~~(b) The license may be transferred from one machine or device to another similar machine upon application to the City clerk to such effect and the giving of a description and the serial number of the new machine or device. Not more than one machine shall operate under one license, and the applicant or licensee shall be required to secure a license and for each and every machine displayed or operated.~~

~~(c) If the licensee moves his place of business to another location within the City, the license may be transferred to such new location upon application to the City clerk, giving the street and number of the new location.~~

(Code 1993, § 5.24.070; Ord. of 6-5-1988, § 7)

Sec. 12-147. Gross receipts from bona fide coin-operated amusement machines and from business.

(a) Every amusement game room shall keep records available for inspection by City officials that set out separately annual gross receipts for the class B amusement games and the other products and services sold at the location.

(b) Any location owner or location operator subject to O.C.G.A. § 50-27-84(b)(1) is hereby required to provide a monthly report to the City. Such report shall indicate the monthly gross retail receipts for each business location located within the jurisdiction of the City and shall be due by the twentieth [20 th] day of each month, subsequent to the month in which the sales have taken place. In addition, each owner or operator must allow the local government an annual audit of the reports from the owner or operator to the Lottery Corporation.

(c) No location owner or location operator may derive more than fifty (50) percent of such location owner's or location operator's monthly gross retail receipts for this business location in which the class B machines are situated from such class B machines and any location owner or location operator found in violation of such provision may be fined and may have any City issued license suspended or revoked as allowed under this article. Compliance with this section requires both the availability of records for inspection and compliance with the fifty (50) percent of gross retail receipts requirement. Any violations of this provision shall be reported to the Georgia Lottery Corporation.

~~Every license issued under this article is subject to the right, which is hereby expressly reserved, to revoke the same should the licensee, directly or indirectly, permit the operation of any mechanical amusement device contrary to the provisions of this article, the ordinances of the City or the laws of the state. The license may be revoked by the mayor and council after written notice and licensee is found to be guilty of such violations. Ten days' notice of the hearing shall be given to the licensee. At the hearing the licensee and/or his attorney may be present and submit evidence and/or witnesses in his defense.~~

(Code 1993, § 5.24.080; Ord. of 6-5-1988, § 8)

Sec. 12-148. ~~Minors playing during school hours.~~ Notice requirements.

(a) Every amusement game room shall post a conspicuous sign with the following or substantially similar language:

"GEORGIA LAW PROHIBITS PAYMENT OR RECEIPT OF ANY MONEY FOR WINNING A GAME OR GAMES ON THIS AMUSEMENT MACHINE; PAYMENT OR RECEIPT OF MONEY FOR FREE REPLAYS WON ON THIS AMUSEMENT MACHINE; PAYMENT OR RECEIPT OF MONEY FOR ANY MERCHANDISE, PRIZE, TOY, GIFT CERTIFICATE, OR NOVELTY WON ON THIS AMUSEMENT MACHINE; OR AWARDING ANY MERCHANDISE, PRIZE, TOY, GIFT CERTIFICATE, OR NOVELTY OF A VALUE EXCEEDING $5.00 FOR A SINGLE PLAY OF THIS MACHINE."

(b) Every amusement game room shall post the license issued by the City conspicuously and permanently.

(c) The owner or proprietor of each amusement game room shall inform every employee of the acts and omissions prohibited by state law and by this article, and of the penalties for violation of state law and this article.

~~No person under the age of 16 years shall be allowed within or on the premises of any establishment to which a licensee has been issued by the City under this article during the hours school is in session from beginning time to dismissal.~~

(Code 1993, § 5.24.090; Ord. of 6-5-1988, § 9)

Sec. 12-149. ~~Penalties for violation.~~ Compliance with O.C.G.A provisions relating to master licenses and stickers for individual machines.

Bona fide coin-operated amusement machines may be used in an amusement game room within the City only if the machines are owned by a person who holds a valid master license in accordance with O.C.G.A. § 50-27-71, and each machine offered to the public for play has a valid permit sticker in accordance with O.C.G.A. § 50-27-78. The City official in charge of issuing business licenses shall notify the State Commissioner of Revenue of any observed violation of O.C.G.A. § 50-27-71 or § 50 27-78.

~~Any person, firm, corporation or association violating any of the provisions of this article, in addition to the revocation of his occupational tax certificate, shall, upon conviction, be subject to punishment according to the penalties described in section 1-23.~~

(Code 1993, § 5.24.100; Ord. of 6-5-1988, § 10; Ord. of 5-6-2010)

Sec. 12-150. Penalties for violations by owners or operators of amusement game rooms.

(a) In addition to penalties set out in the O.C.G.A. provisions for failure to comply with the provisions of O.C.G.A. § 16-12-35, the owner or operator of an amusement game room, after a hearing before the City Council, may be subject to the following penalties:

(1) *Minimum penalty.* Suspension for not less than 15 days of the owner's or operator's license for offering any amusement game at the location where the violation occurred, and suspension of other permits and licenses granted by the City for not less than 15 days.

(2) *Maximum penalty.* Permanent revocation of the owner's or operator's license for offering any amusement game at the location where the violation occurred, and suspension of other permits and licenses granted by the City for not more than one year.

(b) Penalties for violation of the provisions of this article or for the acts described in O.C.G.A. § 16-12-35 by the owner or operator of an amusement game room, after conviction in the Municipal Court are as follows:

(1) *Minimum penalty.* Fine not less than $100.00 for each violation.

(2) *Maximum penalty.* Fine not to exceed $1,000.00 for each violation, or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. In addition to such fine or imprisonment, violation of this article shall also be grounds for immediate suspension or revocation of the license issued hereunder. **.**

(Code 1993, § 5.24.100; Ord. of 6-5-1988, § 10; Ord. of 5-6-2010)

Sec. 12-151. Operating regulations.

All businesses operating as an amusement game room under this article shall be subject to the following regulations:

(a) *Devices to be kept in plain view; gambling devices prohibited.* All machines shall, at all times, be kept and placed in plain view of and open and accessible to any person who may frequent or be in any place of business where such machines are kept or used. Nothing in this section shall be construed to authorize, permit, or license any gambling device of any nature whatsoever.

(b) *Inspection.* The Marshal's Office shall inspect or cause the inspection of any place or building in which any such machines are operated or set up for operating, and shall inspect, investigate and test such machines as needed. Such building containing machines shall be fully enclosed to protect the electronic equipment required to operate such machines and shall be properly air conditioned and heated.

(c) *Attendant required.* It shall be unlawful for any proprietor to open his or her business to the public unless an attendant is present. Said attendant shall be of sufficient mental and physical capacity so as to be able to provide aid to patrons if needed or desired. Said attendant shall not be less than 18 years of age.

(d) *Loitering.* As used in this section, the term "loitering" means remaining idle in essentially one location and includes the concepts of spending time idly, loafing, or walking about aimlessly. It shall be unlawful for any person, firm, or corporation licensed to operate an amusement game room to permit loitering on or in the immediate vicinity of any machine or business premises regulated under this section in such a manner as to:

1. Create or cause to be created a danger of a breach of the peace;

2. Create or cause to be created any disturbance or annoyance to the comfort and repose of any person;

3. Obstruct the free passage of pedestrians or vehicles;

4. Obstruct, molest, or interfere with any person lawfully in a public place.

(e) *Shirt and shoes required.* All proprietors shall require shirts and shoes to be worn at all times by any person frequenting their premises.

(f) *Operating hours.* Operating hours for the operation of coin-operated amusement machines shall be the same as the business hours

Sec. 12-152. Revocation of license.

In the event that it comes to the attention of the City that an amusement game room has created a nuisance to the surrounding community, or the operator, proprietor, or an employee of the location has violated any provision O.C.G.A. § 16-12-35 or of this article, the following procedure will be followed:

(a) **The City Administrator and/or his/her designee shall issue a notice of objection which shall include the address of the location and the specific reasons why the amusement game room in question is alleged to be a nuisance or alleged to be in violation of any provision of this article. The City Administrator and/or his/her designee will then notify the proprietor that a notice of objection has been filed and will set a date for a hearing before the City Council. Extensions and necessary investigations will be granted and conducted at the discretion of the City Administrator and/or his/her designee.**

(b) **At the time of the hearing, any resident, the operator, the proprietor, and the City Administrator and/or his/her designee or other witnesses may be heard. Thereafter, the City Council shall issue a notice of decision which will call for the dismissal of the objection, removal of the machines, or such other remedy as they deem appropriate under the circumstances that are consistent with the purpose of this article.**

(c) **The decision of the City Council shall be included in the minutes of the meeting in which it was rendered.**

(d) **The decision of the City Council shall be binding upon the proprietor and operator of the amusement game room under consideration, subject to appeal to the County Superior Court.**

Sec. 12-153. Licenses and permits nontransferable.

(a) **Licenses required in this article are nontransferable. All businesses that have bona fide coin operated amusement machines on the premises shall display, in plain view, the current amusement game room license and occupational tax certificate issued by the City.**

(b) **The issued license shall not be transferred to another owner at the same site within the City. A new owner or proprietor must first obtain a new license if they are going to operate in the same or different location in the City.**

Secs. 12-150~~4~~—12-166. Reserved.

HONORING OUR PAST, BUILDING OUR FUTURE
EST. CITY OF 1905
DACULA

MEMO

TO: Mayor and City Council of the City of Dacula

FROM: Brittni Nix, City Administrator

DATE: October 30, 2026

SUBJECT: Amendment to Noise Ordinance

The proposed amendments to Chapter 13, Article III modernize and clarify the City's standards for regulating excessive noise. Amendments establish a "plainly audible" standard and provide more specific criteria for determining violations based on the type and source of noise, distance from the source, applicable hours and days, and the type of property affected with stricter standards in residential areas and during nighttime hours. The updated language is intended to provide clearer standards for both compliance and enforcement.

Staff recommends approving the ordinance to amend Chapter 13, Article III of the City of Dacula Code of Ordinances effective immediately.

AN ORDINANCE TO AMEND PROVISIONS RELATED TO NOISE REGULATIONS ARTICLE III OF CHAPTER 13 OF THE CODE OF THE CITY OF DACULA, GEORGIA

WHEREAS, the City Council of the City of Dacula, Georgia recognizes that excessive community noise is detrimental to individuals and the community in the enjoyment of life and property and in the conduct of business; and

WHEREAS, the City Council also recognizes that excessive noise negatively impacts residents making it difficult for visitors, workers and residents to enjoy places and activities; and

WHEREAS, the City Council recognizes that there has been much research concerning the effects of excessive noise which has been shown to have significant medical, social, and economic impacts; and

WHEREAS, the City Council further recognizes that uncontrolled excessive noise could be a hazard to the public health, welfare, safety, and quality of life of those living, working, and visiting the City of Dacula; and

WHEREAS, the City Council is authorized to adopt ordinances for the purpose of protecting and preserving the public health, safety, and welfare of the City and its residents; and **WHEREAS**, the City Council has not undertaken an extensive review of the current Noise Control Ordinance since at least 1993; and

WHEREAS, since 1993, growth has continued, and the population has continued to increase, resulting in more individuals residing more closely together and businesses being conducted in closer proximity to residential neighborhoods; and

WHEREAS, since 1993, the City has experienced a growth in a variety of developments where residential and commercial activities are conducted in close proximity within developments; and

WHEREAS, the City is more likely to attract and retain commercial enterprises and permanent residents if the City has ordinances in place to improve and maintain appropriate noise quality; and

WHEREAS, the City Council believes that it is necessary to the public health, welfare, safety, quality of life, and economic vitality of the City of Dacula and its residents and businesses to appropriately balance the rights of individuals to derive pleasure from various sources of sound with the rights of individuals to a peaceful and healthful environment; and

WHEREAS, the City Council believes that it is in the best interest of the City to revise the Noise Control Ordinance to more appropriately balance these interests and better meet the needs of residents and businesses within the City; and

WHEREAS, the Federal Government has long recognized the importance of promoting an environment free from noise that jeopardizes health and welfare of its citizens and businesses

through the passage of the Noise Control Act of 1972; and

WHEREAS, the State of Georgia has also recognized the importance of noise control through the enactment of O.C.G.A. § 40-6-14(a), which regulates sound from cars and provides that "[i]t is unlawful for any person operating or occupying a motor vehicle on a street or highway to operate or amplify the sound produced by a radio, tape player, or other mechanical sound-making device or instrument from within the motor vehicle so that the sound is plainly audible at a distance of 100 feet or more from the motor vehicle;" and

WHEREAS, the City Council desires to protect the health, safety, and welfare of those residing in, visiting, or doing business in the City of Dacula through the reasonable regulation of certain noises; and

WHEREAS, the City Council desires to adopt reasonable regulations concerning noise that are clear to follow and can be effectively and efficiently enforced; and

WHEREAS, the adoption of the proposed Noise Control Ordinance has been duly noticed and advertised in accordance with Official Code of Georgia Annotated Section 25-10-2(c); and

WHEREAS, the City Council finds that the adoption of a new and revised Noise Control Ordinance is in the best interest of the City of Dacula to protect the health, safety, and welfare of its residents, visitors, and workers.

NOW, THEREFORE, BE IT ORDAINED that the City Council hereby repeals Article III (Noise Regulations) of Chapter 13 (Nuisances) of the Code of the City of Dacula, Georgia and replaces it with a new Article III of Chapter 13 of the Code of the City of Dacula, Georgia, entitled "Noise Control" as follows:

SECTION 1

That all matters stated herein above are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

SECTION 2

That Article III of Chapter 13 of the Code of the City of Dacula is hereby amended by deleting Sections 13–50 through 13-52 and substituting the following in their place:

Section 13-50 Noise control.

a. *Purpose*. This section is enacted as a general noise ordinance to protect, preserve, and promote the health, safety and welfare of the citizens of the City of Dacula through the control of noise. It is the intent of this section to establish standards that will reduce excessive community noises, which are harmful and otherwise detrimental to individuals and to the community in the enjoyment of life and property and in the conduct of business.

b. *Sound measurement standards*. For the purposes of this section 13-50, "plainly audible" shall mean any sound emanating from the specific sound-producing sources set forth below which can be heard from the distances set forth below, using the following sound measurement standards: Measurement shall be by the auditory senses of a person standing at a distance no less than the required minimum distance from the source of the sound. For music and other noise, words and phrases need not be discernable. For music and other noise, bass reverberations are included.

Section 13-51 Prohibited conduct.

1. Restrictions of 300 feet for 8:00 a.m. through 10:00 p.m. Sunday through Thursday and 8:00 a.m. through 11:00 p.m. on Friday and Saturday.

a. *Mechanical sound-making devices*. It is unlawful for any person or persons to play, use, operate, or permit to be played, used, or operated any radio receiving device, television, stereo, musical instrument, phonograph sound amplifier or other machines or devices for the producing, reproducing or amplifying of sound and/or noise at such a volume and in such a manner so as to create, or cause to be created, any noises or sounds which are plainly audible at a distance of 300 feet or more from the building, structure or vehicle, or in the case of real property, beyond the property limits, in which it is located, whichever is farthest, between the hours of 8:00 a.m. and 10:00 p.m. Sunday through Thursday and between the hours of 8:00 a.m. and 11:00 p.m. on Friday and Saturday.

b. *Human-produced sounds*. It is unlawful for any person or persons to yell, shout, hoot, whistle, or sing on the public streets or sidewalks or on private property so as to create, or cause to be created, any noises or sounds which are plainly audible at a distance of 300 feet or more from the place, building, structure, or in the case of real property, beyond the property limits, in which the person is located, whichever is farthest, between the hours of 8:00 a.m. and 10:00 p.m. Sunday through Thursday and between the hours of 8:00 a.m. and 11:00 p.m. on Friday and Saturday.

c. *Commercial advertising*. It is unlawful for any person or persons to use, operate, or permit to be used or operated any radio receiving device, musical instrument, phonograph, loud speaker, sound amplifier or other machine or device for the production or reproduction of sound which is cast upon the public streets or other public property for the purpose of commercial advertising or which serves to attract the attention of the public to any building, structure or vehicle in such a manner so as to create, or cause to be created, any noises or sounds which are plainly audible at a distance of 300 feet or more from the source of the sound cast upon the public streets or other public property or from the building, structure, or in the case of real property, beyond the property limits, in which it is located, whichever is farthest, between the hours of 8:00 a.m. and 10:00 p.m. Sunday through Thursday and between the hours of 8:00 a.m. and 11:00 p.m. on Friday and

Saturday.

d. *Party noise*. It is unlawful for any person or persons in charge of a party or other social event that occurs on any private property to allow that party or social event to produce noise in such a manner that such noise is plainly audible at a distance of 300 feet or more from the building or structure from which the noise is emanating or in the case of real property, beyond the property limits, on which the party or social event is located, whichever is farthest, between the hours of 8:00 a.m. and 10:00 p.m. Sunday through Thursday and between the hours of 8:00 a.m. and 11:00 p.m. on Friday and Saturday. For the purposes of this subsection, a "person in charge of a party or other social event" shall mean any adult person who is the owner of; resides in or on; rents, leases, or otherwise has the right to occupy the premises involved in such party or social event and is present at such party or social event. For the purposes of this subsection, "noise" shall mean the same sounds, or any combination thereof, as described in Sections 13-50 (a) or (b) above.

e. *Animals or birds.* Anyone who keeps or maintains an animal or bird that emits frequent or long-continued sound or noise, shall be deemed in violation of this section. This section shall not apply to horses, livestock, poultry or other farm animals, provided they are maintained in accordance with applicable zoning regulations or ordinances.

2. Restrictions of 100 feet for 10:00 p.m. through 8:00 a.m. Sunday through Thursday and 11:00 p.m. through 8:00 a.m. on Saturday and Sunday.

a. *Mechanical sound-making devices*. It is unlawful for any person or persons to play, use, operate, or permit to be played, used, or operated any radio receiving device, television, stereo, musical instrument, phonograph sound amplifier or other machines or devices for the producing, reproducing or amplifying of sound and/or noise at such a volume and in such a manner so as to create, or cause to be created, any noises or sounds which are plainly audible at a distance of 100 feet or more from the building, structure, or motor vehicle or in the case of real property, beyond the property limits, in which it is located, whichever is farthest, between the hours of 10:00 p.m. and 8:00 a.m. Sunday through Thursday and between the hours of 11:00 p.m. and 8:00 a.m. on Saturday and Sunday.

b. *Human-produced sound*. It is unlawful for any person or persons to yell, shout, hoot, whistle, or sing on the public streets or sidewalks or on private property so as to create, or cause to be created, any noises or sounds which are plainly audible at a distance of 100 feet or more from the place on public streets and sidewalks, or in the case of private real property, beyond the property limits, on which the person is located, whichever is farthest, between the hours of 10:00 p.m. and 8:00 a.m. Sunday through Thursday and between the hours of 11:00 p.m. and 8:00 a.m. on Saturday and Sunday.

c. *Commercial adver*tising. It is unlawful for any person or persons to use, operate, or permit to be used or operated any radio receiving device, musical instrument, car radio or speaker, phonograph, loud speaker, sound amplifier or other machine or device for the production or reproduction of sound which is cast upon the public streets or other public property for the purpose of commercial advertising or which serves to attract the attention of the public to any building, structure or vehicle in such a manner so as to create, or cause to be created, any noises or sounds which are plainly audible at a distance of 100 feet or more from the source of the sound cast upon the public streets or other public property or from the building, structure, or in the case of real property, beyond the property limits, in which it is located, whichever is farthest, between the hours of 10:00 p.m. and 8:00 a.m. Sunday through Thursday and between the hours of 11:00 p.m. and 8:00 a.m. on Saturday and Sunday.

d. *Party noise*. It is unlawful for any person or persons in charge of a party or other social event that occurs on any private property to allow that party or event to produce noise in such a manner that such noise is plainly audible at a distance of 100 feet or more from the building or structure from which the party noise is emanating or in the case of real property, beyond the property limits, on which the party or social event is located, whichever is farthest, between the hours of 10:00 p.m. and 8:00 a.m. Sunday through Thursday and between the hours of 11:00 p.m. and 8:00 a.m. on Saturday and Sunday. For the purposes of this subsection, a "person in charge of a party or other social event" shall mean any adult person who is the owner of; resides in or on; rents, leases, or otherwise has the right to occupy the premises involved in such party or social event and is present at such party or social event. For the purposes of this subsection, "noise" shall mean the same sounds, or any combination thereof, as described in Section 13-50 (a) or (b) above.

e. *Animals or birds.* Anyone who keeps or maintains an animal or bird that emits frequent or long-continued sound or noise, shall be deemed in violation of this section. This section shall not apply to horses, livestock, poultry or other farm animals, provided they are maintained in accordance with applicable zoning regulations or ordinances.

f. *Automotive and mechanical.* It is unlawful for any person to engage in engine tuning, vehicle repair, vehicle alteration, computer programming, installation of aftermarket devices, or other modifications intended to produce repeated backfires, popping, banging, or explosive sounds from the vehicle's exhaust or engine systems in such a manner that such noise is plainly audible at a distance of 100 or more feet from the property where the noise is emanating.

3. *Apartments, condominiums, townhomes, and similar residential units*. Restrictions for areas within apartments, condominiums, townhouses, duplexes, or other such

residential dwelling units. Except for persons within commercial enterprises that have an adjoining property line or boundary with a residential dwelling unit, it is unlawful for any person to make, continue, or cause to be made or continued any noise in such a manner as to be plainly audible to any other person a distance of five feet beyond the adjoining property line wall or boundary of any apartment, condominium, townhouse, duplex, or other such residential dwelling units with adjoining points of contact.

For the purposes of this subsection, "noise" shall mean human-produced sounds of yelling, shouting, hooting, whistling, singing, or mechanically-produced sounds made by radio-receiving device, television, stereo, musical instrument, phonograph sound amplifier or other machines or devices for the producing, reproducing, or amplifying of sound, or any combination thereof.

For the purposes of this subsection, "property line or boundary" shall mean an imaginary line drawn through the points of contact of (1) adjoining apartments, condominiums, townhouses, duplexes or other such residential dwelling units with adjoining points owned, rented, or leased by different persons; or (2) adjoining common areas or adjoining exterior walls. Said property line or boundary includes all points of a plane formed by projecting the property line or boundary including the ceiling, the floor, and the walls.

Section 13-52 Exclusions.

The prohibitions of this section shall not apply to the following:

a. Noises and/or sounds made by governmental or commercial entities in the normal course of their business or construction activity for any public project;

b. Noises and/or sounds emanating from any official City or Gwinnett County School District event on Gwinnett County School District property;

c. Noises and/or sounds emitted by bells, chimes, or clocks, which occur for no longer than three minutes per hour;

d. Sound volumes produced by radio, cell phone, digital player, amplifier, or other digital or mechanical sound making device or instrument from within a motor vehicle on a street or highway, which sound is controlled by the O.C.G.A. § 40-6-14 and shall be enforced in accordance with said statute;

e. Noises and/or sounds that are permitted by an event/film permit issued by the City of Dacula; provided, however, that the producer or coordinator of the event/film must comply with the terms, restrictions and conditions of the permit issued by the City;

f. Noises or sounds made by law enforcement, first responders, and other public safety officials performing their public functions; or

g. Noises of safety signals and warning devices.

Section 13-53 Landscape maintenance devices.

Time restrictions on use of landscape maintenance motorized devices such as leaf blowers, lawn mowers, or chain saws. It is unlawful for any person to use or operate any noise-generating, motorized landscape maintenance devices, including, but not limited to, leaf blowers, lawn mowers, or chain saws, within any residential zoning district or in areas within 300 feet of any residential zoning district from 8:00 p.m. to 8:00 a.m. except that within the agricultural-residential zone no person shall use or operate any such devices within 300 feet of any residential dwelling on adjacent property between the hours of 9:00 p.m. and 8:00 a.m.

Section 13-54 Engine, muffler and/or exhaust system noise.

No person shall use, operate or cause to be used or operated any motor vehicle equipped (or the failure to be equipped) with an engine, muffler, muffler cutout, muffler bypass, bypass, muffler system, exhaust system, or similar device which causes a noise or sound which is plainly audible at a distance of 100 feet or more from the motor vehicle.

Section 13-55 Construction noise.

Between the hours of 9:00 p.m. and 7:00 a.m. Monday through Friday, construction noise of any type, including, but not limited to, noise caused by the erection (including excavation), demolition, alteration, or repair of any building, as well as the operation of any earth-moving equipment, crane, saw, drill, pile driver, steam shovel, pneumatic hammer, hoist, automatic nail gun or similar device or stapler, or any similar equipment, shall not be plainly audible within any residential zoning district more than 100 feet beyond the property boundary of the property from which the noise emanates.

A variance from the above-referenced hours of operation for construction noise may be requested, in writing, at least 48 hours prior to the proposed construction operation, for consideration by the Director of Planning and Development. Such a request shall state:

i. The reasons that support a claim of urgent need based on specific loss or inconvenience for such a variation from the allowable work hours;

ii. The impact that the denial of this request would have on the applicant's project and the surrounding properties;

iii. The steps which have been taken by the applicant to communicate those needs and impacts to owners of surrounding and nearby properties;

iv. The steps that have or will be taken to limit the impact of the proposed activity upon surrounding and nearby properties; and

v. The possible risks to public health and safety.

If the Director finds that the application adequately demonstrates the urgent need for a variance from the above allowable work hours, adequately provides for mitigation of the impact upon surrounding and nearby properties and poses no additional risk to public health and safety, then permission shall be granted for a variance to alter the allowable work hours during one ten-day period.

The prohibitions of this subparagraph (8) shall not apply to government road, water, sewer, stormwater construction or maintenance projects or to utility company construction or maintenance projects.

Section 13-56 Commercial entities near single-family residential zoning districts.

a. Notwithstanding any provisions of this section concerning noises and/or sounds caused to be made by commercial entities in the normal course of their business, the provisions and prohibitions of Section 13-51, paragraph (c), "Prohibited Conduct," subparagraph (1), concerning "Restrictions of 300 feet for 8:00 a.m. through 10:00 p.m. Sunday through Thursday and 8:00 a.m. through 11:00 p.m. on Friday and Saturday" and its subparts (i) through (iii) shall apply to noises and/or sounds generated by a commercial entity that are plainly audible within any single-family residential zoning district more than 300 feet beyond the property boundary of the property from which the noises and/or sounds emanate.

b. Notwithstanding any provisions of this section concerning noises and/or sounds caused to be made by commercial entities in the normal course of their business, the provisions and prohibitions of Section 13-51, paragraph (c), "Prohibited Conduct," subparagraph (2), concerning "Restrictions of 100 feet for 10:00 p.m. through 8:00 a.m. Sunday through Thursday and 11:00 p.m. through 8:00 a.m. on Saturday and Sunday," and its subparts (i) through (iii) shall apply to noises and/or sounds generated by a commercial entity that are plainly audible within any single-family residential zoning district more than 100 feet beyond the property boundary of the property from which the noises and/or sounds emanate.

Section 13-57 Penalty for violation

Any person, firm, company, corporation or other entity who violates any provision of this article may be subject to arrest or summoned to appear in the Municipal Court and, upon conviction or other finding of guilt, be punished by a fine of up to $1,000.00 or 60 days imprisonment, or both.

SECTION 3

This ordinance shall be enforced by the City of Dacula Marshals or the Gwinnett County Police Department.

SECTION 4

This ordinance shall become effective upon its adoption by the City Council.

SECTION 5

All ordinances, regulations, or parts of the same in conflict with this Ordinance are hereby rescinded to the extent of said conflict.

SECTION 6

If any section, article, paragraph, sentence, clause, phrase, or word in this ordinance, or application thereto any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

IT IS SO ORDAINED this _____ day of November, 2026 by the governing authority of the City of Dacula.

AYES: _____
NAYES: ____

_____
HUGH D. KING, III
MAYOR, CITY OF DACULA

ATTEST:

_____
BRITTNI NIX
CITY ADMINISTRATOR

HONORING OUR PAST, BUILDING OUR FUTURE
EST. CITY OF 1905
DACULA

MEMO

TO: Mayor and City Council of the City of Dacula

FROM: Brittni Nix, City Administrator

DATE: October 30, 2026

SUBJECT: ERP Software

Internal city operations are conducted through multiple siloed software systems and manual processes. As city operations continue to grow and service demands increase, it is prudent to look for solutions to improve efficiencies and communications between departments. Staff recommends contracting with an Enterprise Resource Planning (ERP) software provider to support the City's financial management, budgeting, permitting, licensing, inspections, code enforcement, and related administrative functions through a single platform.

After an extensive review process, staff recommends contracting with BS&A Software. The subject software is cloud based and comes highly recommended by neighboring jurisdictions. This system will centralize information and streamline workflows to better support decision making and records management. BS&A Software meets city operational requirements, while maintaining cost effectiveness.

Staff recommends that the Mayor and City Council approve the proposal from BS&A Software and authorize the City Administrator to execute all necessary agreements associated with the implementation of the ERP system.

BS&A
CUSTOMER ORDER FORM

This Customer Order Form (this "**Order**") is entered into as of the "**Effective Date**" identified below between BS&A Software, LLC, a Delaware limited liability company with offices located at 14965 Abbey Lane, Bath, MI 48808 ("**BS&A**") and the "**Customer**" identified below. Capitalized terms used but not defined in this Order have the meanings given them elsewhere in the Agreement (as defined below). BS&A and Customer may be referred to herein collectively as the "**Parties**" or individually as a "**Party**". The Parties hereby agree as follows:

Customer Name: City of Dacula, Gwinnett County GA	**Sponsor Contact**:
Billing Address:	**Sponsor Phone**:
Accounts Payable Email:	**Sponsor Email**:

Platform and Fee Information

Effective Date:	
Platform Description: Those modules and feature packs of BS&A's proprietary hosted enterprise resource planning service for managing local government functions that are identified in the Pricing Sheet.	
"**Initial Subscription Period**": Five (5) years	**Subscription Fees**: $23,370, payable [annually].
The "**Initial Subscription Period**" shall begin on the earlier of: (a) the date such module is activated on Customer's site or; (b) six (6) months after the Effective Date of this Agreement.	
Professional Services (if any): $104,475	**Service Fees (if any)**:
Other Customer Terms:	

The Customer Agreement (the "**Agreement**"), made and entered into as of the Effective Date between BS&A and Customer, includes and incorporates: (i) the above Order; (ii) any Orders previously or subsequently entered into by the Parties; and (iii) the Customer Terms and Conditions, which are attached to this Order (the "**Terms and Conditions**"); and (iv) the Pricing Sheet attached to this Order (the "**Pricing Sheet**"). Each Order sets forth its own subscription term, pricing, and modules, and is governed by the Terms and Conditions. In the event of a conflict, the order of precedence in Section 15.2 governs.

BS&A SOFTWARE, LLC	**CITY OF DACULA, GA**
_____	_____
Name: _____	Name: _____
Title: _____	Title: _____

EXHIBIT A

CUSTOMER TERMS AND CONDITIONS

The Parties agree as follows:

1. Definitions.

1.1 "**Authorized User**" means Customer's employees, consultants, contractors, and agents: (i) who are authorized by Customer to access and use the Platform under this Agreement; and (ii) for whom access to the Platform has been purchased hereunder.

1.2 "**BS&A IP**" means the Platform and any and all intellectual property provided to Customer or any Authorized User in connection with the foregoing. For the avoidance of doubt, BS&A IP includes Usage Data and any information, data, or other content derived from BS&A's provision of the Platform but does not include Customer Data.

1.3 "**Business Contact Data**" means Personal Information that relates to BS&A's relationship with Customer, including, by way of example and without limitation, the names and contact information of Authorized Users and any other data BS&A collects for the purpose of managing its relationship with Customer, identity verification, or as otherwise required by applicable laws, rules, or regulations.

1.4 "**Customer Data**" means information, data, and other content, in any form or medium, that is submitted, posted, or otherwise transmitted by or on behalf of Customer or an Authorized User through the Platform, including Business Contact Data; provided that, for purposes of clarity, Customer Data as defined herein does not include Business Contact Data or Usage Data.

1.5 "**Documentation**" means BS&A's end user documentation relating to the Platform, including any user guides.

1.6 "**Harmful Code**" means any software, hardware, or other technology, device, or means, including any virus, worm, malware, or other malicious computer code, the purpose or effect of which is to permit unauthorized access to, or to destroy, disrupt, disable, distort, or otherwise harm or impede in any manner any (i) computer, software, firmware, hardware, system, or network; or (ii) any application or function of any of the foregoing or the security, integrity, confidentiality, or use of any data processed thereby.

1.7 "**Order**" means: (i) a purchase order, order form, or other ordering document entered into by the Parties that incorporates this Agreement by reference; or (ii) if Customer registered for the Platform through BS&A's online ordering process, the results of such online ordering process.

1.8 "**Personal Information**" means any information that, individually or in combination, does or can identify a specific individual or by or from which a specific individual may be identified, contacted, or located, including without limitation all data considered "personal data", "personally identifiable information", or something similar under applicable laws, rules, or regulations relating to data privacy.

1.9 "**Platform**" 'has the meaning set forth on the Order.

1.10 "**Professional Services**" means training, migration, implementation, integration, or other professional services that are provided to Customer in connection with its use of the Platform hereunder.

1.11 "**Subscription Period**" means the time period identified on the Order during which Customer's Authorized Users may access and use the Platform plus any Renewal Subscription Period(s).

1.12 "**Third-Party Products**" means any third-party products provided with, integrated with, or incorporated into the Platform.

1.13 "**Usage Data**" means usage data collected and processed by BS&A in connection with Customer's use of the Platform, including without limitation test configuration metadata, activity logs, and data used to optimize and maintain performance of the Platform, and to investigate and prevent system abuse. For purposes of clarity, Customer Data is not Usage Data and Usage Data does not contain Personal Information or any other Customer Data.

1.14 "**Usage Limitations**" means the usage limitations set forth in this Agreement and the Order, including without limitation any limitations on the number of Authorized Users (if any), and the applicable product, pricing, and support tiers agreed-upon by the Parties.

2. Access and Use.

2.1 Provision of Access. Subject to and conditioned on Customer's compliance with the terms and conditions of this Agreement, including without limitation the Usage Limitations, Customer may, solely through its Authorized Users, access and use the Platform during the Subscription Period on a non-exclusive, non-transferable (except in compliance with Section 15.9), and non-sublicensable basis. Such use is limited to Customer's internal business purposes and the features and functionalities specified in the Order. Each Authorized User must have its own unique account on the Platform and Authorized Users may not share their account credentials with one another or any third party. Customer will be responsible for all of the acts and omissions of its Authorized Users in connection with this Agreement and for all use of Authorized Users' accounts.

2.2 Documentation License. Subject to and conditioned on Customer's compliance with the terms and conditions of this Agreement, BS&A hereby grants to Customer a non-exclusive, non-transferable (except in compliance with Section 15.9), and non-sublicensable license to use the Documentation during the Subscription Period solely for Customer's internal business purposes in connection with its use of the Platform.

2.3 Use Restrictions. Customer shall not use the Platform for any purposes beyond the scope of the access granted in this Agreement. Customer shall not at any time, directly or indirectly, and shall not permit any Authorized Users to: (i) copy, modify, or create derivative works of any BS&A IP, whether in whole or in part; (ii) rent, lease, lend, sell, license, sublicense, assign, distribute, publish, transfer, or otherwise make available the Platform or Documentation to any third party; (iii) reverse engineer, disassemble, decompile, decode, adapt, or otherwise attempt to derive or gain access to any software component of the Platform, in whole or in part; (iv) remove any proprietary notices from any BS&A IP; (v) use any BS&A IP in any manner or for any purpose that infringes, misappropriates, or otherwise violates any intellectual property right or other right of any person, or that violates any applicable law; (vi) access or use any BS&A IP for purposes of competitive analysis of BS&A or the Platform, the development, provision, or use of a competing software service or product, or any other purpose that is to BS&A's detriment or commercial disadvantage; (vii) bypass or breach any security device or protection used by the Platform or access or use the Platform other than by an Authorized User through the use of valid access credentials; (viii) input, upload, transmit, or otherwise provide to or through the Platform any information or materials, including Customer Data, that are unlawful or injurious or that infringe or otherwise violate any third party's intellectual property or other rights, or that contain, transmit, or activate any Harmful Code; or (ix) use any BS&A IP for any activity where use or failure of the BS&A IP could lead to death, personal injury, or environmental damage, including life support systems, emergency services, nuclear facilities, autonomous vehicles, or air traffic control.

2.4 Reservation of Rights. BS&A reserves all rights not expressly granted to Customer in this Agreement. Except for the limited rights and licenses expressly granted under this Agreement, nothing in this Agreement grants, by implication, waiver, estoppel, or otherwise, to Customer or any third party any intellectual property rights or other right, title, or interest in or to the BS&A IP.

2.5 Suspension. Notwithstanding anything to the contrary in this Agreement, BS&A may temporarily suspend Customer's and any Authorized User's access to any portion or all of the Platform if: (i) BS&A reasonably determines that (a) there is a threat or attack on any of the BS&A IP; (b) Customer's or any Authorized User's use of the BS&A IP disrupts or poses a security risk to the BS&A IP or to any other customer or vendor of BS&A; (c) Customer, or any Authorized User, is using the BS&A IP for fraudulent or illegal activities; (d) subject to applicable law, Customer has ceased to continue its business in the ordinary course, made an assignment for the benefit of creditors or similar disposition of its assets, or become the subject of any bankruptcy, reorganization, liquidation, dissolution, or similar proceeding; (e) BS&A's provision of the Platform to Customer or any Authorized User is prohibited by applicable law; or (f) any Customer Data submitted, posted, or otherwise transmitted by or on behalf of Customer or an Authorized User through the Platform may infringe or otherwise violate any third party's intellectual property or other rights; (ii) any vendor of BS&A has suspended or terminated BS&A's access to or use of any Third-Party Products required to enable Customer to access the Platform; or (iii) in accordance with Section 7.1 (any such suspension described in subclauses (i), (ii), or (iii), a "**Service Suspension**"). BS&A shall use commercially reasonable efforts to provide written notice of any Service Suspension to Customer and to provide updates regarding resumption of access to the Platform following any Service Suspension. BS&A shall use commercially reasonable efforts to resume providing access to the Platform as soon as reasonably possible after the event giving rise to the Service Suspension is cured. BS&A will have no liability for any damage, liabilities, losses (including any loss of data or profits), or any other consequences that Customer or any Authorized User may incur as a result of a Service Suspension.

2.6 Business Contact Data and Usage Data. Notwithstanding anything to the contrary in this Agreement,

BS&A may process Business Contact Data: (i) to manage BS&A's relationship with Customer; (ii) to carry out BS&A's core business operations, such as, by way of example and without limitation, accounting, audits, tax preparation and for filing and compliance purposes; (iii) to monitor, investigate, prevent and detect fraud, security incidents and other misuse of the Platform, and to prevent harm to BS&A, Customer, and BS&A's other customers; (iv) for identity verification purposes; and (v) to comply with applicable laws, rules, and regulations relating to the processing and retention of Personal Information to which BS&A may be subject. BS&A may process Usage Data for any lawful purpose, including to monitor, maintain, and optimize the Platform.

3. Customer Responsibilities.

3.1 General. Customer is responsible and liable for all uses of the Platform and Documentation resulting from access provided by Customer, directly or indirectly, whether such access or use is permitted by or in violation of this Agreement. Without limiting the generality of the foregoing, Customer is responsible for all acts and omissions of Authorized Users, and any act or omission by an Authorized User that would constitute a breach of this Agreement if taken by Customer will be deemed a breach of this Agreement by Customer. Customer shall use reasonable efforts to make all Authorized Users aware of this Agreement's provisions as applicable to such Authorized User's use of the Platform and shall cause Authorized Users to comply with such provisions.

3.2 Third-Party Products. BS&A may from time to time make Third-Party Products available to Customer or BS&A may allow for certain Third-Party Products to be integrated with the Platform to allow for the transmission of Customer Data from such Third-Party Products into the Platform. For purposes of this Agreement, such Third-Party Products are subject to their own terms and conditions. BS&A is not responsible for the operation of any Third-Party Products and makes no representations or warranties of any kind with respect to Third-Party Products or their respective providers. If Customer does not agree to abide by the applicable terms for any such Third-Party Products, then Customer should not install or use such Third-Party Products. By authorizing BS&A to transmit Customer Data from Third-Party Products into the Platform, Customer represents and warrants to BS&A that it has all right, power, and authority to provide such authorization.

3.3 Customer Control and Responsibility. Customer has and will retain sole responsibility for: (i) all Customer Data, including its content and use; (ii) all information, instructions, and materials provided by or on behalf of Customer or any Authorized User in connection with the Platform; (iii) Customer's information technology infrastructure, including computers, software, databases, electronic systems (including database management systems), and networks, whether operated directly by Customer or through the use of third-party platforms or service providers ("**Customer Systems**"); (iv) the security and use of Customer's and its Authorized Users' access credentials; and (v) all access to and use of the Platform directly or indirectly by or through the Customer Systems or its or its Authorized Users' access credentials, with or without Customer's knowledge or consent, including all results obtained from, and all conclusions, decisions, and actions based on, such access or use. For purposes of clarity, Customer Systems do not include BS&A's information technology infrastructure, including computers, software, databases, electronic systems (including database management systems, and networks operated directly by BS&A and its third-party service providers.

4. Support. Subject to and conditioned on Customer's compliance with the terms and conditions of this Agreement, including payment of applicable Fees, BS&A will use commercially reasonable efforts to provide Customer with basic customer support via BS&A's standard support channels during BS&A's normal business hours.

5. Professional Services. BS&A will perform Professional Services as described in an Order. Customer will provide BS&A all reasonable cooperation required for BS&A to perform the Professional Services, including without limitation timely access to any reasonably required Customer materials, information, or personnel. Subject to any limitations identified in an Order, Customer will reimburse BS&A's reasonable travel and lodging expenses incurred in providing Professional Services. To the extent the Professional Services result in any work product of any kind or character ("**Work Product**"), all such Work Product will remain owned solely and exclusively by BS&A and, to the extent any such Work Product consists of enhancements, improvements, or other modifications to the Platform, such Work Product may be used by Customer solely in connection with Customer's authorized use of the Platform under this Agreement.

5.1 Cancellation. In the event Customer cancels or reschedules Professional Services (other than for Force Majeure or breach by BS&A), and without prejudice to BS&A's other rights and remedies, Customer is liable to BS&A for (i) all Professional Services performed prior to the cancellation or rescheduling of Professional Services; (ii) all non-refundable expenses actually incurred by BS&A on Customer's behalf; and (iii) daily Project Management or Implementation and Training fees associated with the cancelled or rescheduled Professional Services (in accordance with the daily fee rate), if less than forty-five (45) days advance notice is given regarding the need to cancel or reschedule and

BS&A cannot reasonably reassign its affected Professional Services resources to other projects where comparable skills are required.

6. Insurance. During the Subscription Period, BS&A shall procure and maintain appropriate insurance policies with coverage limits that are commensurate with industry standards and sufficient to protect against potential risks associated with this Agreement. The insurance policies shall be obtained from reputable and financially sound insurance providers, and BS&A agrees to provide proof of such insurance upon request by Customer.

7. Fees and Taxes.

7.1 Fees. The Platform may be provided for a fee or other charge. Customer shall pay BS&A the fees ("**Fees**") identified in the Order without offset or deduction at the cadence identified in the Order (e.g., monthly or annually). BS&A may increase the Fees annually, provided that BS&A will provide Customer at least thirty (30) days' notice of such increase prior to the end of the then-current Subscription Period. The amount of the Fee increase will be in BS&A's sole discretion, provided that Customer agrees that the increase is limited to the greater of: (i) five percent (5%); or (ii) the annual increase in the relevant Consumer Price Index for all Urban Consumers published by the Bureau of Labor Statistics for the then-current calendar year, in each case as compared to the Fees applicable during then-current year, as applicable. Fees paid by Customer are non-refundable. Customer shall make all payments hereunder in US dollars by ACH or via another reasonable method chosen by BS&A, to such account as BS&A may specify in writing from time to time, or by another mutually agreed-upon payment method. If Customer pays via invoice, Customer will pay the invoiced amount within thirty (30) calendar days of the invoice date. If Customer fails to make any payment when due, and Customer has not notified BS&A in writing within ten (10) days of the payment becoming due and payable that the payment is subject to a good faith dispute, without limiting BS&A's other rights and remedies, and to the fullest extent permissible under applicable law: (i) BS&A may charge interest on the undisputed past due amount at the rate of 1.5% per month, calculated daily and compounded monthly or, if lower, the highest rate permitted under applicable law; (ii) Customer shall reimburse BS&A for all reasonable costs incurred by BS&A in collecting any late payments or interest, including attorneys' fees, court costs, and collection agency fees; and (iii) if such failure continues for ten (10) days or more, BS&A may suspend Customer's and its Authorized Users' access to all or any part of the Platform until such amounts are paid in full.

7.2 Taxes. All Fees and other amounts payable by Customer under this Agreement are exclusive of taxes and similar assessments. Customer is responsible for all sales, use, and excise taxes, and any other similar taxes, duties, and charges of any kind imposed by any federal, state, or local governmental or regulatory authority on any amounts payable by Customer hereunder, other than any taxes imposed on BS&A's income.

8. Confidential Information.

8.1 Definition. From time to time during the Subscription Period, either Party may disclose or make available to the other Party information about its business affairs, products, confidential intellectual property, trade secrets, third-party confidential information, and other sensitive or proprietary information, whether orally or in written, electronic, or other form or media that: (i) is marked, designated or otherwise identified as "confidential" or something similar at the time of disclosure or within a reasonable period of time thereafter; or (ii) would be considered confidential by a reasonable person given the nature of the information or the circumstances of its disclosure (collectively, "**Confidential Information**"). Except for Personal Information, Confidential Information does not include information that, at the time of disclosure is: (a) in the public domain; (b) known to the receiving Party at the time of disclosure; (c) rightfully obtained by the receiving Party on a non-confidential basis from a third party; or (d) independently developed by the receiving Party without use of, reference to, or reliance upon the disclosing Party's Confidential Information. The parties acknowledge and agree that the Customer is a Georgia municipal corporation subject to the requirements of the Georgia Open Records Act. (O.C.G.A. Sec. 50-18-70, et seq).

8.2 Duty. The receiving Party shall not disclose the disclosing Party's Confidential Information to any person or entity, except to the receiving Party's employees, contractors, and agents who have a need to know the Confidential Information for the receiving Party to exercise its rights or perform its obligations hereunder ("**Representatives**"). The receiving Party will be responsible for all the acts and omissions of its Representatives as they relate to Confidential Information hereunder. Notwithstanding the foregoing, each Party may disclose Confidential Information to the limited extent required (i) in order to comply with the order of a court or other governmental body, or as otherwise necessary to comply with applicable law, provided that the Party making the disclosure pursuant to the order shall first have given written notice to the other Party and made a reasonable effort to obtain a protective order; or (ii) to establish a Party's rights under this Agreement, including to make required court filings. Further, notwithstanding the foregoing, each Party

may disclose the terms and existence of this Agreement to its actual or potential investors, debtholders, acquirers, or merger partners under customary confidentiality terms. Notwithstanding the foregoing, if Customer is subject to any public-records, freedom-of-information, or similar law, Customer may disclose Confidential Information to the extent required by such law, provided that Customer uses reasonable efforts to notify BS&A in advance and to seek confidential or proprietary treatment where available.

8.3 Return of Materials; Effects of Termination/Expiration. On the expiration or termination of the Agreement, the receiving Party shall promptly return to the disclosing Party all copies, whether in written, electronic, or other form or media, of the disclosing Party's Confidential Information, or destroy all such copies and certify in writing to the disclosing Party that such Confidential Information has been destroyed. Each Party's obligations of non-use and non-disclosure with regard to Confidential Information are effective as of the Effective Date and will expire three (3) years from the date of termination or expiration of this Agreement; provided, however, with respect to any Confidential Information that constitutes a trade secret (as determined under applicable law), such obligations of non-disclosure will survive the termination or expiration of this Agreement for as long as such Confidential Information remains subject to trade secret protection under applicable law.

9. Data Security and Processing of Personal Information.

9.1 Customer Data. Customer hereby grants to BS&A a non-exclusive, royalty-free, worldwide license to reproduce, distribute, and otherwise use and display the Customer Data and perform all acts with respect to the Customer Data as may be necessary for BS&A to provide the Platform and otherwise perform its obligations hereunder. Customer may export the Customer Data at any time through the features and functionalities made available via the Platform. For the avoidance of doubt, aggregated, de-identified, and anonymized portions, sets, or other combinations of Customer Data that do not contain personally identifying elements of Customer's identity or of any Authorized Users are Usage Data and not Customer Data.

9.2 Security Measures. BS&A will implement and maintain commercially reasonable administrative, physical, and technical safeguards designed to protect Customer Data (including Personal Information provided as part of Business Contact Data) from unauthorized access, use, alteration, or disclosure.

9.3 Processing of Personal Information. BS&A's rights and obligations with respect to Personal Information that it collects directly from individuals (if any) are set forth in BS&A's Privacy Policy (as amended from time to time in accordance with its terms). Personal Information processed by BS&A on behalf of Customer is considered Customer Data and is governed by the terms of this Agreement.

10. Intellectual Property Ownership; Feedback.

10.1 BS&A IP. Customer acknowledges that, as between Customer and BS&A, BS&A owns all right, title, and interest, including all intellectual property rights, in and to the BS&A IP and, with respect to Third-Party Products, the applicable third-party providers own all right, title, and interest, including all intellectual property rights, in and to the Third-Party Products.

10.2 Usage Data. Customer acknowledges that, as between BS&A and Customer, BS&A owns all right, title, and interest, including all intellectual property rights, in and to the Usage Data.

10.3 Customer Data. BS&A acknowledges that, as between BS&A and Customer, Customer owns all right, title, and interest, including all intellectual property rights, in and to the Customer Data.

10.4 Feedback. If Customer or any of its employees or contractors sends or transmits any communications or materials to BS&A by mail, email, telephone, or otherwise, suggesting or recommending changes to the BS&A IP, including without limitation, new features or functionality relating thereto, or any comments, questions, suggestions, or the like ("**Feedback**"), BS&A is free to use such Feedback irrespective of any other obligation or limitation between the Parties governing such Feedback.

11. Mutual Warranties; Disclaimer of Other Warranties.

11.1 Mutual Warranties. Each party hereby represents and warrants to the other that: (i) it has the full right, power, and authority to enter into, execute, and perform its obligations under this Agreement without any conflict with or violation of any other obligations to which it may be subject; and (ii) this Agreement is binding on such party in accordance with its terms.

11.2 Disclaimer of Other Warranties. THE BS&A IP IS PROVIDED "AS IS" AND BS&A HEREBY DISCLAIMS ALL

WARRANTIES, WHETHER EXPRESS, IMPLIED, STATUTORY, OR OTHERWISE. BS&A SPECIFICALLY DISCLAIMS ALL IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, TITLE, AND NON-INFRINGEMENT, AND ALL WARRANTIES ARISING FROM COURSE OF DEALING, USAGE, OR TRADE PRACTICE. BS&A MAKES NO WARRANTY OF ANY KIND THAT THE BS&A IP, OR ANY PRODUCTS OR RESULTS OF THE USE THEREOF, WILL MEET CUSTOMER'S OR ANY OTHER PERSON'S REQUIREMENTS, OPERATE WITHOUT INTERRUPTION, ACHIEVE ANY INTENDED RESULT, BE COMPATIBLE OR WORK WITH ANY SOFTWARE, SYSTEM OR OTHER PLATFORM, OR BE SECURE, ACCURATE, COMPLETE, FREE OF HARMFUL CODE, OR ERROR FREE.

12. Indemnification.

12.1 BS&A Indemnification.

(a) BS&A shall indemnify, defend, and hold harmless Customer from and against any and all losses, damages, liabilities, costs (including reasonable attorneys' fees) ("**Losses**") incurred by Customer resulting from any third-party claim, suit, action, or proceeding ("**Third-Party Claim**") brought against Customer alleging that the Platform, or any use of the Platform in accordance with this Agreement, infringes or misappropriates such third party's US intellectual property rights; provided that Customer promptly notifies BS&A in writing of the claim, cooperates with BS&A, and allows BS&A sole authority to control the defense and settlement of such claim.

(b) If such a claim is made or appears possible, Customer agrees to permit BS&A, at BS&A's sole discretion: to (i) modify or replace the Platform, or component or part thereof, to make it non-infringing; or (ii) obtain the right for Customer to continue use. If BS&A determines that neither alternative is reasonably commercially available, BS&A may terminate this Agreement, in its entirety or with respect to the affected component or part, effective immediately on written notice to Customer, and as Customer's sole and exclusive remedy therefor, BS&A will provide to Customer a prorated refund of prepaid, unused Fees attributable to the Platform (and not including any one-time Fees for Professional Services).

(c) This Section 12.1 will not apply to the extent that the alleged infringement arises from: (i) use of the Platform in combination with data, software, hardware, equipment, or technology not provided by BS&A or authorized by BS&A in writing; (ii) modifications to the Platform not made by BS&A; (iii) Customer Data; or (iv) Third-Party Products.

12.2 Customer Indemnification. To the extent permitted under applicable laws, Customer shall indemnify, hold harmless, and, at BS&A's option, defend BS&A from and against any Losses resulting from any Third-Party Claim alleging that the Customer Data, or any use of the Customer Data in accordance with this Agreement, infringes or misappropriates such third party's intellectual property or other rights and any Third-Party Claims based on Customer's or any Authorized User's (i) negligence or willful misconduct; (ii) use of the Platform in a manner not authorized by this Agreement; or (iii) use of the Platform in combination with data, software, hardware, equipment or technology not provided by BS&A or authorized by BS&A in writing; in each case provided that Customer may not settle any Third-Party Claim against BS&A unless BS&A consents to such settlement, and further provided that BS&A will have the right, at its option, to defend itself against any such Third-Party Claim or to participate in the defense thereof by counsel of its own choice.

12.3 Sole Remedy. THIS SECTION 12 SETS FORTH CUSTOMER'S SOLE REMEDIES AND BS&A'S SOLE LIABILITY AND OBLIGATION FOR ANY ACTUAL, THREATENED, OR ALLEGED CLAIMS THAT THE PLATFORM INFRINGE, MISAPPROPRIATE, OR OTHERWISE VIOLATE ANY INTELLECTUAL PROPERTY RIGHTS OF ANY THIRD PARTY.

13. Limitations of Liability. IN NO EVENT WILL EITHER PARTY BE LIABLE UNDER OR IN CONNECTION WITH THIS AGREEMENT UNDER ANY LEGAL OR EQUITABLE THEORY, INCLUDING BREACH OF CONTRACT, TORT (INCLUDING NEGLIGENCE), STRICT LIABILITY, AND OTHERWISE, FOR ANY: (i) CONSEQUENTIAL, INCIDENTAL, INDIRECT, EXEMPLARY, SPECIAL, ENHANCED, OR PUNITIVE DAMAGES; (ii) INCREASED COSTS, DIMINUTION IN VALUE OR LOST BUSINESS, PRODUCTION, REVENUES, OR PROFITS; (iii) LOSS OF GOODWILL OR REPUTATION; (iv) USE, INABILITY TO USE, LOSS, INTERRUPTION, DELAY OR RECOVERY OF ANY DATA, OR BREACH OF DATA OR SYSTEM SECURITY; OR (v) COST OF REPLACEMENT GOODS OR SERVICES, IN EACH CASE REGARDLESS OF WHETHER BS&A WAS ADVISED OF THE POSSIBILITY OF SUCH LOSSES OR DAMAGES OR SUCH LOSSES OR DAMAGES WERE OTHERWISE FORESEEABLE. IN NO EVENT WILL 'EITHER PARTY'S AGGREGATE LIABILITY ARISING OUT OF OR RELATED TO THIS AGREEMENT UNDER ANY LEGAL OR EQUITABLE THEORY, INCLUDING BREACH OF CONTRACT,

TORT (INCLUDING NEGLIGENCE), STRICT LIABILITY, AND OTHERWISE EXCEED THE TOTAL AMOUNT OF INSURANCE PROCEEDS ACTUALLY AVAILABLE WITHOUT RESERVATION AT THE TIME OF SETTLEMENT OR JUDGMENT TO COVER THE CLAIMS(S), DAMAGES OR LOSSES. FOR AVOIDANCE OF DOUBT, AND WITHOUT LIMITING ANY OBLIGATIONS OF ANY INSURER, NEITHER PARTY SHALL HAVE RECOURSE AGAINST THE OTHER FOR AMOUNTS UNFUNDED BY INSURANCE PROCEEDS.

14. Subscription Period and Termination.

14.1 Subscription Period. The initial term of this Agreement begins on the Effective Date and, unless terminated earlier pursuant to this Agreement's express provisions, will continue in effect for the period identified in the Order (the "**Initial Subscription Period**"). Unless otherwise specified in the Order, the Initial Subscription Period is five (5) years. This Agreement will automatically renew for additional successive one (1) year terms unless earlier terminated pursuant to this Agreement's express provisions or either Party gives the other Party written notice of non-renewal at least ninety (90) days prior to the expiration of the then-current term (each a "**Renewal Subscription Period**" and together with the Initial Subscription Period, the "**Subscription Period**").

14.2 Termination. In addition to any other express termination right set forth in this Agreement:

(a) BS&A may terminate this Agreement, effective on written notice to Customer, if Customer: (i) fails to pay any amount when due hereunder, and such failure continues more than ten (10) calendar days after BS&A's delivery of written notice thereof; or (ii) breaches any of its obligations under Section 2.3 or Section 8;

(b) either Party may terminate this Agreement, effective on written notice to the other Party, if the other Party materially breaches this Agreement, and such breach: (i) is incapable of cure; or (ii) being capable of cure, remains uncured thirty (30) calendar days after the non-breaching Party provides the breaching Party with written notice of such breach; or

(c) either Party may terminate this Agreement, effective immediately upon written notice to the other Party, if the other Party: (i) becomes insolvent or is generally unable to pay, or fails to pay, its debts as they become due; (ii) files or has filed against it, a petition for voluntary or involuntary bankruptcy or otherwise becomes subject, voluntarily or involuntarily, to any proceeding under any domestic or foreign bankruptcy or insolvency law; (iii) makes or seeks to make a general assignment for the benefit of its creditors; or (iv) applies for or has appointed a receiver, trustee, custodian, or similar agent appointed by order of any court of competent jurisdiction to take charge of or sell any material portion of its property or business.

(d) either Party may terminate this Agreement upon the expiration of the then-current term by providing written notice of non-renewal at least ninety (90) days prior to the expiration of the then-current term.

14.3 Effect of Expiration or Termination. Upon expiration or earlier termination of this Agreement, Customer shall immediately discontinue use of the BS&A IP and, without limiting Customer's obligations under Section 8, Customer shall delete, destroy, or return all copies of the BS&A IP and certify in writing to the BS&A that the BS&A IP has been deleted or destroyed. Customer may export any Customer data from the platform using existing tools prior to the expiration or termination of the Agreement. Upon request, BS&A shall make Customer Data available to Customer within fourteen (14) days. No expiration or termination will affect Customer's obligation to pay all Fees that may have become due before such expiration or termination or entitle Customer to any refund.

14.4 Survival. This Section 14.4 and Sections 1, 5, 8, 10, 11, 12, 13, 14.3, and 15 survive any termination or expiration of this Agreement. No other provisions of this Agreement survive the expiration or earlier termination of this Agreement.

14.5 Non-Appropriation of Funds. If Customer is a government entity and its governing body fails to appropriate funds necessary to continue this Agreement for any future fiscal period, Customer may terminate this Agreement effective at the end of the then-current period for which funds have been appropriated, upon prior written notice to BS&A and without further liability, except that Customer shall remain liable for all Fees attributable to the then-current funded period.

15. Miscellaneous.

15.1 Relationship of the Parties. BS&A performs its obligations hereunder as an independent contractor and not a partner, joint venture, or agent of Customer and shall not bind nor attempt to bind Customer to any contract without

Customer's prior written approval on a case-by-case basis. BS&A is responsible for hiring, firing, and supervising its personnel is solely responsible hereunder for its personnel, including without limitation for: (a) payment of compensation to such personnel; (b) withholding (if applicable), paying, and reporting, for all personnel assigned to perform services (including Professional Services) in connection with this Agreement, applicable tax withholding, social security taxes, employment head taxes, unemployment insurance, and other taxes or charges applicable to such personnel; and (c) health or disability benefits, retirement benefits, or welfare, pension, or other benefits (if any) to which such personnel may be entitled. For purposes of clarity, BS&A's personnel will not be eligible to participate in any of Customer's employee benefit plans, fringe benefit programs, group insurance arrangements, or similar programs.

15.2 Entire Agreement. This Agreement, together with any other documents incorporated herein by reference, constitutes the sole and entire agreement of the Parties with respect to the subject matter of this Agreement and supersedes all prior and contemporaneous understandings, agreements, and representations and warranties, both written and oral, with respect to such subject matter. In the event of any inconsistency between the statements made in the body of this Agreement, the related Exhibits, and any other documents incorporated herein by reference, the following order of precedence governs: (i) first, this Agreement; and (ii) second, any other documents incorporated herein by reference. For the avoidance of doubt, this Agreement applies as of the Effective Date of the applicable Order and does not modify or alter any existing agreement between the Parties until such existing agreement is renewed.

15.3 Notices. All notices, requests, consents, claims, demands, waivers, and other communications hereunder (each, a "**Notice**") must be in writing and addressed to the Parties at the addresses set forth on the first page of this Agreement (or to such other address that may be designated by the Party giving Notice from time to time in accordance with this Section). All Notices must be delivered by personal delivery, nationally recognized overnight courier (with all fees pre-paid), facsimile or email (with confirmation of transmission) or certified or registered mail (in each case, return receipt requested, postage pre-paid). Except as otherwise provided in this Agreement, a Notice is effective only: (i) upon receipt by the receiving Party; and (ii) if the Party giving the Notice has complied with the requirements of this Section.

15.4 Force Majeure. In no event shall either Party be liable to the other Party, or be deemed to have breached this Agreement, for any failure or delay in performing its obligations under this Agreement (except for any obligations to make payments), if and to the extent such failure or delay is caused by any circumstances beyond such Party's reasonable control, including but not limited to acts of God, flood, fire, earthquake, explosion, war, terrorism, invasion, riot or other civil unrest, strikes, labor stoppages or slowdowns or other industrial disturbances, or passage of law or any action taken by a governmental or public authority, including imposing an embargo.

15.5 Amendment and Modification. No amendment or modification to this Agreement is effective unless it is in writing and signed by an authorized representative of each Party.

15.6 Waiver. No failure or delay by either Party in exercising any right or remedy available to it in connection with this Agreement will constitute a waiver of such right or remedy. No waiver under this Agreement will be effective unless made in writing and signed by an authorized representative of the Party granting the waiver.

15.7 Severability. If any provision of this Agreement is invalid, illegal, or unenforceable in any jurisdiction, such invalidity, illegality, or unenforceability will not affect any other term or provision of this Agreement or invalidate or render unenforceable such term or provision in any other jurisdiction. Upon such determination that any term or other provision is invalid, illegal, or unenforceable, the Parties shall negotiate in good faith to modify this Agreement so as to effect their original intent as closely as possible in a mutually acceptable manner in order that the transactions contemplated hereby be consummated as originally contemplated to the greatest extent possible.

15.8 Governing Law; Submission to Jurisdiction. To the extent permissible under applicable laws, this Agreement is governed by and construed in accordance with the internal laws of the State of Georgia without giving effect to any choice or conflict of law provision or rule that would require or permit the application of the laws of any jurisdiction other than those of the State of Georgia. To the extent permissible under applicable laws, any legal suit, action, or proceeding arising out of or related to this Agreement must be instituted in the federal courts of the United States or the courts of the State of Georgia in each case located in Gwinnett County, Georgia and each Party irrevocably submits to the exclusive jurisdiction of such courts in any such suit, action, or proceeding.

15.9 Assignment. Neither Party may assign any of its rights or delegate any of its obligations hereunder (except in the case of either Party utilizing authorized subcontractors and consultants), in each case whether voluntarily, involuntarily, by operation of law or otherwise, without the prior written consent of the other Party. Any purported

assignment or delegation in violation of this Section will be null and void. No assignment or delegation will relieve the assigning or delegating Party of any of its obligations hereunder. This Agreement is binding upon and inures to the benefit of the Parties and their respective permitted successors and assigns. Notwithstanding the foregoing, either Party may freely assign this Agreement to an affiliate or successor in interest in the event of a merger, acquisition, sale of all or substantially all of its assets, corporate reorganization, or other change in control, without the prior consent of the other Party.

15.10 Export Regulation. The Platforms utilize software and technology that may be subject to US export control laws, including the US Export Administration Act and its associated regulations. Customer shall not, directly or indirectly, export, re-export, or release the Platform or the underlying software or technology to, or make the Platform or the underlying software or technology accessible from, any jurisdiction or country to which export, re-export, or release is prohibited by law, rule, or regulation. Customer shall comply with all applicable federal laws, regulations, and rules, and complete all required undertakings (including obtaining any necessary export license or other governmental approval), prior to exporting, re-exporting, releasing, or otherwise making the Platform or the underlying software or technology available outside the US.

15.11 US Government Rights. Each of the Documentation and software components that constitute the Platform is a "commercial item" as that term is defined at 48 C.F.R. § 2.101, consisting of "commercial computer software" and "commercial computer software documentation" as such terms are used in 48 C.F.R. § 12.212. Accordingly, if Customer is an agency of the US Government or any contractor therefor, Customer only receives those rights with respect to the Documentation and the Platform as are granted to all other end users, in accordance with (a) 48 C.F.R. § 227.7201 through 48 C.F.R. § 227.7204, with respect to the Department of Defense and their contractors, or (b) 48 C.F.R. § 12.212, with respect to all other US Government users and their contractors.

15.12 Equitable Relief. Each Party acknowledges and agrees that a breach or threatened breach by such Party of any of its obligations under Section 8 or, in the case of Customer, Section 2.3, would cause the other Party irreparable harm for which monetary damages would not be an adequate remedy and agrees that, in the event of such breach or threatened breach, the other Party will be entitled to equitable relief, including a restraining order, an injunction, specific performance and any other relief that may be available from any court, without any requirement to post a bond or other security, or to prove actual damages or that monetary damages are not an adequate remedy. Such remedies are not exclusive and are in addition to all other remedies that may be available at law, in equity or otherwise.

EXHIBIT B

PRICING SHEET

(based on Quote 0924, dated 10/27/2026)

Cloud Modules - *Annual Fee*

Financial Management		
GL-General Ledger		$2,400.00
AP-Account Payable		$1,980.00
PO-Purchase Order		$1,945.00
FA-Fixed Assets		$1,845.00
CR-Cash Receipting		$2,155.00
	Total	$10,325.00
Personnel Management		
PR-Payroll		$3,265.00
HR-Human Resources		$2,295.00
	Total	$5,560.00
Community Development		
BL-Business License		$1,910.00
BD-Building Department		$3,870.00
	Total	$5,780.00
BS&A Online		
CD-Building		$1,705.00
	Total	$1,705.00
	Subtotal	**$23,370.00**

Data Conversions/Database Setup

FA-Manual-Database Setup Setup of Assets, Entry of Value, Accumulated Depreciation	$2,850.00
CR-Manual-Database Setup Setup of Receipt Items/Tender Type	$2,450.00
PR-Manual-Database Setup Manual Entry or Import of Employee Master File/Setup/YTD as of a Specified Date.	$4,300.00
HR-Manual-Database Setup Setup of Licenses, Certifications, Benefit Plans, Positions. Not assigned to Employees	$3,675.00
GL-Advanced Conversion - RDA COA, Balances, Budget, Up to 5 Years Journal Transaction history	$9,000.00
AP- Advanced Conversion - RDA Vendors, Up to 5 years invoices and check history	$8,000.00
PO- Manual-Database Setup Setup of Shipping, PO Types, Payment Terms, and Approvals	$2,450.00
BL- Advanced Conversion - RDA Setup of License Types, Fee Schedules, conversion of Businesses and up to 5 years License History	$4,000.00
BD-Conversion-iWorq Setup of Permit and Enforcement Types, Fee Schedules, Permit and Enforcement History for up to 5 years	$6,425.00
Total	**$43,150.00**

Project Management and Implementation Planning

Services include:

- *Analyzing customer processes to ensure all critical components are addressed.*
- *Creating and managing the project schedule in accordance with the customer's existing processes and needs.*
- *Planning and scheduling training around any planned process changes included in the project plan.*
- *Modifying the project schedule as needed to accommodate any changes to the scope and requirements of the project that are discovered.*
- *Providing a central contact between the customer's project leaders, developers, trainers, IT staff, conversion staff, and other resources required throughout the transition period.*
- *Reviewing and addressing the specifications for needed customizations to meet customer needs (when applicable).*

Total	**$23,350.00**

Implementation and Training

- *$1,225/day*
- *Days quoted are estimates; you are billed for actual days used*
- *Training days quoted/billed in full day increments only*

Services include:

- *Setting up users and user security rights for each application*
- *Performing final process and procedure review*
- *Configuring custom settings in each application to fit the needs of the customer*
- *Setting up application integration and workflow methods*
- *Onsite verification of converted data for balancing and auditing purposes*
- *Training and Go-Live*

Setup Days

ITS Setup - FM	Setup Days: 1	$1,225.00
ITS Setup - HRIS	Setup Days: 1	$1,225.00
ITS Setup - CD	Setup Days: 1	$1,225.00
	Total Setup Days: 3	Subtotal: $3,675.00

Implementation and Training Days

ITS Training - FM	Training Days: 10	$12,250.00
ITS Training - HRIS	Training Days: 5	$6,125.00
ITS Training - CD	Training Days: 11	$13,475.00
ITS Training - BSAO	Training Days: 2	$2,450.00
	Total Training Days: 28	Subtotal: $34,300.00
	Total Days: 31	**Total: $37,975.00**

Cost Totals

Cloud New Purchase – *Annual Fee*	Subtotal	$23,370.00
Data Conversion/Database Setup	Subtotal	$43,150.00
Project Management and Implementation Planning	Subtotal	$23,350.00
Implementation and Training	Subtotal	$37,975.00
Total Proposed		**$127,845.00**

The final invoice will reflect actual expenses following the completion of training activities based on the guidelines described below.

$160/$185/$225 per day hotel, varies by state
$90 per day car rental
$70 per day meals
$730 per trip airfare/related expenses
$0.76/mile round trip for drive distance

Payment Schedule

1st Payment: **$66,500** to be invoiced upon execution of this agreement.
2nd Payment: **$23,370** to be invoiced upon the subscription start date.
3rd Payment: **$37,975** to be invoiced upon completion of training.

HONORING OUR PAST, BUILDING OUR FUTURE
EST. CITY OF 1905
DACULA

MEMO

TO: Mayor and City Council of the City of Dacula

FROM: Brittni Nix, City Administrator

DATE: October 30, 2026,

SUBJECT: FFY-2027 CDBG Application

City staff prepared application materials to submit the Dacula sidewalk connectivity project to the Gwinnett County Community Development Block Grant Program for consideration. This project aims to provide safe pedestrian connectivity for residents to key community facilities that currently does not exist. The project would bring new sidewalks and/or repair deficient sidewalk connectivity on Hebron Church Road, Wilson Street, and 2nd Avenue. This connection would connect surrounding residents to Hebron Church, Dacula Highschool, and Historic Downtown Dacula.

The OPCC (Opinion of Probable Construction Cost) with 15% contingency totals $486,743.25.

Staff requests approval to submit the Dacula sidewalk connectivity project for 2027 Community Development Block Grant consideration.

HONORING OUR PAST, BUILDING OUR FUTURE
EST. CITY OF 1905
DACULA

RESOLUTION

WHEREAS, the City of Dacula desires to participate in the FFY 2027 Gwinnett County Community Development Block Grant Program. The City of Dacula wishes to submit a 2027 Gwinnett County Community Development Block Grant application for sidewalk improvements located within the City limits. The City considers sidewalk infrastructure and pedestrian connectivity to be a high priority.

WHEREAS, the Dacula City Council has voted affirmatively and authorized the Mayor to sign and submit the 2027 Gwinnett County Community Development Block Grant application.

NOW THEREFORE, a motion was made, seconded, and unanimously approved November 4, 2026, authorizing Mayor King to sign all necessary documents on behalf of the City of Dacula for the FFY 2027 Gwinnett County Community Development Block Grant Application.

AND, it is so ordained, this 4th day of November, 2026.

AYES:_____

NAYES:_____

_____ **SEAL**

Hugh D. King, III, Mayor
City of Dacula

_____

Brittni Nix, City Administrator
City of Dacula

Opinion of Probable Construction Cost (Preliminary)

Date: ***October 29, 2026***

CDBG FY2027 - Sidewalk Connectivity Project

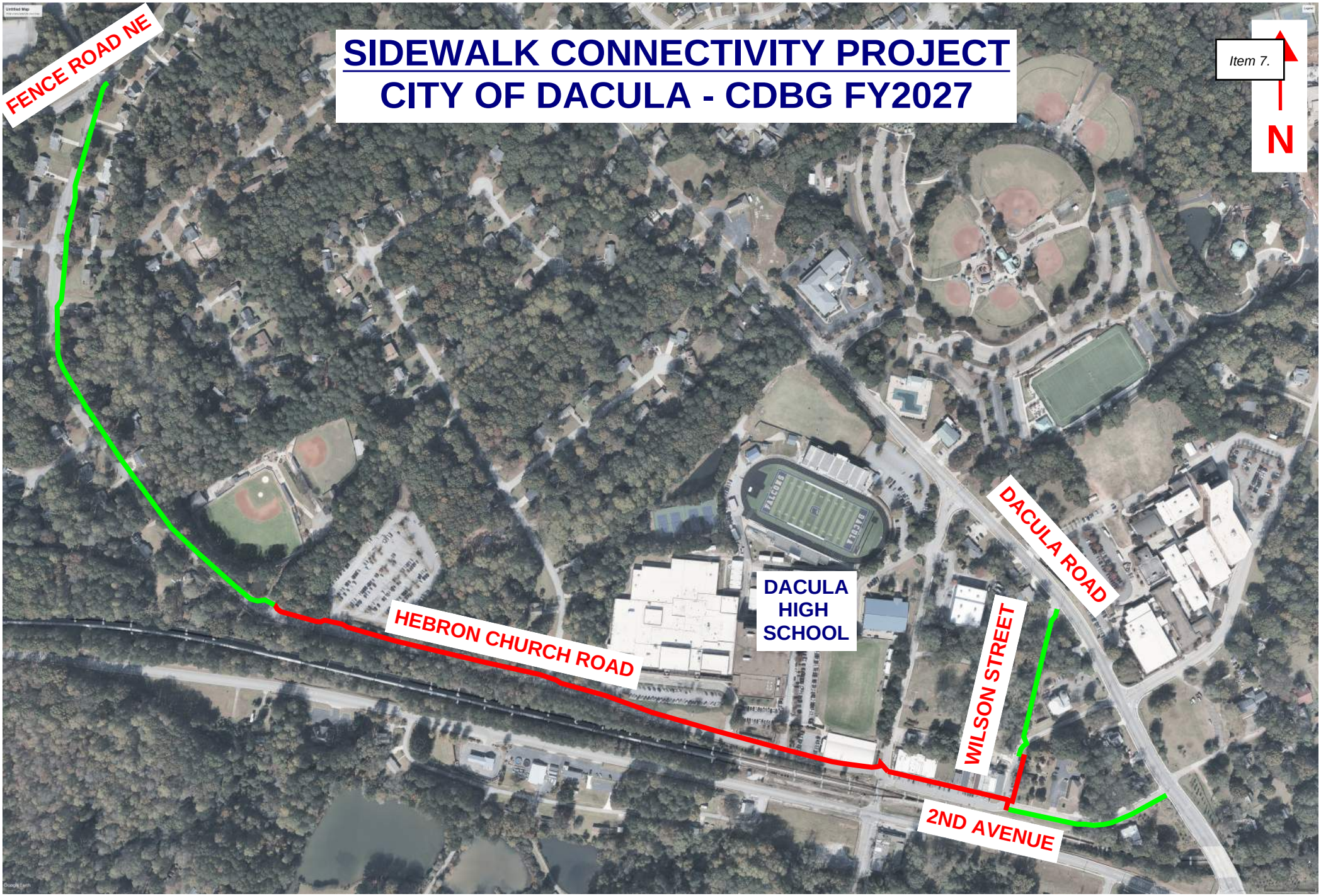
Activity	Amount	Unit	Labor $ or LumpSum	*Subtotal*	Total	Misc Notes
Demolition					***$ 31,500.00***	
Remove and Haul Existing Sidewalk	7000	SF	4.50	*$ 31,500.00*		
Site Improvements					***$ 245,110.00***	
Concrete Sidewalk	23500	SF	9.00	*$ 211,500.00*		5.0' Width, 4.0" Depth
ADA Curb Ramp + Det. Strip	24	EA	300.00	*$ 7,200.00*		
30" Concrete Curb & Gutter	650	LF	15.00	*$ 9,750.00*		Roadway C&G
Crosswalk	3200	SF	3.00	*$ 9,600.00*		Assumes 7.0' Width
24" Stop Bar (Thermo Plastic)	120	LF	2.00	*$ 240.00*		
Asphalt Pavement/ Medium Duty (Full Depth)	115	SY	28.00	*$ 3,220.00*		Parallel Parking
42" Aluminum Fall Protection Railing	20	LF	180.00	*$ 3,600.00*		
Civil Improvements					***$ 126,195.00***	
SWCB	6	EA	4,000.00	*$ 24,000.00*		
18" RCP	500	LF	100.00	*$ 50,000.00*		
Medium Duty Asphalt Pavement (Full Depth)	223	SY	55.00	*$ 12,265.00*		
Asphalt Mill and Overlay (1.5")	550	SY	30.00	*$ 16,500.00*		
Standard Duty Concrete Pavement (Driveway Apron)	42	SY	95.00	*$ 3,990.00*		6" Conc. 4" GAB
Heavy Duty Concrete Pavement (Driveway Apron)	162	SY	120.00	*$ 19,440.00*		8" Conc. 6" GAB
Erosion Control					***$ 20,450.00***	
Silt Fence	4700	LF	3.50	*$ 16,450.00*		
Inlet Protection (pigs in a blanket)	10	EA	400.00	*$ 4,000.00*		
				Grand Total Cost:		
					$ 423,255.00	
				15% Contingent	***$ 63,488.25***	
				Total Cost:	***$ 486,743.25***	

Bowman makes no guarantee as to the accuracy or inaccuracy of this Opinion of Probable Construction Costs (OPCC). All quantities and cost figures are subject to change; and may increase or decrease. The purpose of this OPCC is for preliminary/conceptual budgetary purposes only.

****All material quantites and pricing are approximate and not complete. No design work or other investigative research has been perform as of to date. This OPCC is for general discussion purposes only.**

**** This OPCC does not account for Transportation/Traffic improvements, Water improvements, lighting improvements, any building/parking deck design or improvements, etc. All materials, quanitites, or costs are approximate as no design work or discussion with utility providers or other govenmental agencies have taken place.**

SIDEWALK CONNECTIVITY PROJECT
CITY OF DACULA - CDBG FY2027



RED PATH = EXISTING PEDESTRIAN PATH
TO BE MODIFIED / REPAIRED AS NEEDED.

GREEN PATH = DEMOLISH EXISTING CONDITION, PROVIDE NEW
PEDESTRIAN PATH & STORMWATER CONTROLS AS NEEDED.

Bowman

Scope of Project

The City of Dacula is currently making improvements to aging and deteriorated City Streets in low to moderate income areas within the City Limits of Dacula in Gwinnett County, Georgia. The City is seeking 2027 (CDBG) Community Development Block Grant funds to improve pedestrian connectivity along three key city thoroughfares.

Hebron Church Road from Fence Road to Broad Street:
Hebron Church Road connects Hebron Church to Historic Downtown Dacula and contains multiple entrances to Dacula High School. Beginning at Hebron Church and heading south, the first 2,250 feet of this road contains multiple residences and neighborhoods without any sidewalk connectivity. The project will include the construction of a 5-foot-wide sidewalk on the east side of Hebron Church Road. 500 feet of this new sidewalk will require new curb and gutter which will require the installation of up to 5 new drainage structures and pipes to continue the existing drainage pattern. The next 1,250 feet of this road contains a narrow, 3-foot-wide sidewalk which is undersized for the amount of foot traffic typically observed adjacent to a large high school. Additionally, multiple tripping hazards were observed along this corridor of existing sidewalk. This project proposes to demolish the existing sidewalk and replace it with new 5-foot-wide sidewalk. New curb ramps and crosswalks will be installed along each crossing with a major driveway or intersecting roadway where existing conditions are recognized to be deficient for safe passage. Lastly, a total of 4,225 SF of asphalt will be milled and overlain and 1,450 SF of concrete driveway aprons at driveway intersections where rutting and alligator cracking has been observed. These driveways are at Hinton Road / Hebron Church Road, and a total of six driveways connecting Dacula High School to Hebron Church Road.

Wilson Street from Dacula Road to 2nd Avenue:
Beginning at Dacula Road and heading south on Wilson Street, the first 90 feet of roadway contains a 4-foot-wide sidewalk after which begins an older, poorly maintained 3-foot-wide sidewalk. The project proposes to demolish and replace the 3-foot sidewalk with a new 5-foot-wide sidewalk continuing south to Auburn Avenue SE. A new drainage structure will be required north of Auburn Avenue on Wilson Street to retain the existing drainage pattern. In this area, there is currently a drainage facility immediately adjacent to the sidewalk that will require fall protection railing to be installed. The property located at 184 Dacula Rd will also require a new concrete driveway apron as the sidewalk crosses the existing gravel driveway. Additionally, an approximately 100-foot section of the east side of Wilson Street between 3rd Avenue and Auburn Avenue will be upgraded to contain parallel parking spaces. This will require approximately 2,000 SF of full depth asphalt pavement section to be constructed. The intersection of Auburn Avenue and Wilson Street was also observed to asphalt rutting and cracking that will require approximately 650 of asphalt mill and overlay. Lastly, a crosswalk and ADA-compliant sidewalk ramps will be added at the crossing of Auburn Avenue.

2nd Avenue from Wilson Street to Dacula Road:
The project proposes continuing the sidewalk on the south side of 2nd Avenue by providing a new 5-foot-wide sidewalk from Wilson Street to Dacula Road.

Complete Pedestrian Connectivity:
Once complete, this project will provide complete pedestrian connectivity from Hebron Church at Fence Road to Historic Downtown Dacula and Dacula Road. This sidewalk connectivity will serve

many adjacent residences and will connect key community fixtures such as Hebron Church, Dacula High School, and Historic Downtown.

This project falls within the Qualified Area for City of Dacula in the 2026 LMISD map provided by Gwinnett County. This project will benefit approximately 20 residential homes, multiple side streets and residential subdivisions along Hebron Church Road, Dacula High School, as well as multiple existing commercial businesses along 2nd Avenue and Wilson Street. The Opinion of Probable Construction Costs (OPCC) for all milling, re-paving, storm drainage, and sidewalks is approximately $486,743.25.

HONORING OUR PAST, BUILDING OUR FUTURE
EST. CITY OF 1905
DACULA

MEMO

TO: City of Dacula Planning Commission /
City of Dacula Mayor and City Council

FROM: Brittni Nix, City Administrator

DATE: October 23, 2026

SUBJECT: Ratification of Official Zoning Map Revisions

Staff requests the City Council ratify the presented Zoning Map. The map reflects the City's zoning actions since July 3, 2025. If ratified, the subject map will become the Official Map of the Corporate Limits of the City of Dacula, Georgia.

Official Map of the Corporate Limits of the City of Dacula, Georgia.

GRAPHIC SCALE
800 400 0 800 1600
SCALE: 1"=800'

N W E S

ZONING MAP ADOPTION

CITY OF DACULA, MAYOR DATE

ZONING DISTRICT LEGEND

AG	AGRICULTURAL DISTRICT
R-1100	SINGLE FAMILY RESIDENTIAL
R-1200	SINGLE FAMILY RESIDENTIAL
R-1400	SINGLE FAMILY RESIDENTIAL
R-1600	SINGLE FAMILY RESIDENTIAL
CZP	SINGLE FAMILY RESIDENTIAL
CSO	SINGLE FAMILY RESIDENTIAL
R-TH	SINGLE FAMILY RESIDENCE TOWNHOUSE DISTRICT
RSR	SENIOR ORIENTED RESIDENTIAL
TRD	TRANSITIONAL RESIDENTIAL DISTRICT
R-MD	MULTI - FAMILY RESIDENTIAL
MH	MOBILE HOME PARK OR SUBDIVISION
PMUD	PLANNED MIXED USE DISTRICT
OI	OFFICE INSTITUTIONAL
C-1	NEIGHBORHOOD COMMERCIAL DISTRICT
C-2	GENERAL BUSINESS DISTRICT
C-3	CENTRAL BUSINESS DISTRICT
M-1	LIGHT INDUSTRY DISTRICT
M-2	HEAVY INDUSTRY DISTRICT
PARK	(CITY) PARKS
GOV	GOVERNMENT FACILITY
DOD	DOWNTOWN OVERLAY DISTRICT

LEGEND

- CITY LIMITS
- SEABOARD COAST LINE RAILROAD
- PROPOSED OUTER PERIMETER
- EXISTING OUTER PERIMETER (SUGARLOAF PARKWAY)

BOWMAN

4174 Silver Peak Parkway
Suwanee, Georgia 30024
Phone (770) 932-6550
Fax (770) 932-6551

WWW.BOWMAN.COM

DRAWN BY: RWH
DATE: MARCH 20, 2007
REVISED: FEBRUARY 6, 2008
REVISED: OCTOBER 16, 2008
REVISED: APRIL 15, 2013
REVISED: FEBRUARY 4 , 2014
REVISED: AUGUST 28, 2014
REVISED: JANUARY 6, 2016
REVISED: FEBRUARY 1, 2018
REVISED: APRIL 1, 2021
REVISED: FEBRUARY 21, 2022
REVISED: JUNE 5, 2023
REVISED: JUNE 6, 2024
REVISED: JULY 3, 2025
REVISED: SEPTEMBER 3, 2026
REVISED: NOVEMBER 5, 2026

This information has been provided from general sources and is to be used only as a guide. Mcfarland - Dyer & Associates assumes no liability for its accuracy or for any decisions which the user may make based on this document.

REVISION DATE	CASE #	MAYOR'S SIGNATURE
FEB 6, 2008		
OCT 16, 2009		
APR 15, 2013		
FEB 14, 2014		
AUG 28, 2014		
JAN 6, 2016		
FEB 1, 2018		
APR 1, 2021		
FEB 21, 2022		
JUNE 5, 2023		
JUNE 6, 2024		
JULY 3, 2025		
SEPTEMBER 3, 2026		
NOVEMBER 5, 2026		

HONORING OUR PAST, BUILDING OUR FUTURE
EST. CITY OF 1905
DACULA

MEMO

TO: City of Dacula Planning Commission / City of Dacula Mayor and City Council

FROM: Hayes Taylor, Senior Planner

DATE: October 23, 2026

SUBJECT: Amendments to Article IX of the Zoning Resolution

The current Zoning Resolution is primarily borrowed from a previous iteration of Gwinnett County's Zoning Ordinance, which is no longer utilized because it did not produce the anticipated results. In July of 2025, the City codified several updates to the Development Regulations to better facilitate the goals and policy objectives of the 2050 Comprehensive Plan. Staff recommends the City make the following amendments to Article IX of the Zoning Resolution to address a variety of issues to support the goals of the Comprehensive Plan and better meet the City's current needs:

1. Create a standalone temporary use section. In the current iteration of Article IX, temporary uses are scattered throughout the article and difficult to access. The update will allow for easier administration and public legibility.
2. Clarify Assembly Use regulations to allow for consistent parameters and expand Council purview. Presently, assembly use standards vary between requiring a Special Use Permit (SUP) and allowing assembly uses by right. The proposed update would require an SUP across the board, allowing the Council and Commission the chance to review uses on a case-by-case basis.
3. Reclassify dog-grooming facilities to allow for dog-grooming facilities in C-2 (General Business District) with a Special Use Permit (SUP). Permitting dog-grooming facilities on C-2 parcels would allow shops to provide the amenity closer to the majority of the City's commercial areas without setting the zoning precedent for C-3 (Central Business District and Heavy Commercial District) in character areas the City wishes to protect.
4. Update the Planned Mixed-Use District. The City of Dacula's PMUD ordinance is based on a previous iteration of a sister city's PMUD ordinance. In its current form, the PMUD district often hinders development and does not allow for many of the goals contained within its description. As the City nears buildout levels, the number of large assembles close to activity centers are diminishing. To prevent future PMUD developments from being pushed further down Harbins Rd, it is imperative the City allow for smaller assemblages.
5. Update the Single-Family Residence Townhouse District. The R-TH district is inherited from an outdated county code. Historically, townhouses were constructed near town centers and commercial nodes. The housing typology was named for its setting, not as an indication of density. Gwinnett

County has no town center; thus, the County's previous R-TH district was suburban in nature and was not designed to produce neighborhoods that could be seen in the quaint small towns that the Comprehensive Plan calls for. The requested updates would bolster the architectural standards, push developers to locate future townhouse developments near commercial nodes and Downtown Dacula, and prevent developers from taking advantage of density.

Staff requests approving the recommended resolution effective immediately. Redlines of the requested amendments are available following the memo.

ARTICLE IX

USE PROVISIONS

Section 900. AG Agricultural District.

The AG Agricultural District is established to provide for agriculture and very low density residential development, and to ensure that open and/or sparsely developed areas of the City are protected at the property owner's request.

A. Area, Yard and Height Requirements:

District	Minimum Dwelling Unit (Sq.Ft.)	Minimum Lot Area Size (Sq.Ft)[(1)]	Minimum Width (Ft)	Setback from Right-of-Way (Ft.)		Minimum Side Yard (Ft.)	Minimum Rear Yard (Ft.)	Maximum Height (Ft.)
				Major Street (Ft.)	Interior Street (Ft.)			
AG	1100	87,120 (2 acres)	200	50	50	20	40	40

B. Permitted Uses:

Only the following permitted uses shall be allowed in AG Agricultural District and no structures shall be erected, structurally altered or enlarged for any use other than a use permitted hereunder with the exception of a) uses lawfully established prior to the effective date of this amendment; b) special uses as listed hereunder; c) accessory uses as defined in Article III, Definitions; d) other uses which are clearly similar to and consistent with the purpose of this District.

1. Single Family Dwellings.
2. Customary Accessory Buildings and Uses.
3. Customary Home Occupations.
4. Customary Agricultural Uses including forestry, commercial greenhouses, plant nurseries, except the raising of livestock or poultry unless otherwise specifically listed hereunder.
5. The raising and keeping of horses for personal pleasure or utility on a lot which contains the dwelling of the owner of the horses, provided that the lot is at least five (5) acres in area; that no animal quarters, pen, or corral are located closer than 100 feet to any property line; and that the number of horses shall not exceed one per acre.
6. Customary Agricultural Buildings and Uses including farm ponds and fishing lakes, subject to all of the yard requirements of the Zoning District.
7. Kennel - provided than no animal quarters are located closer than 200 feet to any property line.
    a. Fur Farm - provided that no animal quarters are located closer than 200 feet to any property line.
    b. Cattery - provided that no animal quarters are located closer than 100 feet to any property line.
8. Parks and other similar public and semi-public buildings and land uses.

9. Public, semi-public and private golf and country clubs, (except miniature courses), golf driving ranges and fishing clubs.

10. Utility structures such as electric transformer stations, telephone exchanges, gas regulator stations, water and wastewater pumping stations, and water tanks may be located to serve the public interest, provided such facilities comply with the following requirements:

    a. Any building or structure, except a surrounding fence, shall be set back at least thirty (30) feet from any property line.

    b. The facility shall be completely surrounded by a woven wire fence at least eight (8) feet high.

    c. The facility shall be furnished with a planted buffer not less than ten (10) feet wide to create an effective visual screen on all sides.

    d. The facility may not be used for office space, storage space, or for the storage of vehicles or equipment.

11. Farmers' Markets or roadside stands for the sale of products and commodities produced on the premises provided that any structure for such sales shall be located no closer than 35 feet to any property line.

12. The raising and keeping of household pets.

13. The raising and keeping of wild animals, provided that the owner or custodian of such wild animals has received an appropriate permit and meets all the requirements of the State of Georgia, and further provided that no animal quarters are located closer than 200 feet to any property line.

~~14. Churches, temples and synagogues provided:~~

~~a. They are located on a site of not less than five (5) acres with 250 feet of road frontage.~~

~~b. The buildings are located not less than 50 feet from any street and not less than 30 feet from any side or rear property line.~~

~~c. If adjacent to residentially-zoned property, a buffer of at least 50 feet wide shall be provided along the property lines adjacent to said zoning, provided, however, that this buffer may be reduced to no less than 20 feet in width adjacent to the sanctuary building or "Sunday School" educational building and parking related to these buildings.~~

~~d. A church, temple or synagogue located in a manufactured building may be erected on the property for a period not to exceed three (3) years.~~

C. Special Uses

Within the AG Agricultural District, the following uses may be permitted provided the applicant for such a development is granted a Special Use Permit by the City Council after receiving recommendations from the City Administrator and Planning Commission and after a public hearing.

1. Show rings or other arenas for the display, exhibition training or sale of livestock, provided that no animal quarters are located closer than 100 feet to any property line. Adequate off-street parking shall be provided for livestock trailers, recreation vehicles, etc., associated with the proposed use in addition to the minimum requirements of the Zoning Resolution.

2. Private Schools.
3. A cemetery, provided the following conditions are met:
   a. The cemetery may front only on a Collector or Major Street or State Highway, and the entrance and exits to it shall be only from the street on which it fronts.
   b. The cemetery shall be bordered by a ten-foot wide buffer strip along all of its exterior property lines not bordering the frontage street and not extending into the required front yard. The buffer strip shall be planted with evergreen trees or shrubs that grow at least eight (8) feet tall and provide an effective visual screen.
   c. The cemetery is included in a Preliminary Subdivision Plat that has been approved by the City.
4. Veterinary Clinic or Hospital provided that no portion of a building, structure, outdoor run or pen used to house or exercise animals is located closer than 200 feet to any property line.
5. **Place of Assembly uses, provided:**
   a. They are located on a site of not less than five (5) acres with 250 feet of road frontage.
   b. The buildings are located not less than 50 feet from any street and not less than 30 feet from any side or rear property line.
   c. If adjacent to residentially-zoned property, a buffer of at least 50 feet wide shall be provided along the property lines adjacent to said zoning, provided, however, that this buffer may be reduced to no less than 20 feet in width adjacent to the assembly building or accessory building and parking related to these buildings.
   d. A Place of Assembly located in a manufactured building may be erected on the property for a period not to exceed three (3) years.

Section 901. R-1100, R-1200, R-1400 and R-1600 Single-Family Residential District.

The four (4) single-family residential Districts include existing low density residential areas and vacant or open areas where similar residential development is appropriate. These Districts are individual, separate and distinct from each other. The regulations for these Districts are designed to encourage low density one-family residential development.

A. Area, Yard and Height Requirements:

District	Minimum Dwelling Unit (Sq.Ft.)	Minimum Lot Area Size (Sq.Ft)[1]	Minimum Width (Ft)	Setback from Right -of-Way (Ft.)		Minimum Side Yard (Ft.)	Minimum Rear Yard (Ft.)	Maximum Height (Ft.)
				Major Street (Ft.)	Interior Street (Ft.)			
R-1100	1,100	Septic 30,000 Sewer 15,000	100[2]	50	35	10	40	40
R-1200	1,200							
R-1400	1,400							
R-1600	1,600	Sewer Only 15,000						

(1) No subdivision lot which contains less than fifty percent (50%) of the minimum lot area required by the applicable Zoning District or eight thousand (8,000) square feet, whichever is greater, located above the base flood elevation shall be approved. All area above the flood elevation used to satisfy this requirement shall be contiguous and shall not be separated by any flood area.

(2) 85 feet abutting a cul-de-sac or half cul-de-sac.

B. Permitted Uses:

Only the following permitted uses shall be allowed in the R-1100, R-1200, R-1400 and R-1600 Single-Family Residential Districts, and no structures shall be erected, structurally altered or enlarged for any use other than a use permitted hereunder with the exception of a) uses lawfully established prior to the effective date of this amendment; b) special uses as listed hereunder; c) accessory uses as defined in Article III, Definitions; d) other uses which are clearly similar to and consistent with the purpose of this District.

1. Single Family Dwellings, except Manufactured Homes.
   a. The front façades of all dwelling units shall consist of a mixture of brick or stone architectural treatments. The rear façade of the dwelling units shall be constructed of brick, stone, stucco, concrete fiber, or similar material.
   b. All dwelling units shall have at least a two-car garage.
   c. Five (5)-foot wide sidewalks shall be constructed on both sides of the internal subdivision streets and the boundary of the property on the subdivision entrance street.
   d. Underground utilities shall be provided throughout any subdivision development.
   e. Any subdivision development containing ten acres or more shall include a recreation area in accordance with Section 5.9 of the City's Development Regulations.
   f. Any subdivision development containing more than five (5) lots shall have a recorded declaration of covenants providing for a mandatory Homeowners Association to own and maintain common property; to carry out the provisions of this Ordinance; and for other purposes allowed by law.

g. Street light service fees and maintenance are the responsibility of the mandatory Homeowners Association.

h. All grassed areas except the open space/common area shall be sodded. The open space/common area shall be hydro-seeded or sodded.

i. Each building lot shall have a minimum of two (2) decorative trees (maple, oak, birch, elm, etc.) at least 3 inches in diameter (DBH).

j. The declaration of restrictive covenants for the mandatory Homeowners Association must include a statement limiting the number of leased or rented homes to no more than twenty percent (20%) of the total number of units in the development. The declaration shall also require owners wishing to lease their property to obtain a written permit from the Homeowners Association prior to renting or leasing.

2. Customary accessory buildings and uses.

   a. Accessory buildings, structures and uses shall be permitted only within the required rear yard unless specifically exempted in this Resolution.

   b. Accessory buildings, structures and uses shall be located on the same lot of record as the principal building, structure or use.

   c. Accessory buildings, structures and uses shall be customarily incidental and subordinate to the principal building, structure or use. The accessory building shall not be erected on a lot prior to the construction of the principal building.

   d. Accessory buildings, structures and uses shall be setback at least five (5) feet from any lot line, except where abutting a public street, unless specifically exempted in this Resolution. Where abutting a public street, an accessory building, structure or use shall be setback by fifty (50) feet, unless specifically exempted in this Resolution.

3. Customary Home Occupations including Day Care Homes and Personal Care Homes provided they shall be approved and licensed by Georgia Department of Human Resources.

4. Existing Cemeteries.

5. Single Family Subdivisions subject to the Development Regulations adopted by the City of Dacula.

6. Public and semi-public playgrounds, parks, lakes, and buildings, operated on a non-profit basis for recreational and public community purposes only.

7. Utility structures such as electric transformer stations, telephone exchanges, gas regulator stations, water and wastewater pumping stations, and water tanks may be located to serve the public interest, provided such facilities comply with the following requirements:

   a. Any building or structure, except a surrounding fence, shall be set back at least thirty (30) feet from any property line.

   b. The facility shall be completely surrounded by a woven wire fence at least eight (8) feet high.

   c. The facility shall be furnished with a planted buffer not less than ten (10) feet wide to create an effective visual screen on all sides.

d. The facility may not be used for office space, storage space, or for the storage of vehicles or equipment.

8. The raising and keeping of household pets.

~~9. Churches, temples and synagogues provided:~~

~~a. They are located on a site of not less than five (5) acres with 250 feet of road frontage.~~

~~b. The buildings are located not less than 50 feet from any street and not less than 30 feet from any side or rear property line.~~

~~c. If adjacent to residentially-zoned property, a buffer of at least 50 feet wide shall be provided along the property lines adjacent to said zoning, provided, however, that this buffer may be reduced to no less than 20 feet in width adjacent to the sanctuary building or "Sunday School" educational building and parking related to these buildings.~~

~~d. A church, temple or synagogue located in a manufactured building may be erected on the property for a period not to exceed three (3) years.~~

10. Privately owned, Golf Courses, Country Clubs, Swimming and Tennis Clubs, or private not-for-profit recreation facilities; provided such facilities are to be located on an area reserved or dedicated for such use on a final recorded subdivision plat.

11. Limited Agricultural Uses to include:

a. The raising and keeping of livestock (other than chickens) for personal pleasure or utility on a lot which contains the dwelling of the owner of the livestock, provided that the lot is at least five (5) acres in area; that no animals quarters, pen, or corral are located closer than 100 feet to any property line. Animal stocking rates are not to exceed requirements of the Georgia Department of Natural Resources.

b. In non-agricultural residential zoning districts: the keeping of chickens for personal pleasure or utility on a parcel which contains the dwelling of the owner is permitted, subject to the following requirements:

(1) The minimum lot size for the keeping of chickens shall be ten-thousand five-hundred (10,500) square feet.

(2) Chickens must be kept securely in an enclosed yard or 6-sided pen at all times.

(3) Minimum pen area for chickens shall be ten (10) square feet per chicken.

(4) Chickens must be housed at least twenty (20) feet from any property line, and fifty (50) feet from any residence other than the owner's.

(5) Any structure housing chickens must be located in the rear yard.

(6) The keeping of roosters is not allowed.

(7) The maximum number of chickens shall be as follows: Lots 10,500 square feet (0.24 ac) to 12,499 square feet (0.28 ac): Maximum of 3 chickens; lots 12,500 square feet (0.28) to 24,999 square feet (0.57 ac); maximum of 8 chickens; lots of 25,264 (0.58 ac) to 39,204 (0.90 ac); maximum of 9 chickens; lots of 40,000 square feet (0.91 ac) to 2.99 acres; maximum of 10 chickens; lots 3 acres or larger; no maximum.

(8) Each coop shall have at least four (4) square feet of floor space per chicken over four (4) months old.

(9) Chickens are only permitted as pets or for egg laying production; chickens cannot be kept for slaughter.

(10) Chickens must be kept under sanitary conditions and shall not be a public nuisance as defined by City Code or State law.

c. Customary agricultural buildings and uses including farm ponds and fishing lakes, subject to all of the yard requirements of the Zoning Ordinance.

C. Permitted Special Exceptions.

Within the R-1100, R-1200, R-1400 and R-1600 Single-Family Residential Districts, the following uses may be permitted provided the applicant for such a development is granted a Special Exception subject to the approval of the Mayor and City Council:

1. Single chair beauty parlor or barber shop in a one family residence as a home occupation.
2. Metal buildings as accessory uses in excess of 550 square feet in size.

D. Special Uses

Within the R-1100, R-1200, R-1400 and R-1600 Single-Family Residential Districts, the following uses may be permitted provided the applicant for such a development is granted a Special Use Permit subject to the approval of the Planning Commission and Mayor and City Council. Applicants are subject to such appropriate conditions as the Planning Commission and Mayor and City Council may require after public hearings have been held.

1. Forestry or timber harvesting provided the following standards are met:
   a. All requirements of the City of Dacula Development Regulations pertaining to timber harvesting have been satisfied.
2. The preservation of wildlife habitat and associated raising and keeping of wild animals, provided that the lot is at least five (5) acres in area and the owner or custodian of such wild animals has received an appropriate permit that meets all the requirements of the State of Georgia, and further provided that no animal quarters are located closer than 100 feet to any properly line.
3. Day care facilities located in a church, temple, or synagogue.
4. Personal Care Homes. Personal care homes shall be licensed by the State of Georgia.

3. Place of Assembly uses, provided:

a. They are located on a site of not less than five (5) acres with 250 feet of road frontage.

b. The buildings are located not less than 50 feet from any street and not less than 30 feet from any side or rear property line.

c. If adjacent to residentially-zoned property, a buffer of at least 50 feet wide shall be provided along the property lines adjacent to said zoning, provided, however, that this buffer may be reduced to no less than 20 feet in width adjacent to the assembly building or accessory building and parking related to these buildings.

d. A Place of Assembly located in a manufactured building may be erected on the property for a period not to exceed three (3) years.

Section 902. R-1100CZP, R-1200CZP, and R-1400CZP Single-Family Residential Districts.

The three (3) single-family residential Districts include existing low density residential areas and vacant or open areas where similar residential development is appropriate. These Districts are individual, separate, and distinct from each other. The Regulations for these Districts are designed to encourage low density one-family residential development. These Districts are to be utilized where the property is already zoned similarly and a specific use is proposed that may have an impact on the public health, safety, and welfare of the existing property owners in the City of Dacula.

A. Area, Yard and Height Requirements:

District	Minimum Dwelling Unit Size (Sq.Ft.)	Minimum Lot Area Size (Sq.Ft)	Minimum Width (Ft)	Setback from Right-of-Way (Ft.)		Minimum Side Yard (Ft.)	Minimum Rear Yard (Ft.)	Maximum Height (Ft.)
				Major Street (Ft.)	Interior Street (Ft.)			
R-1100 CZP	1,100	Septic 30,000 Sewer 15,000	100(2)	50	35	10	40	40
R-1200 CZP	1,200							
R-1400 CZP	1,400							

(1) No subdivision lot which contains less than fifty percent (50%) of the min. lot area required by the applicable Zoning District or eight thousand (8,000) square feet, whichever is greater, located above the base flood elevation shall be approved. All area above the flood elevation used to satisfy this requirement shall be contiguous and shall not be separated by any flood area.

(2) 85 feet abutting a cul-de-sac or half cul-de-sac.

B. Permitted Uses:

Only the following permitted uses shall be allowed in the R-1100CZP, R-1200CZP and R-1400CZP Single-Family Residential Districts. No structures shall be erected, structurally altered or enlarged for any use other than a use permitted hereunder.

1. ~~Churches, temples and synagogues~~ **Place of Assembly uses** not meeting the minimum requirements for a permitted ~~church, temple or synagogue~~ **assembly** within the R-1100, R-1200, or R-1400 Districts.
2. Private schools offering general education courses.
3. Privately owned Golf Courses, Country Clubs, Swimming and Tennis Clubs, or private not- for-profit recreation facilities, except public city or county parks; provided all buildings shall be located at least 100 feet from any property line, and that this zoning classification shall not be required for such facilities if they are to be located on an area reserved or dedicated for such use on a final recorded subdivision plat.

C. Special Uses:

1. Residential or community shelters as an accessory use to a church, temple or synagogue meeting the minimum requirements for a permitted church, temple, or synagogue within the R-1100, R-1200, or R-1400 Districts.
2. Group day care homes.

3. Group Personal Care Homes. Personal care homes shall be licensed by the State of Georgia.

Section 903. R-MD Residential Multi-Family Duplex District.

The R-MD Residential Multi-Family Duplex District includes areas where multifamily development is appropriate. The regulations for this District are designed to provide an area where individuals and families may establish homes in an environment which satisfies their needs for convenience and economy. This Zoning District is to be located where public water supply and where there is convenient access to collector streets, major thoroughfares or state highways.

A. Area, Yard and Height Requirements:

District	Minimum Dwelling Unit Size (Sq.Ft.)	Minimum Lot Area Size (Sq.Ft)	Minimum Width (Ft)	Setback from Right-of-Way (Ft.)		Minimum Side Yard (Ft.)	Minimum Rear Yard (Ft.)	Maximum Height (Ft.)
				Major Street (Ft.)	Interior Street (Ft.)			
R-MD	1200	Sewer 21,780 Septic 32,000	100	50	50	15	40	40

(1) No subdivision lot which contains less than fifty percent (50%) of the minimum lot area required by the applicable Zoning District or eight thousand (8,000) square feet, whichever is greater, located above the base flood elevation shall be approved. All area above the flood elevation used to satisfy this requirement shall be contiguous and shall not be separated by any flood area.

(2) 85 feet abutting a cul-de-sac or half cul-de-sac.

B. Permitted Uses:

Only the following permitted uses shall be allowed in the R-MD Residential Multi-Family Duplex District, and no structures shall be erected, structurally altered or enlarged for any use other than a use permitted hereunder with the exception of a) uses lawfully established prior to the effective date of this amendment; b) special exceptions as listed hereunder; c) accessory uses as defined in Article III, Definitions; d) other uses which are clearly similar to and consistent with the purpose of this District.

1. Attached and detached Single Family Dwellings, except Manufactured Homes with no more than two (2) units per lot.

2. Customary accessory buildings and uses.

   a. Accessory buildings, structures and uses shall be permitted only within the required rear yard unless specifically exempted in this Resolution.

   b. Accessory buildings, structures and uses shall be located on the same lot of record as the principal building, structure or use.

   c. Accessory buildings, structures and uses shall be customarily incidental and subordinate to the principal building, structure or use. The accessory building shall not be erected on a lot prior to the construction of the principal building.

   d. Accessory buildings, structures and uses shall be setback at least five (5) feet from any lot line, except where abutting a public street, unless specifically exempted in

this Resolution. Where abutting a public street, an accessory building, structure or use shall be setback by fifty (50) feet, unless specifically exempted in this Resolution.

3. Customary Home Occupations including Day Care Homes and Personal Care Homes provided they shall be approved and licensed by Georgia Department of Human Resources.
4. Existing Cemeteries.
5. Single Family and Duplex Subdivisions subject to the Development Regulations adopted by the City of Dacula.
6. Public and semi-public playgrounds, parks, lakes, and buildings, operated on a non-profit basis for recreational and public community purposes only.
7. Utility structures such as electric transformer stations, telephone exchanges, gas regulator stations, water and wastewater pumping stations, and water tanks may be located to serve the public interest, provided such facilities comply with the following requirements:
   a. Any building or structure, except a surrounding fence, shall be set back at least thirty (30) feet from any property line.
   b. The facility shall be completely surrounded by a woven wire fence at least eight (8) feet high.
   c. The facility shall be furnished with a planted buffer not less than ten (10) feet wide to create an effective visual screen on all sides.
   d. The facility may not be used for office space, storage space, or for the storage of vehicles or equipment.
8. The raising and keeping of household pets.
9. ~~Churches, temples and synagogues provided:~~
   ~~a. They are located on a site of not less than five (5) acres with 250 feet of road frontage.~~
   ~~b. The buildings are located not less than 50 feet from any street and not less than 30 feet from any side or rear property line.~~
   ~~c. If adjacent to residentially zoned property, a buffer of at least 50 feet wide shall be provided along the property lines adjacent to said zoning, provided, however, that this buffer may be reduced to no less than 20 feet in width adjacent to the sanctuary building or "Sunday School" educational building and parking related to these buildings.~~
   ~~d. A church, temple or synagogue located in a manufactured building may be erected on the property for a period not to exceed three (3) years.~~
10. Privately owned, Golf Courses, Country Clubs, Swimming and Tennis Clubs, or private not-for-profit recreation facilities; provided such facilities are to be located on an area reserved or dedicated for such use on a final recorded subdivision plat.
11. Subdivisions, Residential subject to the adopted Development Regulations of the City of Dacula, Georgia.

C. Permitted Special Exceptions:

Within the R-MD Residential Multi-Family Duplex District, the following uses may be permitted provided the applicant for such a development is granted a Special Exception subject to the approval of the Mayor and City Council.

1. Single chair beauty parlor or barber shop in a one family residence as a home occupation.
2. Metal buildings as accessory uses in excess of 550 square feet in size.

D. Special Uses:

1. Day care facilities located in a church, temple, or synagogue.
2. **Place of Assembly uses, provided:**
   - **a. They are located on a site of not less than five (5) acres with 250 feet of road frontage.**
   - **b. The buildings are located not less than 50 feet from any street and not less than 30 feet from any side or rear property line.**
   - **c. If adjacent to residentially-zoned property, a buffer of at least 50 feet wide shall be provided along the property lines adjacent to said zoning, provided, however, that this buffer may be reduced to no less than 20 feet in width adjacent to the assembly building or accessory building and parking related to these buildings.**
   - **d. A Place of Assembly located in a manufactured building may be erected on the property for a period not to exceed three (3) years.**

Section 904. OI Office-Institutional District.

This OI Office-Institutional District is established to provide a location for offices, institutions and limited related retail business and service activities in buildings of high character in attractive surroundings. Distributive functions such as loading, unloading, storage; packaging and unpackaging shall be limited to ten (10) percent of the total building area and five (5) percent of the total lot area.

A. Area, Yard and Height Requirements:

District	Minimum Dwelling Unit Size (Sq.Ft.)	Minimum Lot Area Size (Sq.Ft)	Minimum Width (Ft)	Setback from Right-of-Way (Ft.)		Minimum Side Yard (Ft.)	Minimum Rear Yard (Ft.)	Maximum Height (Ft.)
				Major Street (Ft.)	Interior Street (Ft.)			
OI	-	none	none	50	50	10(1)	15(1)	40

(1) Buffer zones are required in addition to side and rear yard where an office-institutional, business, or manufacturing use abuts a Residential District.

B. Permitted Uses:

Only the following permitted uses shall be allowed in the OI Office-Institutional District, and no structures shall be erected, structurally altered or enlarged for any use other than a use permitted hereunder with the exception of a) uses lawfully established prior to the effective date of this amendment; b) special uses as listed hereunder; c) accessory uses as defined in Article III, Definitions; d) other uses which are clearly similar to and consistent with the purpose of this District.

1. Accessory uses such as retail business and service establishments. In addition to the limitations on "accessory use" imposed under "Article III, Definitions", such permitted accessory-uses specifically exclude retail business and service establishments that could be construed as principal uses and include only those uses that are primarily intended for and used by patrons or occupants of the principal use to which said establishment is accessory.

~~2. Assembly Hall (Non-profit only)~~

3. Banks and other financial institutions.

4. Cultural facilities **(non-assembly).**

5. Dance Studio.

6. Dental Clinic or Dental Laboratory.

7. Health Clinic.

8. Hospital.

~~9. Lodges, fraternal and social organizations.~~

10. Medical Laboratory.

11. Mortuaries, cemeteries and mausoleums.

12. Museum.

13. Offices, Business or Professional.

14. Parking deck.

15. Public and private educational institutions offering general education courses, including nursery schools and kindergartens.
16. Public buildings and facilities.
17. Public offices.
18. Public and semipublic recreational facilities such as parks, country clubs, **non-assembly** community centers and other similar facilities.
19. Radio and Television Broadcasting Studios.
20. Research and testing facilities.
21. Retirement communities, which may include a nursing home, cafeteria and care facilities and accessory uses.
22. Utility structures such as electric transformer stations, telephone exchanges, gas regulator stations, water and wastewater pumping stations, and water tanks may be located to serve the public interest, provided such facilities comply with the following requirements:
    a. Any building or structure, except a surrounding fence, shall be set back at least thirty (30) feet from any property line.
    b. The facility shall be completely surrounded by a woven wire fence at least eight (8) feet high.
    c. The facility shall be furnished with a planted buffer not less than ten (10) feet wide to create an effective visual screen on all sides.
    d. The facility may not be used for the storage of vehicles or equipment.

C. ~~Temporary Uses~~

~~1. Within the O-I Office Institutional District only the following temporary uses are permitted:~~

~~a. Fruit Stands:~~

~~(1) The sale of fruits and vegetables not to exceed a period of three (3) months.~~

~~b. Charitable or Non-profit Private Events:~~

~~(1) Not to exceed a period of two (2) days.~~

~~c. Pumpkin and Christmas Tree Sales:~~

~~(1) Allowed between October 15 and January 1.~~

~~d. Sidewalk Sales:~~

~~(1) The sale of any items in association with an existing business located on the premises as a principal use.~~

~~(2) Not to exceed 2 days.~~

~~e. Celebrations and/or Customer Appreciation Events for Private Businesses:~~

~~(1) Event must be located on the same premises as a principal use (i.e., parking lot or tent sales).~~

~~(2) Events shall be limited to a maximum two (2) events per location for each calendar month.~~

(3) A total of six (6) events per location for each calendar year.

f. Privately sponsored community events:

(1) Public roadways shall remain open with adequate traffic control.

(2) Not to exceed a maximum two (2) days.

g. Farmers Markets / Outdoor Markets:

(1) The market must be located wholly on private property.

(2) Adequate parking and safety signage shall be provided to ensure safe pedestrian and vehicle travel.

(3) Grass parking is allowed off of public right-of-way if a paved entrance is utilized.

(4) The use shall be limited to weekend Saturdays & Sundays between the hours of 8:00AM to 4:00 PM. The sale of alcohol is prohibited.

2. Requirements for Approval of a Temporary Use Permit:

a. Written permission of the property owner(s) must be provided.

b. Private events shall not encroach public property or right-of-way without permission.

c. A total of two (2) signs may be erected for temporary events under with the following considerations:

1) Air-or gas-filled balloons or other devices which have a capacity for air or gas which does not exceed three (3) cubic feet.

2) Streamers or pennants.

3) Flags or banners, maximum size of thirty-two (32) square feet.

4) Temporary signs shall not be closer than ten (10) feet to the pavement of any street or any public right-of-way.

5) Temporary yard signs not to exceed six (6) square feet.

d. Adequate parking, ingress and egress must be provided on-site or written permission must be obtained if parking is provided on an adjoining property.

e. All requirements of the Fire Marshal's Office, Georgia Environmental Health Department, and the USDA must be followed at all times regarding food preparation, preservation, and sales.

f. Requirements of the Dacula Alcohol Ordinance must be adhered to at all times. An off duty uniformed Post certified officer is required onsite if alcohol is to be served on the premises of the event.

g. All other requirements for licenses and regulations of the City of Dacula shall be met.

h. Temporary use permits shall be counted towards a business not a multi-tenant commercial building.

i. Restroom facilities shall be provided by the applicant during the temporary event.

j. A certificate of general liability insurance (minimum $1,000,000) must be provided prior to permit approval.

~~k. A temporary permit is applied for and approved by the City Administrator or his/her designee.~~

~~l. The City Administrator shall have the authority to grant administrative variances on temporary uses and requirements of a temporary use permit.~~

D. Special Exceptions:

Within the OI Office-Institutional District, the following uses may be permitted provided the applicant for such a development is granted a Special Exception subject to the approval of the Mayor and City Council.

1. Dormitories, fraternal organizations and clubs that provide housing, provided that:
   a. They are located on a major or collector street;
   b. Buildings are located not less than fifty (50) feet from any property line;
   c. A buffer strip at least ten (10) feet wide is provided along the side and rear property lines, planted with evergreen trees and shrubs that provide an effective visual screen.

E. Special Uses.

Within the O-I Office-Institutional District, the following uses may be permitted provided the applicant for such a development is granted a Special Use Permit by the City Council after receiving recommendations from the City Clerk and Planning Commission and after a public hearing.

1. ~~Places of worship to include but not necessarily be limited to churches, temples, mosques, synagogues or the like located in single occupancy buildings~~. **Place of Assembly (Including: Non-profits, places of worship, social clubs, fraternities etc.)**
2. Day care facilities provided they comply with all State day care and Health Department requirements.
3. Group or congregate personal care homes. Personal care homes shall be licensed by the State of Georgia.
4. Nursing and convalescent homes.
5. Foster homes, orphanages, half-way houses, and institutional houses for the handicapped.
6. Residential or community shelters.
7. Boarding or rooming houses.

Section 905. C-1 Neighborhood Commercial District.

The C-1 Neighborhood Commercial District provides a location for convenience goods and services for people in nearby residential neighborhoods.

A. Area, Yard and Height Requirements:

District	Minimum Dwelling Unit Size (Sq.Ft.)	Minimum Lot Area Size (Sq.Ft)	Minimum Width (Ft)	Setback from Right-of-Way (Ft.)		Minimum Side Yard (Ft.)	Minimum Rear Yard (Ft.)	Maximum Height (Ft.)
				Major Street (Ft.)	Interior Street (Ft.)			
C-1	-	none	40	50	50	10(1)	15(1)	40

(1) Buffer zones are required in addition to side and rear yard where an office-institutional, business, or manufacturing use abuts a Residential District.

B. Permitted Uses:

Only the following permitted uses shall be allowed in the C-1 Neighborhood Commercial District, and no structures shall be erected, structurally altered or enlarged for any use other than a use permitted hereunder with the exception of: a) uses lawfully established prior to the effective date of this amendment; b) accessory uses as defined in Article III, Definitions; c) other uses which are clearly similar to and consistent with the purpose of this district.

1. Accessory Buildings, Structures and Uses.
2. Banks and other financial institutions.
3. Beauty parlors and barber shops.
4. Camera Store.
5. Car Wash.
6. Clinic, Medical, Public - Private.
7. Clothing Sales.
8. Community Center **(non-assembly)**
9. Convenience Food Store.
10. Cultural facilities.
11. Dance Studio.
12. Dental Clinic or Dental Laboratory.
13. Drug stores and pharmacies.
14. Dry Cleaning, Pick-up Station.
15. Flower and gift shops.
16. Gasoline Station and convenience store, except no automobile service bays shall be provided.
17. Gift Shop.
18. Grocery Stores of less than 10,000 square feet.

19. Hardware Store.
20. Jewelry Store.
21. Laundry, Self-serve, Pick-up.
22. Locksmith.
23. ~~Lodges, fraternal and social organizations.~~
24. Medical Laboratory, Museum, Historical Display.
25. Offices Professional and Business.
26. Parking deck.
27. Park or Playground.
28. Picture Framing.
29. Photocopying/ Reproduction Service.
30. Photographic Studio or Supply.
31. Planned Shopping Centers, or multi-tenant buildings.
32. Public and private educational institutions offering general education courses, including nursery schools and kindergartens.
33. Public buildings, uses and facilities. (government owned)
34. Recreation Facilities, Indoor, provided that these facilities are enclosed in a building.
35. Shoe Repair.
36. Taxidermist.
37. Travel Agency.
38. Utility structures such as electric transformer stations, telephone exchanges, gas regulator stations, water and wastewater pumping stations, and water tanks may be located to serve the public interest, provided such facilities comply with the following requirements:
    a. Any building or structure, except a surrounding fence, shall be set back at least thirty (30) feet from any property line.
    b. The facility shall be completely surrounded by a woven wire fence at least eight (8) feet high.
    c. The facility shall be furnished with a planted buffer not less than ten (10) feet wide to create an effective visual screen on all sides.
    d. The facility may not be used for the storage of vehicles or equipment.
39. Watch Repair.
40. Restaurants.

~~C. Temporary Uses~~

~~1. Within the C-1 Neighborhood Commercial District only the following temporary uses are permitted:~~

~~a. Fruit Stands:~~

(1) The sale of fruits and vegetables not to exceed a period of three (3) months.

b. Charitable or Non-profit Private Events:

(1) Not to exceed a period of two (2) days.

c. Pumpkin and Christmas Tree Sales:

(1) Allowed between October 15 and January 1.

d. Sidewalk Sales:

(1) The sale of any items in association with an existing business located on the premises as a principal use.

(2) Not to exceed 2 days.

e. Celebrations and/or Customer Appreciation Events for Private Businesses:

(1) Event must be located on the same premises as a principal use (i.e., parking lot or tent sales).

(2) Events shall be limited to a maximum two (2) events per location for each calendar month.

(3) A total of six (6) events per location for each calendar year.

f. Privately sponsored community events:

(1) Public roadways shall remain open with adequate traffic control.

(2) Not to exceed a maximum two (2) days.

g. Farmers Markets / Outdoor Markets:

(1) The market must be located wholly on private property.

(2) Adequate parking and safety signage shall be provided to ensure safe pedestrian and vehicle travel.

(3) Grass parking is allowed off of public right-of-way if a paved entrance is utilized.

(4) The use shall be limited to weekend Saturdays & Sundays between the hours of 8:00AM to 4:00 PM. The sale of alcohol is prohibited.

2. Requirements for Approval of a Temporary Use Permit:

a. Written permission of the property owner(s) must be provided.

b. Private events shall not encroach public property or right-of-way without permission.

c. A total of two (2) signs may be erected for temporary events under with the following considerations:

1) Air-or gas-filled balloons or other devices which have a capacity for air or gas which does not exceed three (3) cubic feet.

2) Streamers or pennants.

3) Flags or banners, maximum size of thirty-two (32) square feet.

4) Temporary signs shall not be closer than ten (10) feet to the pavement of any street

~~or any public right-of-way.~~

~~5) Temporary yard signs not to exceed six (6) square feet.~~

~~d. Adequate parking, ingress and egress must be provided on-site or written permission must be obtained if parking is provided on an adjoining property.~~

~~e. All requirements of the Fire Marshal's Office, Georgia Environmental Health Department, and the USDA must be followed at all times regarding food preparation, preservation, and sales.~~

~~f. Requirements of the Dacula Alcohol Ordinance must be adhered to at all times. An off duty uniformed Post certified officer is required onsite if alcohol is to be served on the premises of the event.~~

~~g. All other requirements for licenses and regulations of the City of Dacula shall be met.~~

~~h. Temporary use permits shall be counted towards a business not a multi-tenant commercial building.~~

~~i. Restroom facilities shall be provided by the applicant during the temporary event.~~

~~j. A certificate of general liability insurance (minimum $1,000,000) must be provided prior to permit approval.~~

~~k. A temporary permit is applied for and approved by the City Administrator or his/her designee.~~

~~l. The City Administrator shall have the authority to grant administrative variances on temporary uses and requirements of a temporary use permit.~~

D. Other Provisions:

1. No outdoor storage except as otherwise provided within this Section.
2. Within the C-1 Neighborhood Commercial District, fuel pumps are permitted within the front yard setback provided they are located:
   a. No closer than 15 feet to the road right-of-way.
   b. Not closer than the existing setback of any residential structure on abutting lots on either the frontage or a side street.
   c. Canopies are allowed over fuel pumps and are not to extend over fifteen (15) feet from the edge of the pump island toward the street.
3. Mobile food units are permitted with a City issued permit.

E. Special Exceptions:

Within the C-1 Neighborhood Commercial District, the following uses may be permitted provided the applicant for such a development is granted a Special Exception subject to the approval of the Mayor and City Council.

1. Caretaker or watchman quarters as an accessory use for the purpose of securing outside storage of equipment and materials that are associated with the primary use of the business.

F. Special Uses

Within the C-1 Neighborhood Commercial District, the following uses may be permitted provided the applicant for such a development is granted a Special Use Permit by subject to the

approval of the Mayor and City Council.

1. ~~Places of worship to include but not necessarily be limited to churches, temples, mosques, synagogues or the like located in single occupancy buildings~~. **Place of Assembly (Including: Non-profits, places of worship, social clubs, fraternities, community centers, etc.)**
2. Day care facilities provided they comply with all State day care and Health Department requirements.

Section 906 C-2 General Business District.

The C-2 General Business District is intended primarily for those commercial uses that require a location accessible to large numbers of people and that serve substantial portions of the community. This C-2 General Business District is intended to provide adequate space in appropriate locations along major streets, thoroughfares and at intersections for various types of business use. These uses should include the retailing of major goods and services, general office facilities and public functions that would serve a community area of several neighborhoods. Development of uses in the District characteristically occupies a larger area than in the C-1 Neighborhood Business District because it is intended to serve a greater population and to offer a wider range of services. Orientation and expansion of this District should occur as an increase in depth at major intersections rather than as a strip-like extension along the street or thoroughfare.

A. Area, Yard and Height Requirements:

Dist.	Minimum Dwelling Unit Size (Sq.Ft.)	Minimum Lot Area Size (Sq.Ft)	Minimum Width (Ft)	Setback from Right-of-Way (Ft.)		Minimum Side Yard (Ft.)	Minimum Rear Yard (Ft.)	Maximum Height (Ft.)
				Major Street (Ft.)	Interior Street (Ft.)			
C-2	-	none	40	50	50	10(1)	15(1)	40

(1) Buffer zones are required in addition to side and rear yard where an office-institutional, business, or manufacturing use abuts a Residential District.

B. Permitted Uses:

Only the following permitted uses shall be allowed in the C-2 General Business District and no structure shall be erected, structurally altered or enlarged for any use other than a use permitted herein with the exception of: a) uses lawfully established prior to the effective date of the amendment; b) special exceptions as permitted herein; or, c) accessory uses defined in Article III, Definitions; or other uses which are clearly similar to and consistent with the purpose of this District.

1. Accessory Buildings, Structures and Uses.
2. Appliance Repair Shop.
3. Art Gallery.
4. Banks and other financial institutions.
5. Beauty parlors and barber shops.
6. Building, electrical or plumbing contractors (provided no equipment or materials are stored outside).
7. Building supply stores.
8. Business college or business schools operated as a business enterprise.
9. Camera Store.
10. Car Wash.
11. Clinic, Medical, Public/Private.

12. Clothing Sales.
13. Community Center **(non-assembly).**
14. Convenience Food Store.
15. Cultural facilities.
16. Dance Studio.
17. Dental Clinic or Dental Laboratory.
18. Department stores.
19. Drug stores and pharmacies.
20. Dry Cleaning Facility.
21. Electronic sales and service establishments.
22. Equipment rental (excluding heavy equipment, bulldozers, backhoes, forklifts, cranes, etc., and provided there is no outside storage associated with the use).
23. Fitness Center, Health Club, Spa.
24. Flower and gift shops.
25. Food stores or grocery stores.
26. Furniture rental or sales establishments.
27. Garden Center/Plant Nursery.
28. Gasoline Service Station.
29. Gift Shop
30. Hardware Store.
31. Health, Clinic or Spa.
32. Jewelry Store.
33. Laundry, Self-serve, Pick-up.
34. Locksmith.
35. Lodges, fraternal and social organizations.
36. Medical Laboratory.
37. Mini-warehouse/personal storage facilities.
38. Museum, Historical Display.
39. Newspaper and printing facilities.
40. Offices, Professional and Business.
41. Parking deck.
42. Park or Playground.
43. Picture Framing.
44. Photocopying/Reproduction Service.
45. Photographic Studio or Supply.

46. Planned Shopping Centers.
47. Plumbing, electrical, pool and home building supply showrooms and sales centers (provided there is no outdoor storage associated with the use).
48. Public and private educational institutions offering general education courses, including nursery schools and kindergartens.
49. Public buildings and facilities (government owned).
50. Public offices or Buildings.
51. Radio, recording or television studios, broadcasting stations and facilities.
52. Recreation facilities (indoor, such as bowling alleys, skating rinks, shooting ranges and movie theaters).
53. Shoe Repair.
54. Shopping Centers, including grocery stores.
55. Taxidermist.
56. Transportation terminals for passengers.
57. Travel Agency.
58. Utility structures such as electric transformer stations, telephone exchanges, gas regulator stations, water and wastewater pumping stations, and water tanks may be located to serve the public interest, provided such facilities comply with the following requirements:
    a. Any building or structure, except a surrounding fence, shall be set back at least thirty (30) feet from any property line.
    b. The facility shall be completely surrounded by a woven wire fence at least eight (8) feet high.
    c. The facility shall be furnished with a planted buffer not less than ten (10) feet wide to create an effective visual screen on all sides.
    d. The facility may not be used for the storage of vehicles or equipment.
59. Watch Repair.
60. Restaurants.
61. Downtown Pubs (2,000 s.f. or less).
62. Breweries (less than 10,000 s.f.).

~~C. Temporary Uses~~

~~1. Within the C-2 General Business District only the following temporary uses are permitted:~~

~~a. Fruit Stands:~~

~~(1) The sale of fruits and vegetables not to exceed a period of three (3) months.~~

~~b. Charitable or Non-profit Private Events:~~

~~(1) Not to exceed a period of two (2) days.~~

c. Pumpkin and Christmas Tree Sales:

(1) Allowed between October 15 and January 1.

d. Sidewalk Sales:

(1) The sale of any items in association with an existing business located on the premises as a principal use.

(2) Not to exceed 2 days.

e. Celebrations and/or Customer Appreciation Events for Private Businesses:

(1) Event must be located on the same premises as a principal use (i.e., parking lot or tent sales).

(2) Events shall be limited to a maximum two (2) events per location for each calendar month.

(3) A total of six (6) events per location for each calendar year.

f. Privately sponsored community events:

(1) Public roadways shall remain open with adequate traffic control.

(2) Not to exceed a maximum two (2) days.

g. Farmers Markets / Outdoor Markets:

(1) The market must be located wholly on private property.

(2) Adequate parking and safety signage shall be provided to ensure safe pedestrian and vehicle travel.

(3) Grass parking is allowed off of public right-of-way if a paved entrance is utilized.

(4) The use shall be limited to weekend Saturdays & Sundays between the hours of 8:00AM to 4:00 PM. The sale of alcohol is prohibited.

h. The sale of fireworks with the following requirements:

(1) The temporary sales location must be accessed through an approved D.O.T. entrance.

(2) A paved parking area with a minimum of five (5) parking spaces must be available for patron and seller use.

(3) On-site generators are prohibited.

2. Requirements for Approval of a Temporary Use Permit:

1. Written permission of the property owner(s) must be provided.

2. Private events shall not encroach public property or right-of-way without permission.

3. A total of two (2) signs may be erected for temporary events under with the following considerations:

1) Air-or gas-filled balloons or other devices which have a capacity for air or gas which does not exceed three (3) cubic feet.

2) Streamers or pennants.

~~3) Flags or banners, maximum size of thirty-two (32) square feet.~~

~~4) Temporary signs shall not be closer than ten (10) feet to the pavement of any street or any public right-of-way.~~

~~5) Temporary yard signs not to exceed six (6) square feet.~~

~~4. Adequate parking, ingress and egress must be provided on-site or written permission must be obtained if parking is provided on an adjoining property.~~

~~5. All requirements of the Fire Marshal's Office, Georgia Environmental Health Department, and the USDA must be followed at all times regarding food preparation, preservation, and sales.~~

~~6. Requirements of the Dacula Alcohol Ordinance must be adhered to at all times. An off duty uniformed Post certified officer is required onsite if alcohol is to be served on the premises of the event.~~

~~7. All other requirements for licenses and regulations of the City of Dacula shall be met.~~

~~8. Temporary use permits shall be counted towards a business not a multi-tenant commercial building.~~

~~9. Restroom facilities shall be provided by the applicant during the temporary event.~~

~~10. A certificate of general liability insurance (minimum $1,000,000) must be provided prior to permit approval.~~

~~11. A temporary permit is applied for and approved by the City Administrator or his/her designee.~~

~~12. The City Administrator shall have the authority to grant administrative variances on temporary uses and requirements of a temporary use permit.~~

D. Special Exceptions:

Within the C-2 General Business District, the following uses may be permitted provided the applicant for such a development is granted a Special Exception subject to the approval of the Mayor and City Council.

1. Automobile, Muffler and/or Brake Shop.
2. Automobile, Tune-up shop.
3. Caretaker or watchman quarters as an accessory use for the purpose of securing outside storage of equipment and materials that are associated with the primary use of the business.
4. Contractor's offices or the outside storage of equipment or materials in the rear yard that is screened by an opaque fence and landscaping.

E. Special Uses.

Within the C-2 General Business District, the following uses may be permitted provided the applicant for such a development is granted a Special Use Permit by the City Council after receiving recommendations from the City Administrator and Planning Commission and after a public hearing.

1. Automotive sales lots and associated service facilities (new or used).
2. Boarding and rooming houses.

3. ~~Places of worship to include but not necessarily be limited to churches, temples, mosques, synagogues or the like located in single occupancy buildings~~. **Place of Assembly (Including: Non-profits, places of worship, social clubs, fraternities, community centers etc.)**
4. Quick Oil Change Store.
5. Tire Store.
6. Van, Moving or Truck Rental (e.g. U-Haul, Ryder) provided such facilities comply with the following requirements:
   a. Equipment or rental vehicles shall not be parked or stored in the required front yard.
   b. The storage area for the vehicles or equipment to be rented shall be screened by a solid fence at least six (6) feet high.
   c. The storage area shall be located no closer than 100 feet from any side or rear property lines zoned residential and shall be appropriately landscaped and maintained.
7. Auto body repair shops.
8. Building materials sales with outdoor storage.
9. Heavy equipment and farm equipment rental or sales and service.
   a. Equipment or rental vehicles shall not be parked or stored in the required front yard.
   b. The storage area for the vehicles or equipment to be rented shall be screened by a solid fence at least six (6) feet high.
   c. The storage areas shall be located no closer than 100 feet from any side or rear property lines zoned residential and shall be appropriately landscaped and maintained.
10. Mobile home or mobile building leasing or sales lots (new or used).
11. Recreation facilities (commercial outdoor, such as miniature golf courses, driving ranges, water slides or drive-in theaters).
12. Day care facilities provided they comply with all State day care and Health Department requirements.
13. Residential or community shelter.
14. Distilleries (less than 10,000 s.f.).
15. **Pet grooming or boarding establishments.**

F. Other Provisions

1. No outdoor storage except as otherwise provided herein.
2. Mobile food units are permitted with a City issued permit.

Section 907. C-3 Central Business District and Heavy Commercial District.

The purpose of the C-3 Central Business District and Heavy Commercial District is intended for business uses which require a location that is accessible to major highways and arterials that serve significant portions of the community. It is also the intent of this district to provide areas for businesses which, because of their intensity, outside storage area or hours of operations, would have significant negative impacts on adjoining properties. Due to the nature of the businesses permitted within the C-3 district, the zoning district should be limited to property fronting on principal arterials, major arterials or minor arterials, not indicated as residential arterials.

A. Area, Yard and Height Requirements:

Dist.	Minimum Dwelling Unit Size (Sq.Ft.)	Minimum Lot Area Size (Sq.Ft)[(1)]	Minimum Width (Ft)	Setback from Right-of- Way (Ft.)		Minimum Side Yard (Ft.)	Minimum Rear Yard (Ft.)	Maximum Height (Ft.)
				Major Street (Ft.)	Interior Street (Ft.)			
C-3	-	none	40	50	50	10[(1)]	15[(1)]	40

(1) Buffer zones are required in addition to side and rear yard where an office-institutional, business, or manufacturing use abuts a Residential District.

B. Permitted Uses:

Only the following uses shall be permitted in the C-3 Central Business District and Heavy Commercial District and no structure shall be erected, structurally altered or enlarged for any use other than a use permitted herein with the exception of: a) uses lawfully established prior to the effective date of this amendment; b) special exceptions as permitted herein; c) accessory uses as defined in Article III, Definitions; or, d) other uses which are clearly similar to and consistent with the purpose of this district.

1. All permitted uses allowed in the C-2, General Business District.
2. Animal hospitals or veterinary clinics.
3. Automotive body repair shops.
4. Auto repair shops or tire stores including lubrication or tune-up centers (full service and self service).
5. Automotive sales lots and associated service facilities (new or used).
6. Bakeries.
7. Blueprinting establishments.
8. Boat sales establishments (new or used).
9. Building supply centers with outdoor lumber yards or storage areas provided these areas are screened with a six-foot high, 100 percent opaque fence.
10. ~~Clubs, lodges, fraternal institutions and meeting halls.~~
11. Contractor's offices with outdoor storage of equipment or materials provided the storage or equipment areas are screened with a six-foot high, 100 percent opaque fence.
12. Custom dressmaking and sewing shops.
13. Dry cleaning, plant or pick-up and delivery stations.

14. Food stores or grocery stores.
15. Garden supply centers and greenhouses (including accessory outdoor storage).
16. Lawnmower repair shops.
17. Locksmith shops.
18. Machine, welding, radiator or muffler repair shops.
19. Mobile buildings (temporary, while any of the permitted or special uses are under construction, but not to exceed six months).
20. Mobile home or mobile building leasing or sales lots (new or used).
21. Office/showroom facilities.
22. Pest control businesses.
23. ~~Pet shops or grooming establishments.~~
24. Plant nursery sales facilities.
25. Planned Shopping Centers including Grocery Stores (over 25,000 square feet).
26. Plumbing, electrical, pool and home building supply showrooms and sales centers.
27. Recreation facilities (indoor, such as bowling alleys, skating rinks, and movie theaters and commercial outdoor, such as miniature golf courses, driving ranges, water slides or drive-in theaters).
28. Sports bars and lounges.
29. Utility structures such as electric transformer stations, telephone exchanges, gas regulator stations, water and wastewater pumping stations, and water tanks may be located to serve the public interest, provided such facilities comply with the following requirements:
    a. Any building or structure, except a surrounding fence, shall be set back at least thirty (30) feet from any property line.
    b. The facility shall be completely surrounded by a woven wire fence at least eight (8) feet high.
    c. The facility shall be furnished with a planted buffer not less than ten (10) feet wide to create an effective visual screen on all sides.
    d. The facility may not be used for the storage of vehicles or equipment.
30. Van, Moving or Truck Rental (e.g. U-Haul, Ryder) provided such facilities comply with the following requirements:
    a. Equipment or rental vehicles shall not be parked or stored in the required front yard.
    b. The storage area for the vehicles or equipment to be rented shall be screened by a solid fence at least six (6) feet high.
    c. The storage area shall be located no closer than 100 feet from any side or rear property lines zoned residential and shall be appropriately landscaped and maintained.
31. Vehicle rental establishments.
32. Weaving apparel shops.

33. Restaurants.
34. Downtown Pubs (2,000 s.f. or less).
35. Breweries (less than 10,000 s.f.)

C. ~~Temporary Uses~~

~~1. Within the C-3 Central Business District and Heavy Commercial District only the following temporary uses are permitted:~~

~~a. Fruit Stands:~~

~~(1) The sale of fruits and vegetables not to exceed a period of three (3) months.~~

~~b. Charitable or Non-profit Private Events:~~

~~(1) Not to exceed a period of two (2) days.~~

~~c. Pumpkin and Christmas Tree Sales:~~

~~(1) Allowed between October 15 and January 1.~~

~~d. Sidewalk Sales:~~

~~(1) The sale of any items in association with an existing business located on the premises as a principal use.~~

~~(2) Not to exceed 2 days.~~

~~e. Celebrations and/or Customer Appreciation Events for Private Businesses:~~

~~(1) Event must be located on the same premises as a principal use (i.e., parking lot or tent sales).~~

~~(2) Events shall be limited to a maximum two (2) events per location for each calendar month.~~

~~(3) A total of six (6) events per location for each calendar year.~~

~~f. Privately sponsored community events:~~

~~(1) Public roadways shall remain open with adequate traffic control.~~

~~(2) Not to exceed a maximum two (2) days.~~

~~g. Farmers Markets / Outdoor Markets:~~

~~(1) The market must be located wholly on private property.~~

~~(2) Adequate parking and safety signage shall be provided to ensure safe pedestrian and vehicle travel.~~

~~(3) Grass parking is allowed off of public right-of-way if a paved entrance is utilized.~~

~~(4) The use shall be limited to weekend Saturdays & Sundays between the hours of 8:00AM to 4:00 PM. The sale of alcohol is prohibited.~~

~~h. The sale of fireworks with the following requirements:~~

~~(1) The temporary sales location must be accessed through an approved D.O.T. entrance.~~

~~(2) A paved parking area with a minimum of five (5) parking spaces must be available for patron and seller use.~~

~~(3) On-site generators are prohibited.~~

~~2. Requirements for Approval of a Temporary Use Permit:~~

~~a. Written permission of the property owner(s) must be provided.~~

~~b. Private events shall not encroach public property or right-of-way without permission.~~

~~c. A total of two (2) signs may be erected for temporary events under with the following considerations:~~

~~1) Air-or gas-filled balloons or other devices which have a capacity for air or gas which does not exceed three (3) cubic feet.~~

~~2) Streamers or pennants.~~

~~3) Flags or banners, maximum size of thirty-two (32) square feet.~~

~~4) Temporary signs shall not be closer than ten (10) feet to the pavement of any street or any public right-of-way.~~

~~5) Temporary yard signs not to exceed six (6) square feet.~~

~~d. Adequate parking, ingress and egress must be provided on-site or written permission must be obtained if parking is provided on an adjoining property.~~

~~e. All requirements of the Fire Marshal's Office, Georgia Environmental Health Department, and the USDA must be followed at all times regarding food preparation, preservation, and sales.~~

~~f. Requirements of the Dacula Alcohol Ordinance must be adhered to at all times. An off duty uniformed Post certified officer is required onsite if alcohol is to be served on the premises of the event.~~

~~g. All other requirements for licenses and regulations of the City of Dacula shall be met.~~

~~h. Temporary use permits shall be counted towards a business not a multi-tenant commercial building.~~

~~i. Restroom facilities shall be provided by the applicant during the temporary event.~~

~~j. A certificate of general liability insurance (minimum $1,000,000) must be provided prior to permit approval.~~

~~k. A temporary permit is applied for and approved by the City Administrator or his/her designee.~~

~~l. The City Administrator shall have the authority to grant administrative variances on temporary uses and requirements of a temporary use permit.~~

~~D~~. Special Exceptions:

Within the C-3 Central Business District and Heavy Commercial District, the following uses may be permitted provided the applicant for such a development is granted a Special Exception subject to the approval of the Mayor and City Council.

1. Caretaker or watchman quarters as an accessory use for the purpose of securing outside storage of equipment and materials that are associated with the primary use of the business.

E. Special Uses.

Within the C-3 Central Business District and Heavy Commercial District, the following uses may be permitted provided the applicant for such a development is granted a Special Use Permit by the City Council after receiving recommendations from the City Administrator and Planning Commission and after a public hearing.

1. Adult Entertainment Facilities provided the following standards are met:
   a. An adult entertainment facility shall be located no closer than 1,000 feet of another parcel of land with an adult entertainment facility.
   b. An adult entertainment facility shall be located on property which is no closer than 1,000 feet of any parcel of land which is zoned for residential use or purposes.
   c. An adult entertainment facility shall be located no closer than 1,000 feet from any parcel of land upon which a governmental facility, church, residence, park, library, school ground, public park or playground, or college campus is located.
   d. An adult entertainment facility shall be located no closer than 1,000 feet from any parcel of land upon which any establishment selling alcoholic beverages is located.
   e. Shall contain at a minimum of three (3) acres of land and at least one hundred (100) feet of road frontage.
   f. For the purposes of these standards, distance shall be by airline measurement from property line, using the closest property lines of the parcels of land involved. The term "parcel of land" means any quantity of land capable of being described by location and boundary, designated and used or to be used as a unit.
2. Carnival rides not to exceed 15 days provided no structure or equipment is located within 500 feet of any residential property lines.
3. ~~Places of worship to include but not necessarily be limited to churches, temples, mosques, synagogues or the like located in single occupancy buildings~~. **Place of Assembly (Including: Non-profits, places of worship, social clubs, fraternities, community centers, etc.)**
4. Taxi / limousine services.
5. Tattoo / body art / body modification establishments.
6. Indoor or outdoor gun ranges.
7. Massage parlors.
8. Pawn Shops.
9. Equipment rental, sales or service (including heavy equipment, farm equipment, bulldozers, backhoes, forklifts, cranes, etc.).
10. Hotels or motels.
11. Log splitting and storage lots, provided splitting and storage areas are screened with a six-foot high, 100 percent opaque fence.
12. Taxidermists.

13. Distilleries (less than 10,00 s.f.).

F. Other Provisions:

1. Mobile food units are permitted with a City issued permit.

Section 908. M-1 Light Manufacturing District.

The M-1, Light Manufacturing District is comprised of lands that are located on or have ready access to a Major Street or State Highway and are well adapted to industrial development but whose proximity to residential makes it desirable to limit industrial operations and processes 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. This District limits industrial, manufacturing and warehousing uses to those which are wholly conducted indoors. The M-1, Light Manufacturing District is established to provide a location for those heavy commercial and light industrial operations which demonstrate characteristics that are able to meet comparatively rigid specifications for nuisance-free operation.

A. Area, Yard and Height Requirements:

Dist.	Minimum Dwelling Unit Size (Sq.Ft.)	Minimum Lot Area Size (Sq.Ft)	Minimum Width (Ft)	Setback from Right-of-Way (Ft.)		Minimum Side Yard (Ft.)	Minimum Rear Yard (Ft.)	Maximum Height (Ft.)
				Major Street (Ft.)	Interior Street (Ft.)			
M-1	-	43,560	100	50	50	20(1)	20(1)	40

(1) Buffer zones are required in addition to side and rear yard where an office-institutional, business, or manufacturing use abuts a Residential District.

B. Permitted Uses:

Only the following permitted uses shall be allowed in the M-1 Light Manufacturing District and no structure shall be erected, structurally altered or enlarged for any use other than a use permitted herein with the exception of a) uses lawfully established prior to the effective date of the amendment b) special uses as permitted herein or c) accessory uses defined in Article III, Definitions; or other uses which are clearly similar to and consistent with the purpose of this District.

1. Agriculture and horticulture, except the raising of livestock.
2. Appliance Repair Shop.
3. Art Gallery.
4. Assembly Plant (non-durable goods).
5. Automatic Teller Machine (freestanding).
6. Automobile/Truck Rental Agency.
7. Automotive Sales Lots and associated service facilities (new or used).
8. Bakery Shop (accessory retail).
9. Baking Plants.
10. Building Materials Wholesaler.
11. Building Material Yards including milling operations.
12. Cabinet shops and furniture manufacturing.
13. Cafeteria (employee/accessory only).

14. Cold Storage Plant or commercial cold storage.
15. Contractor's Offices with no outdoor storage of equipment.
16. Crematories.
17. Depot/Passenger Terminal (bus, rail).
18. Dog kennels.
19. Farm Equipment sales and service.
20. Financial Services/Institutions.
21. Fraternal Club or Lodge.
22. HVAC Equipment Dealers.
23. Hospital/Clinic/Convalescent Home.
24. Ice Manufacturing/Packing Plant.
25. Laboratory, research and testing.
26. Machine Shop.
27. Maintenance Shop (fleet vehicles).
28. Meat Processing or packaging, except slaughtering, poultry killing, and dressing of animals shall not be allowed.
29. Medical/Dental Laboratory.
30. Mini-Warehouses/personal storage warehouses.
31. Movie Studio.
32. Museum.
33. Newspaper, printing or publishing.
34. Offices or Office Parks.
35. Office, professional/business.
36. Outdoor storage yards, other than junkyard, if they meet the following requirements:
    a. They shall be set back at least fifteen (15) feet from any side or rear property lines.
    b. The yard shall be screened by a solid fence at least six (6) feet high located at the edge of the storage yard.
    c. The fifteen foot area shall be appropriately landscaped and maintained.
37. Parking deck.
38. Pest Control/Extermination Business.
39. Pharmacy (accessory).
40. Photo Processing Plant.
41. Photo Studio.

42. Plant Nursery (wholesale or retail).
43. Plastics Extrusion Plant.
44. Plumbing Equipment Dealers.
45. Printing/Bookbinding/Publishing Plant.
46. Public Buildings and Offices (Libraries, Government Offices, etc.).
47. Radio/Television Station and Transmitter.
48. Recreation Facilities/Training Center, Indoor (gymnastics schools, baseball academies, etc.).
49. Recording/Rehearsal Studio.
50. Recovered Materials Processing Facility, or Recycling Station, provided the following standards are met:
    a. Activities shall be limited to collection, sorting, compacting and shipping.
    b. Along the entire road frontage (except for approved access crossings), provide a 3-foot high landscaped earthen berm with a maximum slope of 3 to 1 and/or a minimum six-foot high, 100 percent opaque, solid wooden fence or masonry wall. The fence/wall or berm must be located outside of any public right-of-way and interior to any landscaped strip. The finished side of a fence/wall shall face the exterior property lines.
    c. The facility shall not be located adjacent to or across the street from any property used for or zoned for single family residential use.
    d. Lighting for such facilities shall be placed in such a fashion as to be directed away from any nearby residential areas.
    e. Materials collected shall not be visible and shall be deposited in a bin or bunker. All sorting and collection bins shall either be enclosed and have chutes available to the public or be located inside a fully-enclosed building.
    f. No outdoor storage of uncontainerized materials shall be allowed.
51. Retail Sales Showrooms and Warehouse Stores,
52. Taxi/Limousine Service.
53. Telephone Exchange Building.
54. Trade/Vocational School.
55. Truck and Bus Sales Leasing/Repair (heavy truck/tractor trailer).
56. Truck or Moving Van Rental (e.g. U-Haul, Ryder) provided such facilities comply with the following requirements:
    a. Equipment or rental vehicles shall not be parked or stored in the required front yard.
    b. The storage area for the vehicles or equipment to be rented shall be screened by a Solid fence at least six (6) feet high.

c. The storage area shall be located no closer than 100 feet from any side or rear property lines zoned residential and shall be appropriately landscaped and maintained Truck Terminal.

57. Upholstery Shop.
58. Utility stations including water and wastewater treatment facilities, building and grounds for storage of vehicles, equipment, and materials.
59. Veterinary offices, hospitals, and laboratories.
60. Weather Service Station.
61. Wholesaling and warehousing with offices.
62. Breweries (10,000 s.f. or greater).

C. Special Exceptions:

Within the M-1 Light Manufacturing District, the following uses may be permitted provided the applicant for such a development is granted a Special Exception subject to the approval of the Mayor and City Council.

1. Caretaker or watchman quarters as an accessory use for the purpose of securing outside storage of equipment and materials that are associated with the primary use of the business.

D. Special Uses:

Within the M-1, Light Manufacturing District, the following uses may be permitted provided the applicant for such a development is granted a Special Use Permit by the City Council after receiving recommendations from the City Administrator and Planning and Zoning Board and after a public hearing.

1. Railroad sidings for maintenance and terminal facilities for train cars or engines.
2. Private Kindergarten, Grade or High School.
3. Stadium/Concert Hall/Amphitheater (County Board of Education Schools excepted).
4. Wood Chipping/Shredding, and Yard Trimmings Composting Facility provided the following conditions are met:

   a. Composting materials shall be limited to tree stumps, branches, leaves, and grass clippings or similar putrescent vegetative materials, not including animal products, inorganic materials such as bottles, cans, plastics, metals, or similar materials.

   b. Along the entire road frontage (except for approved access crossings), and along the side and rear property lines, provide a three-foot high landscape earthen berm with a maximum slope of three to one and/or a minimum six-foot high, 100 percent opaque, solid wooden fence or masonry wall. The fence/wall or berm must be located outside of any public right-of-way and interior to any landscape strip. The finished side of a fence/wall shall face the exterior property lines.

~~5. Places of worship to include but not necessarily be limited to churches, temples, mosques, synagogues or the like located in single occupancy buildings.~~

6. Day care facilities provided they comply with all State day care and Health Department requirements.

7. Residential or community shelter.
8. Distilleries (10,000 s.f. or greater).
9. Data centers with a lot area of twenty (20) acres or less, provided that the following conditions are met:

    a. Minimum Distance from Residential. Any data center building must be located at least 250 feet from the property line of a parcel zoned residential, property with an approved concept plan for residential use, or property developed with residential use.

    b. Landscape strip. A planted 50-foot-wide landscape strip shall be provided adjacent to any existing or dedicated right-of-way. Landscape plans must be reviewed and approved by the Planning & Development Director. Natural topography and existing vegetation, supplemented with new evergreen vegetation may be substituted for landscaping at the discretion of the Director.

    c. Enclosure.

        1. A six (6) foot high opaque fence shall be required along the entire perimeter of the facility.

        2. All electric generators and transformers not housed inside a building or structure shall be enclosed behind a solid wall made of concrete or another equivalent sound absorbing material and must be a minimum of four (4) feet higher than the highest point on the generator. The wall shall be painted or finished with decorative or artistic concrete adhesive. Wall design and finish shall be reviewed and approved by the Director.

    d. Buffer.

        1. Data centers adjoining residential zoned property or property developed with residential use require a 100-foot buffer along the adjoining property line.

        2. The first 50 feet along the property line shall remain in an undisturbed, natural state, except for approved fencing, access and utility improvements. The remaining buffer may be disturbed, graded, and replanted. If the buffer is disturbed, a minimum of three (3) rows of varied evergreen shrubs at least 4 feet in height at planting are required to provide screening.

    e. Noise abatement.

        1. The applicant must submit a noise study demonstrating that the operation of the data center will comply with the following standards:

            Maximum Nighttime. Between 10:00 p.m. and 8:00 a.m., the data center shall not generate noise in excess of 55 dB(A) or 10dB(A) above ambient levels (whichever is greater), when measured at the property boundary line shared with a residential use.

            Maximum Daytime. Between 8:00 a.m. and 10:00 p.m., the data center shall not generate noise in excess of 65 dB(A) or 10dB(A) above ambient levels (whichever is greater), when measured at the property boundary line shared with a residential use.

Use of backup generators that exceed the maximum sound levels is permitted during emergency power outages. Testing of backup generators is limited to the hours between 9:00 a.m. and 5:00 p.m.

f. Electric Substations. Electric Substations are necessary accessory uses to data centers. If located on the same property as a data center, the substation shall not be located within 300 feet of an adjacent right-of-way and shall be screened from view from adjacent property lines and the right-of-way.

g. Utility. No utility connected data processing center shall be issued a permit until evidence has been provided by the operator that installation of the system would be feasible. Written verification from Gwinnett County Water Resources Department, the electrical provider, and other utility providers as applicable, shall state the following:

1. Adequate capacity is available on the applicable utility lines and substation to ensure available capacity for the proposed use and that capacity is available to serve other needs of the surrounding community is consistent with the normal project load growth envisioned by the data center.

2. Utility supply, equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use.

3. The use will not cause electrical interference or fluctuations in line voltage on and adjacent to the operating premises.

h. Construction Design Standards.

1. Pitched roofs are prohibited. All roof mounted equipment, such as mechanical units, vent hoods, communication devices, and/or other building system(s) equipment, shall be screened from view on all sides of the building.

2. All building facades shall comply with the Architectural Design Standards within the City's Development Regulations.

Section 909. M-2 Heavy Manufacturing/Industry District.

Intent and Purpose. The M-2 Heavy Manufacturing/Industry District provides a location for those industrial operations and processes that are not public nuisances and are not dangerous to the health, safety or general welfare of the inhabitants of the City of Dacula, Georgia. The M-2 Heavy Manufacturing/Industry District shall be located on or have ready access to a major street, as defined herein.

A. Area, Yard and Height Requirements:

Dist.	Minimum Dwelling Unit Size (Sq.Ft.)	Minimum Lot Area Size (Sq.Ft)	Minimum Width (Ft)	Setback from Right-of-Way (Ft.)		Minimum Side Yard (Ft.)	Minimum Rear Yard (Ft.)	Maximum Height (Ft.)
				Major Street (Ft.)	Interior Street (Ft.)			
M-2	-	43,560	100	50	50	20(1)	20(1)	40

(1) Buffer zones are required in addition to side and rear yard where an office-institutional, business, or manufacturing use abuts a Residential District.

B. Permitted Uses:

Only the following permitted uses shall be allowed in the M-2 Heavy Manufacturing/Industry District and no structure shall be erected, structurally altered or enlarged for any use other than a use permitted herein with the exception of: a) uses lawfully established prior to the effective date of the amendment; b) special uses as permitted herein; or c) accessory uses defined in Article III, Definitions; or other uses which are clearly similar to and consistent with the purpose of this District.

1. Aircraft Factory.
2. Alcoholic Beverage Manufacturers.
3. Assembly plant (durable goods).
4. Concrete or Masonry Plant.
5. Chemical Plant.
6. Crematory.
7. Dye Casting Works.
8. Feed Processing Facility.
9. Fertilizer Plant.
10. Manufacturing, outdoor.
11. Metal Smelting/Forging Works.
12. Railroad maintenance terminal, repair/storage yard facilities.
13. Stadium/Concert Hall/Amphitheater (County Board of Education Schools excepted).
14. Rubber/Tire/Retreading Plant.
15. Sugar Refinery.
16. Tannery - Leather Processing.

17. Wood Chipping/Shredding, and Yard Trimmings Composting Facility provided the following conditions are met:

    a. Composting materials shall be limited to tree stumps, branches, leaves, and grass clippings or similar putrescent vegetative materials, not including animal products, inorganic materials such as bottles, cans, plastics, metals, or similar materials.

    b. Along the entire road frontage (except for approved access crossings), and along the side and rear property lines, provide a three-foot high landscape earthen berm with a maximum slope of three to one and/or a minimum six-foot high, 100 percent opaque, solid wooden fence or masonry wall. The fence/wall or berm must be located outside of any public right-of-way and interior to any landscape strip. The finished side of a fence/wall shall face the exterior property lines.

18. Breweries (10,000 s.f. or greater).

C. Special Exceptions:

Within the M-2 Heavy Manufacturing/Industry District, the following uses may be permitted provided the applicant for such a development is granted a Special Exception subject to the approval of the Mayor and City Council.

1. Caretaker or watchman quarters as an accessory use for the purpose of securing outside storage of equipment and materials that are associated with the primary use of the business.

D. Special Uses:

In addition to the criteria for review listed in Section 1706 for a Special Use Permit, the following criteria shall also be addressed for a Special Use within the M-2 Heavy Manufacturing/Industry District:

1. The proximity of the proposed use to existing residential structures or residentially zoned property;
2. Whether the proposed use will generate pollutants of the air or water and, if so, the method proposed by the applicant for insuring that the proposed use will comply with all state and federal environmental regulations;
3. Whether the proposed use will generate excessive traffic, noise, vibration, smoke, dust, gas fumes, odors, radiation, or create a fire or explosion hazard which may be objectionable due to proximity to surrounding structures, or which will adversely affect the existing use or usability of adjacent or nearby property;
4. How neighboring properties may be affected by the height of any proposed structure; and
5. Whether the use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with surrounding land uses and would not be in conflict with the overall general objectives of the Comprehensive Land Use Plan.

Within M-2 Heavy Manufacturing/Industry District, the following uses may be permitted provided the applicant for such a development is granted a Special Use Permit by the City Council after receiving recommendations from the City Administrator and Planning Commission and after a public hearing:

1. Asphalt Plant.

2. Bulk Storage Tanks including natural gas or fuel storage stations. No above ground storage facilities may be located closer than 500 feet to a Residential District. All storage is to be subject to approval of the Fire Department.

~~3 Places of worship to include but not necessarily be limited to churches, temples, mosques, synagogues or the like located in single occupancy buildings.~~

4. Composting Facility.
5. Explosives Plant/Storage.
6. Petroleum Refinery/Processing Plant.
7. Paper/Pulp Mill.
8. Scrap Tire Processing Plant.
9. Solid Waste Transfer Stations.
10. Waste Incineration Facility.
11. Landfills provided the following conditions are met:
    a. A minimum 200-foot natural, undisturbed buffer shall be provided between all active waste burial areas and exterior property lines except for approved perpendicular access and utility crossings.
    b. A minimum 75-foot natural, undisturbed buffer shall be provided between non-waste disposal operations and exterior property lines except for approved perpendicular access and utility crossings.
    c. The limits of any 100-year floodplain or a stream buffer of 200 feet, whichever is greater, shall be preserved as natural, undisturbed area except for approved perpendicular access and utility crossings.
    d. The entire site shall be fenced with a minimum six-foot high chain link security fence.
    e. The landfill shall be located on or have direct private access to a road designated on the Long Range Road Classification Map as a major collector, minor arterial, major arterial or principal arterial.
    f. The applicant shall include with the Special Use Permit application a report detailing the phasing of the landfill and plans for closure and reclamation.
    g. The following waste disposal/recycling facilities shall be permitted as accessory uses to landfills meeting the above standards
        1. Composting, Municipal Solid Waste.
        2. Composting, Yard Trimmings.
        3. Gas Recovery/Gas Cogeneration Plant.
        4. Recovered Materials Processing Facility.
        5. Solid Waste Transfer Stations.
12. A quarry for the removal of minerals and other natural materials, together with necessary buildings, machinery and appurtenances thereto, provided that:

a. Quarry areas being excavated shall be entirely enclosed within a fence located at least ten (10) feet back from the edge of any excavation and of such constructions and height as to be demonstrably able to exclude children and animals from the quarry area.

b. The operators and owners of the quarry present to the Mayor and Council an acceptable comprehensive plan for the reuse of the property at the cessation of the quarry operations.

c. In the case of an existing quarry, an extension of the quarry operations beyond the areas being quarried or approved for quarrying at the effective date of this Zoning Resolution of the City of Dacula, Georgia, shall be permitted and shall not be considered a new operation provided that said extension does not extend to within one thousand (1,000) feet of a residential or commercial Zoning District boundary line.

13. Salvage Operation and Junk Yard providing the following conditions are met:

a. The junkyard is located no closer than three hundred (300) feet to a residential or commercial Zoning District boundary line.

b. The junkyard is completely enclosed with a solid fence not projecting into the right-of-way of any roadway adjoining said junkyard, not less than eight (8) feet high and in no case less than such height as will effectively screen all storage and other operations from view.

c. The junkyard is located no closer than one thousand (1,000) feet from the nearest edge of the right-of-way of any major arterial roadway, within this subpart "major arterial roadway" is defined as any roadway, street or thoroughfare within the City limits of Dacula, Georgia, having a right-of-way of one hundred (100) feet or greater.

14. Distilleries (10,000 s.f. or greater).

15. Data center, provided that the following conditions are met:

a. Minimum Distance from Residential. Any data center building must be located at least 250 feet from the property line of a parcel zoned residential, property with an approved concept plan for residential use, or property developed with residential use.

b. Landscape strip. A planted 50-foot-wide landscape strip shall be provided adjacent to any existing or dedicated right-of-way. Landscape plans must be reviewed and approved by the Planning & Development Director. Natural topography and existing vegetation, supplemented with new evergreen vegetation may be substituted for landscaping at the discretion of the Director.

c. Enclosure.

1. A six (6) foot high opaque fence shall be required along the entire perimeter of the facility.

2. All electric generators and transformers not housed inside a building or structure shall be enclosed behind a solid wall made of concrete or another equivalent sound absorbing material and must be a minimum of four (4) feet

higher than the highest point on the generator. The wall shall be painted or finished with decorative or artistic concrete adhesive. Wall design and finish shall be reviewed and approved by the Director.

d. Buffer.

1. Data centers adjoining residential zoned property or property developed with residential use require a 100-foot buffer along the adjoining property line.

2. The first 50 feet along the property line shall remain in an undisturbed, natural state, except for approved fencing, access and utility improvements. The remaining buffer may be disturbed, graded, and replanted. If the buffer is disturbed, a minimum of three (3) rows of varied evergreen shrubs at least 4 feet in height at planting are required to provide screening.

e. Noise abatement.

1. The applicant must submit a noise study demonstrating that the operation of the data center will comply with the following standards:

Maximum Nighttime. Between 10:00 p.m. and 8:00 a.m., the data center shall not generate noise in excess of 55 dB(A) or 10dB(A) above ambient levels (whichever is greater), when measured at the property boundary line shared with a residential use.

Maximum Daytime. Between 8:00 a.m. and 10:00 p.m., the data center shall not generate noise in excess of 65 dB(A) or 10dB(A) above ambient levels (whichever is greater), when measured at the property boundary line shared with a residential use.

Use of backup generators that exceed the maximum sound levels is permitted during emergency power outages. Testing of backup generators is limited to the hours between 9:00 a.m. and 5:00 p.m.

f. Electric Substations. Electric Substations are necessary accessory uses to data centers. If located on the same property as a data center, the substation shall not be located within 300 feet of an adjacent right-of-way and shall be screened from view from adjacent property lines and the right-of-way.

g. Utility. No utility connected data processing center shall be issued a permit until evidence has been provided by the operator that installation of the system would be feasible. Written verification from Gwinnett County Water Resources Department, the electrical provider, and other utility providers as applicable, shall state the following:

1. Adequate capacity is available on the applicable utility lines and substation to ensure available capacity for the proposed use and that capacity is available to serve other needs of the surrounding community is consistent with the normal project load growth envisioned by the data center.

2. Utility supply, equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use.

3. The use will not cause electrical interference or fluctuations in line voltage on and adjacent to the operating premises.

h. Construction Design Standards.

1. Pitched roofs are prohibited. All roof mounted equipment, such as mechanical units, vent hoods, communication devices, and/or other building system(s) equipment, shall be screened from view on all sides of the building.

2. All building facades shall comply with the Architectural Design Standards within the City's Development Regulations.

Section 910. MH Mobile Home Park District.

This Zoning District is intended exclusively for the placement of manufactured housing (mobile homes) in an environment that will provide pleasant and otherwise satisfactory living conditions, and, at the same time, will not produce adverse effects upon neighboring properties. No future manufactured housing permits shall be issued outside zoned areas. This Zoning District is intended to cover only the properties already zoned MH within the City of Dacula and is not to be utilized for purposes of developing other properties not currently zoned MH. Rezoning applications for this zoning classification will not be considered by the City of Dacula.

A. Area, Yard and Height Requirements.

Dist.	Minimum Dwelling Unit Size (Sq.Ft.)	Minimum Lot Area Size (Sq.Ft)	Minimum Width (Ft)	Setback from Right-of-Way (Ft.)		Minimum Side Yard (Ft.)	Minimum Rear Yard (Ft.)	Maximum Height (Ft.)
				Major Street (Ft.)	Interior Street (Ft.)			
MH	1,100	18,000	75	50	35	30(1)	30(1)	40

(1) Buffer zones are required in addition to side and rear yard where an office-institutional, business, or manufacturing use abuts a Residential District.

(2) Public dedicated street right-of-way.

(3) Size required for >on site= built home.

B. Permitted Uses.

Only the following permitted uses shall be allowed in the MH Mobile Home Park District and no structure shall be erected, structurally altered or enlarged for any use other than a use permitted herein with the exception of: a) uses lawfully established prior to the effective date of the amendment; b) special uses as permitted herein; or c) accessory uses defined in Article III, Definitions; or other uses which are clearly similar to and consistent with the purpose of this District.

1. Single Family Dwellings.
2. Manufactured Homes provided that
   a. All mobile homes or manufactured homes moved into the City of Dacula must bear an approval seal of either H.U.D. or Georgia D.C.A., and shall have a manufactured date of not more than 10 years prior to the time of movement into the City.
   b. The City of Dacula Building Official may inspect any manufactured home at any time for the purpose of determining if the unit is safe for the purposes of habitation. If the unit is found, in his/her opinion not to be safe or if the septic system for the unit is found to not function properly, the owner shall be notified of the finding and the City shall require the property owner to remove the dwelling unit.
3. Customary accessory buildings and uses.
   a. Accessory buildings, structures and uses shall be permitted only within the required rear yard unless specifically exempted in this Resolution.
   b. Accessory buildings, structures and uses shall be located on the same lot of record as the principal building, structure or use.

c. Accessory buildings, structures and uses shall be customarily incidental and subordinate to the principal building, structure or use. The accessory building shall not be erected on a lot prior to the construction of the principal building.

d. Accessory buildings, structures and uses shall be setback at least five (5) feet from any lot line, except where abutting a public street, unless specifically exempted in this Resolution. Where abutting a public street, an accessory building, structure or use shall be setback by fifty (50) feet, unless specifically exempted in this Resolution.

4. Customary Home Occupations including Day Care Homes and Personal Care Homes provided they shall be approved and licensed by Georgia Department of Human Resources.

5. The raising and keeping of household pets.

~~6. Churches, temples and synagogues provided:~~

~~a. They are located on a site of not less than five (5) acres with 250 feet of road frontage.~~

~~b. The buildings are located not less than 50 feet from any street and not less than 30 feet from any side or rear property line.~~

~~c. If adjacent to residentially-zoned property, a buffer of at least 50 feet wide shall be provided along the property lines adjacent to said zoning, provided, however, that this buffer may be reduced to no less than 20 feet in width adjacent to the sanctuary building or "Sunday School" educational building and parking related to these buildings.~~

~~d. A church, temple or synagogue located in a manufactured building may be erected on the property for a period not to exceed three (3) years.~~

7. Public and semi-public playgrounds, parks, lakes, and buildings, operated on a non-profit basis for recreational and public community purposes only.

8. Utility structures such as electric transformer stations, telephone exchanges, gas regulator stations, water and wastewater pumping stations, and water tanks may be located to serve the public interest, provided such facilities comply with the following requirements:

a. Any building or structure, except a surrounding fence, shall be set back at least thirty (30) feet from any property line.

b. The facility shall be completely surrounded by a woven wire fence at least eight (8) feet high.

c. The facility shall be furnished with a planted buffer not less than ten (10) feet wide to create an effective visual screen on all sides.

d. The facility may not be used for office space, storage space, or for the storage of vehicles or equipment.

9. Existing Manufactured Housing Parks provided the following conditions are met.

a. The Manufactured Home unit must be supported by piers as prescribed by the manufacturer, NFPA, 105 A, with solid concrete footing. These piers shall be spaced at intervals of twelve (12) feet or less.

b. The foundation, described in paragraph a. above, shall be enclosed by a curtain wall of manufactured mobile home skirting material, metal or other material painted to match the exterior of the manufactured unit, or masonry construction.

c. The Manufactured Home must be connected to water and an approved septic system or an approved public sewerage system. Prior to the approval of a replacement of an individual manufactured unit, an inspection shall be made by the Environmental Health Department to determine if the septic tank system is functioning properly.

d. The electric service must be wired in accordance with the adopted Electric Code of the City of Dacula.

e. Only one Manufactured Home will be permitted on each existing lot.

f. Prior to the establishment of any mobile home under the provisions of this Section, a building and occupancy permit shall be obtained from the City of Dacula.

g. All mobile homes or manufactured homes moved into the City of Dacula must bear an approval seal of either H.U.D. or Georgia D.C.A., and shall have a manufactured date of not more than 10 years prior to the time of movement into the City.

C. Special Uses:

1. Place of Assembly uses, provided:

a. They are located on a site of not less than five (5) acres with 250 feet of road frontage.

b. The buildings are located not less than 50 feet from any street and not less than 30 feet from any side or rear property line.

c. If adjacent to residentially-zoned property, a buffer of at least 50 feet wide shall be provided along the property lines adjacent to said zoning, provided, however, that this buffer may be reduced to no less than 20 feet in width adjacent to the assembly building or accessory building and parking related to these buildings.

d. A Place of Assembly located in a manufactured building may be erected on the property for a period not to exceed three (3) years.

Section 911. Floodplain District.

A Floodplain District is hereby established which shall correspond to all lands within the City of Dacula, Georgia that are mapped as floodplain or flood prone lands as indicated on maps that have been prepared by the Federal Emergency Management Agency and/or the Soil Survey of Gwinnett County prepared by the USDA Soil Conservation Service. This district shall be an overlay district.

The intent of the regulations within this Section is to limit the use of land contained within a floodplain. Notwithstanding the uses permitted for any applicable zoning district which apply to the property, no building or structure or land shall hereafter be used or occupied other than herein provided, and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or altered except in conformity with the requirements of this regulation when such lands fall within or are affected by a floodplain.

A. Uses Permitted in the Floodplain. Within a flood plain, the following uses may be permitted subject to the requirements of the *Development Regulations*:

1. Agriculture, including forestry and livestock raising, requiring no structure within the flood way except structures for temporary shelter and including agriculture and forestry access roads.
2. Dams, provided they are designed and constructed in accordance with specifications of the State Safe Dam Act latest revision and the *Development Regulations.*
3. Public parks and recreation areas and facilities requiring no structures within the floodplain, except structures for temporary shelter, including but not limited to boat ramps, docks, parking areas, and recreation facilities; private and commercial recreation developments and campgrounds.
4. Bridges, culverts and the roadway fill related to these structures.
5. Parking areas. All required parking area shall be located at an elevation higher than the calculated five-year storm, and shall not be located within any floodway.
6. Outdoor storage.
7. Fences having sufficient open area to permit the free flow of water and debris.
8. Public utility poles, towers, pipelines, sewer, and other similar public and semipublic utilities and facilities.
9. Signs and sign structures, provided they permit the free flow of water and debris.

B. Lot Area Restrictions. All concept plans, site plans, preliminary plats, and final subdivision plats with all or portions of the land area contained within the floodplain, or contiguous to the floodplain, shall comply with the following requirements, as applicable:

1. In all residential zoning districts, up to 50 percent of the area located at or below the base flood elevation may be used in computations for meeting the density requirements in accordance with the provisions of this Resolution.
2. No subdivision lot shall be approved which has less than 50 percent of the minimum lot area required by the applicable zoning district located above the base flood elevation.
3. Each plat or site plan submitted for rezoning, Special Use Permit or Move-In-House permit shall contain a readily identifiable line indicating the limits of the base flood elevation if any portion of the property lies within the floodplain. This line shall be clearly

labeled and the base flood elevation above mean sea level stated. The plat or site plan shall indicate where the base flood elevation has been established by the Federal Emergency Management Agency or where the base flood elevation has been calculated by a registered professional engineer using the best available information.

Section 912. TRD Transitional Residential District.

This district is intended to provide areas for the development of moderate density residential uses and structures in moderately spacious surroundings. It is intended that these districts be located where a protected environment suitable for moderate-density residential use can be provided, as a transitional zone between low-density residential districts and commercial districts, industrial districts, or major transportation arteries, or other uses that are not compatible with a low-density residential environment.

A. Area, Yard and Height Requirements:

Distr.	Minimum Dwelling Unit (Sq.Ft.)	Minimum Lot Area Size (Sq.Ft)(1)	Minimum Lot Width (Ft)	Setback from Right-of-Way (Ft.)		Minimum Side Yard (Ft.)	Minimum Rear Yard (Ft.)	Maximum Height (Ft.)
				Major Street (Ft.)	Interior Street (Ft.)			
TRD	1,600	Sewer 12,000	60	40	30	8	25	40

(1) No subdivision lot which contains less than fifty percent (50%) of the minimum lot area required by the applicable Zoning District or eight thousand (8,000) square feet, whichever is greater, located above the base flood elevation shall be approved. All area above the flood elevation used to satisfy this requirement shall be contiguous and shall not be separated by any flood area.

B. Permitted Uses:

Only the following permitted uses shall be allowed in the TRD Transitional Residential District, and no structures shall be erected, structurally altered or enlarged for any use other than a use permitted hereunder with the exception of a) uses lawfully established prior to the effective date of this amendment; b) special uses as listed hereunder; c) accessory uses as defined in Article III, Definitions; d) other uses which are clearly similar to and consistent with the purpose of this District.

1. Single Family Dwellings.
2. Customary accessory buildings and uses.
3. Accessory buildings, structures and uses shall be permitted only within the required rear yard unless specifically exempted in this Resolution.
   a. Accessory buildings, structures and uses shall be located on the same lot of record as the principal building, structure or use.
   b. Accessory buildings, structures and uses shall be customarily incidental and subordinate to the principal building, structure or use. The accessory building shall not be erected on a lot prior to the construction of the principal building.
   c. Accessory buildings, structures and uses shall be setback at least five (5) feet from any lot line.
4. Customary Home Occupations including Day Care Homes and Personal Care Homes provided they shall be approved and licensed by Georgia Department of Human Resources.
5. Existing Cemeteries.

6. Single Family Subdivisions subject to the "Development Regulations" adopted by the City of Dacula.
7. Public and semi-public playgrounds, parks, lakes, and buildings, operated on a non-profit basis for recreational and public community purposes only.
8. Utility structures such as electric transformer stations, telephone exchanges, gas regulator stations, water and wastewater pumping stations, and water tanks may be located to serve the public interest, provided such facilities comply with the following requirements:
    a. Any building or structure, except a surrounding fence, shall be set back at least thirty (30) feet from any property line.
    b. The facility shall be completely surrounded by a woven wire fence at least eight (8) feet high.
    c. The facility shall be furnished with a planted buffer not less than ten (10) feet wide to create an effective visual screen on all sides.
    d. The facility may not be used for office space, storage space, or for the storage of vehicles or equipment.
9. The raising and keeping of household pets.
10. Churches, temples and synagogues provided:
    a. They are located on a site of not less than five (5) acres with 250 feet of road frontage.
    b. The buildings are located not less than 50 feet from any street and not less than 30 feet from any side or rear property line.

C. Within the TRD Transitional Residential District, the following requirements shall be met:

1. Maximum density shall not exceed four (4) units per acre for the total dwelling units.
2. Minimum lot width for single family units – 60 feet at the front building setback line.
3. Minimum front yard setback from the right-of-way shall be 30 feet, for corner lots the minimum side yard from the right-of-way shall be 30 feet.
4. Minimum side yard setback – eight (8) foot side yard on each side.
5. Minimum rear yard setback - twenty-five (25) feet. The rear yard shall be equal to the required minimum yard setback plus an additional five feet from external project property lines and shall not be less than forty (40) feet when adjoining existing City, County, State, or Federal roadway.
6. Maximum dwelling height - forty (40) feet.
7. Provide three or more off-street parking spaces per dwelling unit.
8. Provide sidewalks adjacent to interior streets.
9. Provide underground utilities.
10. The declaration of restrictive covenants of the mandatory Homeowners Association must include a statement limiting the number of leased or rented homes to no more than twenty percent (20%) of the total number of units in the development. The declaration shall also require owners wishing to lease their property to obtain a written permit from the Homeowners Association prior to renting or leasing.

Section 913. CSO Conservation Subdivision Overlay District

A. Purposes

The purpose of this overlay district is as follows:

1. To provide for the preservation of greenspace as a nonstructural stormwater runoff and watershed protection measure.
2. To provide a residential zoning district that permits flexibility of design in order to promote environmentally sensitive and efficient uses of uses of the land.
3. To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.
4. To permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
5. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
6. To promote interconnected greenways and corridors throughout the community.
7. To promote contiguous greenspace with adjacent jurisdictions.
8. To encourage street designs that reduces traffic speeds and reliance on main arteries.
9. To promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles.

B. Applicability

This overlay district may be overlaid only upon the R-1100, R-1200, R-1400, R-1600, and TRD (Transitional Residential District) zoning districts utilizing the public sanitary sewer system. The overlay district shall be a use by right for those properties zoned R-1100, R-1200, R-1400, R-1600, and TRD (Transitional Residential District) as of the effective date of the adoption of this overlay district. Any conditions of zoning or special use approval of the underlying district shall also be observed (exception: lot area, width, or quantity). For properties which are submitted for rezoning to R-1100, R-1200, R-1400, R-1600, and TRD (Transitional Residential District), the applicant shall declare the intent to utilize this overlay district at the time of application. The Application shall be accompanied by an Existing Features Site Analysis Plan, and Environmental Site Assessment (Phase One) report, and a Concept Plan meeting the requirements of this section.

C. Permitted Uses

Those uses permitted in the underlying district are permitted.

D. Existing Features Site Analysis Plan

At the time of development, or if a zoning action is proposed, and prior to preparing the Concept Plan, an Existing Features Site Analysis Plan, sealed by a registered engineer or landscape architect, and an Environmental Site Assessment (Phase One) report, shall be prepared and submitted by the applicant or developer.

1. The purpose of the Site Analysis Plan is:

a. To delineate areas that have been identified as worthy of permanent protection in Conservation Space because of their environmental values. This delineation shall include, but shall not be limited to, the information and steps listed in Section D above.

b. To set forth the particulars of the site, including boundary, topographic data (minimum four (4) foot contour intervals), existing structures and utility easements.

c. Together with the Environmental Site Assessment (Phase One) report, provide the starting point for design of the conservation subdivision with built areas being designed as separate from the areas delineated as worthy of permanent protection.

2. The Existing Features Site Analysis Plan shall show the following information:

a. Perennial and intermittent streams, FEMA designed 100-Year Flood Hazard Zones and Wetlands. The source of this information shall also be indicated.

b. Identification of tree lines, native woodlands, open fields or meadows, peaks or rock outcroppings, and prime agricultural land.

c. Delineation of tree resource areas by type such has hardwoods, pines or mixed; and old or new growth.

d. Delineation of steep slope areas (25% or greater). The designer shall endeavor to preserve slopes greater than 40%.

e. Identification of historical, archeological or other significant features identified in the Environmental Site Assessment (Phase One) report.

f. Identification of Conservation Space, Open Space or common areas adjacent to the project.

g. Identification of protected plant species as listed by the Georgia Department of Natural Resources, to be certified by a registered landscaped architect, forester, arborist, biologist, botanist, or horticulturist.

h. The plan also shall include certification that timber harvesting activity has not occurred on the property in the previous 24 months prior to the approval of a rezoning application and the approval of a Concept Plan.

E. Concept Plan

At the time of development, a Concept Plan shall be submitted by the developer for review and approval in accordance with the requirements and procedures of the Development Regulations. If a zoning action is proposed, the rezoning site plan shall include the following information:

1. Delineation and specifications of Conservation Space which includes calculations and exclusions (see action 913.F.2) and any Pocket Park, Neighborhood Greens, play areas, or trail systems to be constructed.

2. A typical detail on the plan indicating dwelling size, lot width, building setback lines, off-street parking, lot trees and sidewalks.

3. Lot width average, area and percent of floodplain specifications in tabular form; and density calculations (gross and net).

F. Conservation and Space Requirements

In order to qualify for this overlay district use, the Conservation Space shall meet the following requirements:

1. Delineation:

   Priority shall be given in delineating Conservation Space areas as those areas of significance identified in the Existing Features Site Analysis Plan, around which the built areas are designed.

2. Undeveloped and Natural:

   a. The minimum restricted Open Space shall comprise at least 40 percent of the gross tract area.

   b. The Conservation Space shall remain undeveloped and natural except for the provision of non-motorized passive recreation opportunities such as running, walking, biking, and similar outdoor activities. Wetland and stream bank mitigation projects are also permitted under this use.

   c. Primary Conservation Areas are required to be included in the Conservation Space. These areas shall be covered by a provision for permanent protection and shall include 100-Year Flood Plain, stream buffers zones, slopes greater than 40 percent consisting of a contiguous area of at least 5,000 square feet, wetlands, endangered or threatened species of their habitat, archeological sites, cemeteries or burial grounds.

   d. Secondary Conservation Areas are features and areas recommended and desirable for Conservation Space designation and may be covered by the provisions for permanent protection. These include important historic sites, existing healthy, native forests of at least one contiguous acre, scenic view sheds, peaks and rock outcroppings, prime agriculture lands consisting of existing trails that connect the tract to neighboring areas. Also considered as Secondary Conservation Areas are Pocket Parks, Neighborhood Greens and storm water management facilities. However, Pocket Parks and Neighborhood Greens shall not exceed 20% of the total required Conservation Space.

   e. At least 80 percent of the Open Space shall be in a contiguous tract. The Open Space should adjoin any neighboring areas of Open Space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected Open Space.

   f. The Open Space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the Open Space.

3. Exclusions:

   Excluded from meeting the minimum amount of Conservation Space are the following (also, see the definition of Primary Conservation Areas):

   a. Residential yards.

   b. Proposed permanent lakes that may be used for wet detention. No more that 50% of land area located within a proposed permanent lake may be credited.

   c. Recreation Area Improvements and Impervious surfaces in recreation areas shall not be credited.

   d. Land area within power, gas pipeline, sewer line or pump station easements shall not be credited.

e. Other land area devoted to public or private streets or any land that has been, or is to be, conveyed to a public agency via a purchase agreement for parks, schools, or other public facilities shall not be credited.

f. Golf Courses.

4. Ownership:

   Conservation Space shall be owned in fee-simple by a mandatory property owner's association; or other entity approved in advance by the City Council during their normal course of business. The developer shall record the deed to the Conservation Space prior to, or concurrent with, the recording of the first final subdivision plat. An access easement following of the alignment of future public streets is acceptable. However, Pocket Parks or Neighborhood Greens may be deeded concurrent with the unit or phase of the final subdivision plat of which it is a part.

5. Property Owners' Association:

   The property owners' association bylaws or covenants, at a minimum, shall contain the following provisions:

   a. Governance of the association by the Georgia Property Owners' Associations Act (OCGA Section 44-3-220 et seq.) or a successor to that Act that grants lien rights to the association for maintenance expenses and tax obligations.

   b. Responsibility for maintenance of the open space.

   c. Responsibility for insurance and taxes.

   d. Automatic compulsory membership of all lot purchasers and their successors; and compulsory assessments.

   e. Conditions and timing of transferring control of the association from the developer to the lot owners.

   f. Guarantee that the association will not be dissolved without the advance approval of the Dacula City Council.

6. Maintenance:

   The property owners' association, or other entity approved in advance by the Dacula City Council, shall be responsible for the continuous maintenance of buffers, Conservation Space and recreation areas.

7. Conservation Surety:

   Conservation Space delineated on the Final Plat and required to be in a Primary Conservation Area shall be permanently protected by either one or both of the following options:

   a. Option 1: Conveyance to the Public and Subdivision Lot Owners

      A deed conveying ownership of the Conservation Space to the mandatory property owners' association shall be recorded and delivered prior to, or concurrent with, the approval of the Final Plat for the first phase of the subdivision. Both the deed and the Final Plat shall contain, a minimum, the following to covenant:

      The Conservation Space conveyed by deed and shown on the Final Plat shall remain permanently protected and shall not be disturbed, cleared or developed except in accordance with Section 913.F.2 of the 2000 Zoning Resolution of the City of Dacula

and with Georgia Law OCGA 36-22-1 et seq., having the following greenspace goals: protection of streams, floodplains and wetlands; steep slopes; woodlands, open fields and meadows; historical and archeological features; significant wildlife habitats; scenic vistas; passive recreation and connectively with nearby open spaces. The following uses may be allowed: passive recreational amenities, such as pervious surfaced paths and minimal parking spaces; picnic and restroom facilities (constructed facilities shall not exceed 15 percent of the Conservation Space). The covenant is intended to benefit said area to the public and the use of same to the subdivision lot owners and residents, and it shall run in perpetuity as provided by Georgia Law OCGA 44-5-60).

G. Conservation and Space Requirements

b. Option 2: Conveyance to Other Organizations or Entities

Except for Pocket Parks or Neighborhood Greens, developed recreation areas or Secondary Conservation Areas not desired for permanent protection. Conservation Space shall be permanently protected by the (i) recording of a covenant or conveyance of an easement which runs in perpetuity under Georgia Law OCGA 44-5-60 in favor of any corporation, trust, or other organization holding land for the use of the public or certain government entities; or (ii) conveyance of a conservation easement running in perpetuity to a third party a qualified organization recognized by Federal Treasury Regulation Section 1.170A-14)(1). Qualified organization recognized by this Treasury Regulation include, but may not be limited to, government entities, certain publicly supported charities, local and national land trusts, or other conservation groups that are organized or operated primarily or substantially for one of the conservation purposes specified in the Internal Revenue Code. Government entities that qualify to be named in covenants under Georgia Law OCGA 44-5-60 or to receive conservation easements under the Treasury Regulation referred to above for purposes of this section shall include the Federal government, the State of Georgia, Gwinnett County, City of Dacula or authorities of the State of Georgia or Gwinnett County or City of Dacula. If a covenant is recorded or an easement conveyed in favor of a government entity, formal acceptance by the government entity or qualified conservation organization shall be obtained prior to the recording of the covenant or conveyance of the easement. The developer shall record the necessary legal instrument to accomplish protection of the Conservation Space prior to, or concurrent with, the recording of the Final Plat. The legal instrument shall contain, at a minimum, the same language required to be placed on a deed as stated in 7.a - Option 1 of this section. Secondary Conservation Areas may also be covered by the same permanent protection options.

H. Density

Subdivisions in the overlay district shall meet the following requirements unless a Special Use Permit is submitted and approved by the Mayor and City Council of Dacula.

1. Minimum Subdivision Size:

   Twenty (20) contiguous acres.

2. Lot Area:

   No minimum, except that each building lot shall not contain more than 20 percent of its area within the 100-Year floodplain elevation.

3. Average Lot Width:

The average width of all building lots shall be at least 60 feet at the front setback line. Exception: Any lot located less than 50 feet from adjacent non-overlay property lines shall meet the lot width (for entire depth of the lot) and the rear setback of the underlying zoning district.

4. Minimum Road Frontage per Lot:

   Minimum Road frontage shall be at least 50 feet. Exception: Road frontage may be reduced to 40 feet for lots with frontage on cul-de-sac or eyebrow cul-de-sac turnarounds.

5. Minimum Yard Areas (Setbacks):

   Front: 30 feet (Interior Street)

   Rear: 25 feet

   Side: 8 feet per side

6. Street Frontage Buffer:

   50 feet in width (not part of any building lot). The street frontage buffer shall remain undisturbed and natural, except for entrance features, necessary street construction activities, right-of-way crossings and corner right-of-way miters or radii. If the required street frontage buffer is void of vegetation, it shall be replanted to provide an effective visual screen, which may include landscaped berms and decorative fences. The street frontage buffer may be counted towards Conservation Space calculations.

7. Maximum Height of Dwellings:

   35 feet

8. Minimum Floor Area:

   Each dwelling unit shall have a minimum heated finished living area, excluding a basement, attic, carport or garage, as follows:

   One Story: 1,800 square feet

   Two Story: 2,000 square feet

9. Sodded Yards:

   All grassed areas on dwelling lots shall be sodded.

10. Garages:

    Dwellings shall have two-car garages.

11. Lot yard trees:

    Each building lot shall have a minimum of two (2) decorative trees at least 3 inches in diameter which shall be measured four (4) feet above ground.

12. Underground Utilities:

    All utilities shall be located underground.

Section 914. R-SR Senior Oriented Residential District

This district is intended for single-family detached and/or villas-style attached residences and accessory uses of a medium density on land served by a sanitary sewerage system. The R-SR district is designed to serve the housing needs of senior residents. It is recommended that this district be located in areas that facilitate pedestrian access to nearby commercial goods and services, and/or amenities/cultural facilities such as public parks or libraries. The R-SR zoning shall not serve as a precedent for medium density zoning in an otherwise low density residential area.

R-SR developments shall be intended and operated for occupancy by persons 55 years of age and older. At least 80% of the occupied units shall be occupied by at least one person who is 55 or older.

A. Permitted Uses:

1. Detached single-family homes.
2. Villas - attached residences.

B. Building Design Standards:

1. Architectural treatments shall be primarily of brick, or stone, with minor treatments of low or no-maintenance siding materials. Vinyl siding shall be prohibited.
2. All dwellings shall have a minimum 1,600 square feet for two bedroom homes, and 1,800 square feet for three or more bedroom homes.
3. All dwellings shall be limited to single-story, however, bonus rooms over garages shall be allowed.
4. All dwellings shall contain double-car garages.
5. All dwellings shall incorporate accessibility standards which shall include the following:
   a. Easy access step free feature at entrance to the unit.
   b. Easy passage feature requiring 32-inch wide, clear passage doorways throughout the unit.
   c. Easy to use feature requiring wheelchair accessible bedroom(s), kitchen, entertainment area and bathroom(s), via step-free entrance.
6. Attached villas shall generally have a minimum of three units and a maximum of four units per building. A minimum number of two unit villas may be approved by the City Administrator to address specific topographic issues.
7. Attached villas shall include a minimum two-hour rated firewall between each attached dwelling unit. Firewalls shall be constructed in accordance with applicable building codes of Gwinnett County.

C. Site Design Standards for R-SR detached homes

Within the R-SR Senior Oriented Residence District, the following requirements shall be met:

1. Maximum density - four (4) units per acre
2. Minimum Lot Area - 5,000 square feet
3. Average Lot Width - 50 feet
4. Minimum front yard - 20 feet
5. Minimum side yard - five (5) feet
6. Minimum rear yard - 15 feet

7. Provide sidewalks adjacent to both sides of interior streets.

D. Site Design Standards for R-SR attached homes:

Within the R-SR Senior Oriented Residence District, the following requirements shall be met:

1. Maximum density - six (6) units per acre
2. Lot Area - No minimum
3. Lot Width - No minimum
4. Internal Road Frontage - No minimum
5. External Road Frontage for Overall Development - 50 feet
6. Minimum unit width - Forty (40) feet
7. Internal yard requirement - A 20-foot grassed or landscaped strip shall be provided between all building; and a 10-foot grassed or landscaped strip shall be provided between all building and interior driveways/streets.
8. External yard requirements:
   a. Front Yard 50-feet
   b. Side Yard 20-feet
   c. Rear Yard 20-feet
9. Provide sidewalks adjacent to both sides of interior streets or private driveways. Design shall be per Development Regulations.

E. Landscape Requirements:

1. A minimum 50-foot landscaped building setback shall be provided adjacent to abutting exterior streets. The landscaped setback may incorporate natural vegetation and shall be supplemented with either a landscaped berm, wrought-iron style fence with brick or stone columns (30 feet on-center), or a decorative brick wall. Alternate decorative fence materials may be utilized, subject to review and approval of the City Administrator.
2. At least one 3-inch caliper street tree shall be planted at least every 35-feet along both sides of internal streets.
3. All grassed areas shall be sodded.

F. Mandatory Homeowners Association Required:

A mandatory Homeowner Association shall be incorporated which provides for building and grounds maintenance and repair, insurance and working capital. Said association shall publish and adhere to policies and procedures that demonstrate that the community is intended to provide housing for persons 55 and over; including maintaining surveys or affidavits verifying compliance with 55 and older; occupancy requirements as permitted by 42 U.S.C. Section 3607, (b)(2)8) of the Federal Fair Housing Act. Said association shall also include declarations and bylaws including rules and regulations, which shall at a minimum regulate and control the following:

1. Restriction on homes being occupied, with at least 80% of the occupied units occupied by at least one resident who is age 55 or older.
2. Restrictions on single-family residential use only and leasing of units. No more than 10% of the total units may be leased by individual owners at any one time.

3. Exterior items such as fences, lawn ornaments and restrictions on removal of landscaped areas and buffers.
4. Exterior fence maintenance shall include a requirement that any graffiti shall be repaired within 72 hours.
5. Except for a central amenity package, prohibit playground equipment, swing sets, trampolines or like fixtures.
6. Maintenance of detention ponds, common areas and entrance features.

G. Concept Plan Review

The purpose of the concept plan review is to ensure the soundness of the proposed development and its compatibility with the surrounding area. The City shall review plans for compliance with concept review criteria. The recommendations of both the City and the Planning Commission shall be transmitted to the City Council. Through the rezoning process, the City Council may condition approval of an R-SR request to a specific concept plan, or require a future site plan review by the City Staff.

1. Required Exhibits:

   The following exhibits shall be prepared by design professionals, such as planners, engineers, architects or landscape architects, and submitted to the City. No application for an R-SR district shall be accepted for processing without these required exhibits.

   a. A location map indicating existing zoning on the site and the adjacent areas.
   b. A concept plan drawn no smaller than one inch equals 100 feet, which includes the following information:
      1. Lot lines and setbacks.
      2. Topography with contour intervals no greater than 20 feet.
      3. Lakes, ponds and flood plains and the source of flood plain data.
      4. Storm water detention areas.
      5. Recreation facilities (if applicable).
      6 Location of typical off-street parking.
   c. Color elevations of front, sides and rear of all typical units, including proposed building materials and any other structures such as recreation buildings.
   d. Information indicating the following:
      1. Gross and net acreage (see definition of net density).
      2. Lot sizes (typical dimensions and square footage).
      3. Amount of common/open space in square feet (if applicable).
      4. Such other architectural and engineering data as may be required to evaluate the project.

Section 915 R-TH Single-Family Residence Townhouse District.

~~This zoning district is intended exclusively for townhouse dwelling units and customary accessory uses and structures.~~

The R-TH Single-Family Residence Townhouse District is designed to facilitate townhouse developments located near and among low to moderate density residential neighborhoods, with safe connections to commercial and/or community amenities. Townhouse developments shall be discouraged if isolated from the existing development pattern and/or suitable commercial nodes. Proposals extending a grid-oriented development pattern shall be given priority. The following standards are applicable for townhouse developments outside the Downtown Overlay District.

A. Within the R-TH Single-Family Residence Townhouse District, the following requirements shall be met

~~1. Maximum density: Eight (8) units per acre (net). See the definition of net density.~~

~~2. Lot Area: Minimum five (5) - acres for townhome development.~~

~~3. Lot Width: No Minimum for townhomes.~~

~~4. Internal Road Frontage: No Minimum.~~

~~5. External Road Frontage: 50 - feet for Overall Development.~~

~~6. Minimum unit width:~~

~~a. Twenty-two (22) feet for townhomes.~~

~~7. Maximum height: 35 feet for townhomes.~~

1. Lot Development Standards

Min Lot Area	Min. Unit Width	External Min. Front Setback*	Internal Min. Front Setback	External Min. Side Setback	External Min. Rear Setback	Max. Building Height	Min. % Green Space Area
5 acres	22 ft.	Arterial ROWs: 50 ft. Collectors & Local ROWs: 20 ft.	Rear Entry - 10 Front Entry - 22	20 ft	20 ft.	40 ft.	15% of lot area

***The City Administrator or his/her designee shall determine the appropriate setback classification. The 20 ft setback shall be reserved for developments where pedestrian connectivity is safe and feasible.**

2. **Minimum Heated Floor Area**

Studio	1-bedroom	2-bedroom	3-bedroom*	4-bedroom*
Not permitted	1,000 sq. ft.	1,200 sq. ft.	1,400 sq. ft.	1,600 sq. ft.

**** Three-bedroom units shall be limited to 60% of the entire townhouse development.***
**** Four-bedroom units shall be limited to 15% of the entire townhouse development.***

3. **Architectural Standards**
   a. The front and side facades of townhome buildings shall be constructed primarily of brick or stacked stone with minor treatments (i.e. gables, bay windows, chimneys,) of wood, cedar shake, or fiber-cement siding.
   b. The rear of the units may be the same, or of wood or fiber cement siding.
   c. Buildings must include a variety of building materials, textures and colors. Adjacent units may not utilize the same color combinations.
   d. Elevations shall be staggered with alternating exterior treatments such as porches, balconies, awnings, chimney, stoops, decks, patios, and terraces
   e. Clusters of units shall contain a minimum of two alternating types, specifically, open gable, boxed gable, dormer, hip, or flat roof lines.
   f. Shutters and roof eaves brackets are required.
4. **Homeowners Association**
   a. The development shall have a mandatory Homeowners Association with restrictive covenants and bylaws.
   b. The declaration of restrictive covenants of the mandatory Homeowners Association must include a statement limiting the number of leased or rented homes to no more than twenty percent (20%) of the total number of units in the development. The declaration shall also require owners wishing to lease their property to obtain a written permit from the Homeowners Association prior to renting or leasing.
   c. The Protective Covenants must include the private maintenance of all common areas, streets, alleys and driveways.
5. **Development Regulations**
   a. Maximum density: Eight (8) units per acre (net). See the definition of net density.
   b. A minimum of three (3) and maximum of eight (8), dwelling units shall be allowed in each row of townhouses.
   c. Internal Road Frontage: No Minimum.
   d. Townhomes shall be a minimum of twenty-two (22) feet in width.
   e. Internal yard requirements: A 20-foot grassed or landscaped strip shall be provided between all buildings and interior driveways/streets.
   f. All townhome units shall have double-car garages.
   g. All grassed areas shall be sodded.
   h. Provide sidewalks adjacent to both sides of interior streets or private driveways. Design shall be per Development Regulations.
   i. A minimum of a two-hour rated firewall shall be required between each attached dwelling unit. A four (4)-hour rated firewall shall be required between every fourth attached dwelling units. The four-hour firewall may be reduced to a two-hour firewall if approved residential sprinkler systems, or similar fire prevention measures are approved by the Gwinnett County Fire Marshals office, and are

installed in each unit. Firewalls shall be constructed in accordance with applicable building codes of the Gwinnett County Fire Marshal's office.

j. The landscaped setback may incorporate **native** vegetation and shall include a decorative fence/wall and entrance monument. The fence may be constructed as a solid brick or stacked stone wall, or as a wrought iron-style fence with brick or stacked stone columns (maximum 30-feet on-center).

k. At least 80 percent of required parking areas for overall development must be located directly in the front or rear of the dwelling units. The balance of the parking spaces may be located in a parking facility separated from the units.

l. Rear automotive entry shall be required for units bordering the external road frontage on local roads. No driveway shall have access to exterior streets.

m. Interparcel connectivity is required when feasible. Feasibility will be determined by the City Administrator or his/her designee.

n. Private, usable outdoor space, such as balconies, sundecks, patios, etc., shall be provided contiguously to each dwelling unit and shall be a minimum of 10 percent of the floor area of the unit served. The location and number of square feet shall be clearly indicated on the site plan.

Example: Lots Fronting Pedestrian Ways



Buildings fronting a pedestrian alley. Davidson, NC



Residential lots fronting a cottage court. Saint Charles, MO

6. Utilities

a. All utilities shall be placed underground.

b. Townhouse development must be connected to sanitary sewer and are not permitted to use septic systems.

7. ~~Landscaping~~

~~a. A 50-foot wide landscaped setback shall be provided along all exterior street frontages. The landscaped setback may incorporate natural vegetation and shall include a decorative fence/wall and entrance monument. The fence may be constructed as a solid brick or stacked stone wall, or as a wrought iron-style fence with brick or stacked stone columns (maximum 30-feet on-center).~~

8. ~~Internal yard requirements: A 20-foot grassed or landscaped strip shall be provided between all buildings and interior driveways/streets.~~
9. ~~External yard requirements:~~
   ~~a. Front yard: 50-Feet~~
   ~~b. Side yard: 40-Feet~~
   ~~c. Rear yard: 40-Feet~~
10. ~~A 50-foot undisturbed buffer shall be provided where adjacent to single-family residential zoning districts.~~
11. ~~Provide three or more off-street parking spaces per dwelling unit for townhomes.~~
12. ~~The minimum heated floor area per dwelling unit shall be 1,800 square feet.~~

B. Concept Plan Review

The purpose of the concept plan review is to encourage logic, imagination, innovation, and variety in the design process and ensure the soundness of the proposed development and its compatibility with the surrounding area. The Planning and Development Department shall review plans for compliance with concept plan review criteria. The recommendations of both the Planning and Development Department and the Planning Commission shall be transmitted to the City Council. Through the rezoning process, the City Council may condition approval of an R-TH request to a specific concept plan.

The following exhibits shall be prepared by design professionals, such as planners, engineers, architects or landscape architects, and submitted to the Planning and Development Department. No application for an R-TH district shall be accepted for processing without these required exhibits:

1. A location map indicating existing zoning on the site and the adjacent areas.
2. A concept plan drawn no smaller than one inch equals 100 feet, including the following information:
   a. Lot lines and setbacks.
   b. Topography with contour intervals no greater than 20 feet.
   c. Lakes, ponds and floodplains and the sources of floodplain data.
   d. Stormwater detention areas.
   e. Recreation facilities (if applicable).
   f. Location of typical off-street parking.
3. Color architectural elevations of front, sides and rear of all typical units, including proposed building material, and any other structures such as recreation buildings. Photos of pre-existing townhome developments will not be accepted for architectural elevation review.
4. Information indicating the following:
   a. Gross and net acreage (see definition of net density).
   b. Lot sizes (typical dimensions and square footage).
   c. Amount of common open space in square feet (if applicable).

5. Such other architectural and engineering data as may be required to evaluate the project.

Section 916 PMUD Planned Mixed-Use District

A. Purpose

The purpose of this district is to provide for appropriate planned development of quality mixed-use projects within the City of Dacula by allowing greater freedom of design, by improving the opportunity for flexibility and creativity in the land development process, by undertaking techniques which foster community and pedestrianism, and by limiting the expenditure of public funds in an effort to achieve the objectives and intent of the City's Comprehensive Plan.

Specifically, this district is intended to:

1. Allow diversification of uses, structures, densities and open spaces when not in conflict with existing and permitted land uses on abutting properties.
2. Reduce development costs through a more efficient use of land and a smaller network of utilities and streets than is possible through the application of standards contained in conventional land development regulations.
3. Conserve the natural amenities of the land by encouraging the preservation of environmentally significant, scenic and functional open space.
4. Provide maximum opportunity for the application of innovative site planning concepts through the creation of aesthetically pleasing environments for living, shopping, and working on properties of adequate size, shape, and location.
5. Insure that development will occur according to the advantages and limitations of land, site design, population density, building coverage, improvement standards, and construction phasing as authorized through the approval of a comprehensive site development plan.
6. Provide a mechanism to incorporate and implement the goals and intent of the City of Dacula Comprehensive Plan.
7. Encourage pedestrianism and transportation alternatives.

This district is not intended to maximize density or development intensity on a particular property except in relation to an improved design and benefit to the public. The use of open space, public meeting areas, and recreational uses should be included as part of a project. This district is intended to provide a vehicle for improved development through creative design and appropriate mixtures of land uses.

This district is designed to provide alternatives to traditional commercial and residential developments by promoting interconnectivity and compatibility between different land uses. Mixed use developments should not conflict with other surrounding land uses that are of lower densities. Instead, the mixed use district should be located in areas where medium density residential developments and commercial developments already exist. This district should have interconnectivity and easy pedestrian access to adjacent and nearby commercial goods and services, and/or amenities/cultural facilities such as public parks or libraries. The mixed use district shall be served by a sanitary sewerage system.

B. Minimum Design Requirements

1. Consistency with Comprehensive Plan.

   All projects must be reasonably consistent with the goals and intents of the City of Dacula Comprehensive Plan.

2. Variations to Development Standards**.**

   Variations to local development standards (i.e. Development and Zoning Regulations), including variations in lot sizes, widths, building setbacks, densities, parking requirements, right-of-way widths, street widths, buffers, and other components may be approved to improve said project. Any variation to an adopted regulation or requirement must be expressly submitted and reviewed as part of an overall plan. All Variations must be included in a "List of Standards" agreed to and accepted by the City.

   The City will not consider Variations to standards or regulations of other regulating jurisdictions, such as erosion control regulations, fire codes, flood plain control, stream buffers, or other similar regulations, without the express written consent and approval of applicable jurisdiction. Furthermore, said consent shall not guarantee nor require the City to waive any or all requirements.

3. Design Requirements**.**

   All projects shall incorporate design principles that integrate commercial, office, and/or residential land uses, promote pedestrian accessibility and safety among uses, reduce automobile trips, provide a livable environment for project residents, and enhance the value and aesthetics of the surrounding community. Interconnectivity, pedestrianism, good design, architectural detail, appropriate scale, and the proper balance/ratio of differing uses are essential elements. Where appropriate, separate land uses are encouraged to be integrated both horizontally and vertically. Design criteria of CPTED Theory (Crime Prevention Through Environmental Design) shall be incorporated and utilized where possible throughout the development.

   At a minimum all projects shall include and/or incorporate the following components:

   a. All Planned-Mixed Use development projects must have a minimum of two different types of land uses (commercial, office, institutional, **civic, vertical mixed-use,** and/or residential (attached or detached).

   b. All projects must have a professionally prepared Master Plan for the entire project. It must be designed and incorporated ~~together~~ **cohesively to promote development and land use pattens which reduce transportation needs and conserve natural resources.** ~~to provide a harmonious transition from one use to another.~~ Common architecture, themes, significant natural features, **multi-modal** connectivity and other items must be included.

   c. **The development shall be designed around** a functional center, community green, park, or other focal point must be included to create character and identity. **Most dwelling units shall be connected to central publicly accessible open spaces via a comfortable pedestrian route of 400 ft or less.**

   d. Interconnection to adjoining property, whether developed or undeveloped, should be included and incorporated into the design where appropriate.

B. Minimum Design Requirements (Continued)

e. All projects should have adequate and appropriate access.

f. Other standards, as outlined in the City of Dacula Comprehensive Plan which are appropriate for the site's specific location and character area, should be included.

g. Streets

i. **PMUD developments should have a connected network of streets, alleys, and bicycle / pedestrian pathways. All streets and bicycles/pedestrian pathways shall connect to other streets within the PMUD and to existing and planned corridors outside the development.**

ii. **Unconnected cul-de-sacs are not permitted within the district unless natural features such as topography or stream corridors prohibit street and path connection. Stub streets may be approved where a street is likely to be extended in the future.**

When determining the appropriateness and viability of a proposed project, the City shall consult the City of Dacula's Comprehensive Plan. Projects that prove that the use of innovative or creative design will benefit the City may be considered for said district.

C. USES PERMITTED:

Overall residential density shall be limited to no more than ~~thirteen (13)~~ **fifteen (15)** units per acre. Lower densities may be required by the City where appropriate.

1. Planned Mixed-Use District

Both residential and non-residential uses may be used. However, although recommended where logical, residential uses are not a necessary component of the PMUD District requirements. -

Non-residential uses shall be limited to those "permitted uses" or similar uses in each respective zoning district as allowed by the Dacula Zoning Resolution. Non-owner occupied nursing homes; personal care homes, assisted living facilities, and/or multi-storied senior living or rehabilitation centers shall be categorized as institutional in use.

Residential uses may also be permitted when complementary to and compatible with the orderly development of the planned project. Residential uses may be attached, detached and/or located within multi-story buildings above non-residential office or commercial development.

~~Detached dwelling units shall not exceed five (5) units per acre.~~ Attached dwelling units shall not exceed ~~thirteen (13)~~ **eighteen (18)** units per acre. **Developments of 10 acres or more must include a minimum of two (2) distinct housing types. Housing should be generally well integrated with commercial and intentionally extend the City's rural to urban transect.** Lower residential densities may be required by the City Council if adjacent to lower density residential areas, or where otherwise appropriate.

2. Common Open Space Requirements

A minimum of 25 percent of the total project acreage must be reserved as common open space. Both active and passive forms of open space can be used in the required dedication. Examples of active open space areas can include but is not limited to pools, tennis courts, golf courses, athletic fields, and/or open air plazas. Passive open space includes functionally natural features that promote and provide facility for non-motorized passive recreation

opportunities such as running, walking, biking, and similar outdoor activities. The Open Space shall be directly accessible to the largest practicable number of residents, tenants, and pedestrians that frequent or live within the development. All properties shall be provided with safe, convenient access to the Common Open Space areas. Open space calculations shall not include required roadways, parking areas, overhead power easements, or above ground stormwater retention or detention systems.

3. ~~Capacity of Residential Development~~ **Land Use Mix**

~~Residential acreage shall not exceed 40 percent of the land that can be developed after the 25 percent open space requirement has been satisfied.~~

Land Use	Percentage of Gross Land Area after 25% open space	
	Minimum	Maximum
Residential Uses	25%	*50%
Civic/Institutional Uses	---	50%
Commercial/Retail/Office	20%	50%

Single use residential units may be a maximum of 60% of the developable land if two types of housing are provided.
Single use residential units may be a maximum of 70% of developable land if a parking garage is provided and/or shared parking is covered by solar panel structures.

4. Uses shall be determined by the zoning conditions; the following uses require individual Special Use Permits prior to their inclusion in the subject PMUD's permitted uses:

a. Automotive repair shops
b. Automotive body shops
c. Contractor offices
d. Drive-through uses
e. Fuel pumps
f. Oil change shops
g. Outdoor storage
h. Standalone convenience stores
i. Self-storage or mini-warehouse uses

D. SITE DEVELOPMENT STANDARDS:

1. Minimum Site Area

~~Fifteen (15)~~ **Eight (8)** acres of contiguous land area.

2. Perimeter Development Requirements

No housing type, use, setback, height, and coverage requirements are established, however, existing residential development along the perimeter of the planned mixed-use development shall be adequately protected by setbacks, landscaped walls and/or other buffers to be established as part of the site concept plan review.

3. Internal Development Requirements

a. No minimum lot sizes or shapes shall be required, except as may be established as part of the site concept plan review.

b. No minimum distance between on-site structures shall be required, except as may be established as part of the site concept plan review. However, Fire Code requirements shall be met.

c. No minimum yard setbacks shall be required, except as may be established as part of the site concept plan review.

d. ~~Detached residential dwelling units shall have a minimum 1,600 square feet for one to two bedroom homes, and 1,800 square feet for three or more bedroom homes.~~ The minimum square footage of attached residential units shall be reviewed and approved by the Mayor and City Council at the time of concept plan review and approval.

e. Architectural treatments shall be primarily of brick, stone, stucco, concrete fiber siding, cedar shake or other materials approved by the Mayor and City Council at the time of concept plan approval. Vinyl siding shall be prohibited except as used for maintenance free accent elements such as soffits, windows, etc.

f. Detached residential dwelling units must be owner-occupied.

g. Height of all buildings (residential and/or non- residential) shall be subject to review and approval by the Mayor and City Council at the time of concept plan approval.

h. Blocks shall be a maximum 1,000 feet in length. Blocks greater than 500 feet or greater, may be required to be bisected by a pedestrian connection or a private drive.

i. Buildings shall be oriented towards the right-of-way for pedestrian connectivity.

4. Off-Street Parking and Loading

~~a.~~ Adequate off-street parking and loading areas shall be provided. However, reductions in total parking requirements are strongly encouraged. **Off-street parking shall generally be located to the rear or the side of buildings.** The sharing of off-street parking areas between uses is **required, unless determined to be infeasible by Council.** ~~allowed and encouraged~~. ~~as well as~~ ~~p~~ **Parallel on-street is strongly encouraged on new right-of-way where speeds allow** ~~where appropriate~~.

b. The use of **green stormwater infrastructure including**, porous alternative parking areas, **rain gardens, and stormwater bumpouts,** is allowed and encouraged in where appropriate.

c. Freestanding buildings or shopping center developments containing 7,500 gross square feet of space or less must orient parking behind the principal building entrance. No more than 20% of off-street parking areas may be located to the sides of building(s), with the balance of parking located to the rear the building(s).

d. For free standing buildings exceeding 7,500 square feet, building placement is encouraged to be close to, and oriented toward, the public right-of-way with the majority of parking to the sides and rear where possible.

5. Landscapes and Street Lights

A Landscape and Street Lighting plan shall be submitted with the site concept plan for review and approval by the City. The location of existing trees must be submitted with the site concept plan. Tree sampling is allowed on densely forested areas of ten (10) acres or more. The preservation of mature trees and tree stands is strongly encouraged. A street lighting plan shall incorporate decorative posts and lamps and shall be located along streets, sidewalks, other pedestrian walkways and parking areas. The approved concept plan must adhere to conditions and/or regulations of the City of Dacula's 2008 Buffer Landscape and Tree Ordinance.

6. Underground Utilities

   All on-site utilities shall be installed underground. The developer shall provide adequate landscaping to screen all above-ground facilities.

7. Accessibility

   Every residential unit or permitted use shall have direct access to a public street via a private road, common easement, or other area dedicated or reserved for public use. Sidewalks shall be provided along both sides of the interior streets. Sidewalks shall also serve as pedestrian access links between the various land uses and amenities.

8. Property Owners' Association

   A mandatory homeowners' association shall be incorporated which provides for building and grounds maintenance and repair, insurance and working capital.

   The property owners' association bylaws or covenants, at a minimum, shall contain the following provisions:

   a. Governance of the association by the Georgia Property Owners' Association Act (OCGA Section 44-3-220 et seq.) or a successor to that Act that grants lien rights to the association for maintenance expenses and tax obligations.

   b. Responsibility for insurance and taxes.

   c. Automatic compulsory membership of all lot purchasers and their successors; and compulsory assessments.

   d. Conditions and timing of transferring control of the association from the developer to the lot owners.

   e. Guarantee that the association will not be dissolved without the advance approval of the Dacula City Council.

   f. The property association shall provide for building and ground maintenance and repair, insurance and working capital. The homeowners' association shall provide for the ownership, maintenance and repair of all non-publicly dedicated interior streets, driveways, sidewalks, drainage structures and drainage ponds and common areas and landscapes. Said association's declarations and bylaws including rules and regulations shall be submitted to the City of Dacula for review and approval prior to recording.

D. SITE DEVELOPMENT STANDARDS: (Continued)

9. Common Open Space

The Common Open Space shall be owned in fee-simple form by a mandatory property owners' association; or other entity approved in advance by the City Council during their normal course of business. The developer shall record the deed to the required open space concurrent with the recording of the final plat for each phase of construction. The City of Dacula shall monitor, review, and approve open space amounts as construction phases are final platted.

a. All designated common open spaces shall be preserved by one or more of the following methods:

1. Conveyance to a property owners' association or nonprofit land conservation organization.
2. Retention of ownership, control and maintenance by the developer with a permanent conservation easement donated to a non-profit land conservation organization.
3. Public dedication, subject to acceptance by the City Council by formal vote.

b. All privately-owned common open space shall conform to its intended use remain as expressed in the approved site concept plan through the inclusion in all deeds of appropriate covenants. Said deed restrictions shall run with the land.

10. Environmental Considerations

Protections of wetlands, creeks and streams should be provided where appropriate. An existing features site plan analysis shall be submitted with the zoning application and shall identify any sensitive environmental areas worthy of permanent protection.

E. Application Procedures

1. The following procedures, applications and exhibits shall be required when applying for a rezoning to a Planned Mixed Use Development District.

a. Pre-application conference: Before submitting an application for rezoning to a planned mixed-use development district, the applicant shall confer with the City Administrator to determine the feasibility for the proposed plan and its relationship to the City's Comprehensive Plan.

b. Professional service requirement: Any plan or exhibit as part of an application for a Planned Mixed Use Development District shall certify that the services of two (2) or more of the following professionals were utilized in the design or planning process:

1. A planner who is a member of the American Institute of Certified Planners.
2. A landscape architect registered by the State of Georgia.
3. An architect licensed by the State of Georgia, and/or
4. A professional civil engineer registered by the State of Georgia.

c. Application fees required: Fees shall be required at the time of submittal of an application for rezoning to a planned mixed-use development district, in conformance with the City's fee schedule.

E. Application Procedures (Continued)

d. Review information required for the site concept plan: All applications for rezoning to a planned mixed-use development district shall include the following information on the site concept plan and supporting documents:

1. A recent (less than three years) boundary survey with north arrow, and scale.
2. A full legal description of the property with attached copies of any instruments referred to such as deeds, plats, covenants or restrictions.
3. The names and addresses of the owners of the property to be rezoned and evidence of unified control of the property.
4. The names and addresses of all adjoining property owners.
5. The total area of the site in acres and square feet.
6. A map indicating the location, arrangement and dimensions of the following existing features within and immediately adjacent to the property: Vegetation including tree preserve areas, state waters, land uses, buildings, structures, utilities, drainage ways, easements, public street rights-of-way, railways, and property lines.
7. Plans showing the location, arrangement and dimensions of all proposed land uses, including the number of floors per building (other than single-family residential); the height of all non-residential and multi-family buildings above finished grade; building setbacks from perimeter boundaries and from public rights-of-way; a proposed traffic circulation plan showing the location and dimensions of all streets, driveways, walkways, bikeways, parking spaces, and loading areas; and all proposed common elements including utilities, open spaces and recreation areas.
8. A plan or statement showing the manner of improving common open spaces, together with provisions, restrictions and conditions anticipated for the use, maintenance, and operation of such common elements.
9. A statement, in tabular form, of the anticipated gross residential density and overall project density, the total number of dwelling units by type, size and number of bedrooms, and gross floor area devoted to business or other nonresidential uses.
10. Proposals for providing storm water drainage and on-site retention areas and at the City's discretion may include rough calculations, approximate size of retention areas, methods of pollutant removal, location of berms, swales, culverts and sewers, anticipated finished grades, and proposed slopes and grades adjacent to bodies of water.
11. An architectural sketch or sketches of typical proposed structures.

e. Planning Commission: After receiving a staff recommendation, the Planning Commission shall make a recommendation to the City Council as outlined in the Zoning Ordinance.

f. City Council:

1 Upon receiving the recommendation of the Planning Commission, the City Council shall, at a Public Hearing, review said recommendation and proposed project. The City Council may then approve, approve subject to conditions, or disapprove the application.

E. Application Procedures (Continued)

2. Any and all variations to the City's Development Regulations, Zoning Ordinance or other standards shall be outlined in a "List of Standards" and illustrated on the Site Plan adopted by the City.
3. In the event the rezoning is approved by the City Council, the site concept plan shall be certified by the City and said certified copy shall be filed as a permanent record. Without exception, the approved plan shall be binding upon all existing and future owners and assigns.

2. Conformance to Approved Zoning Site Concept Plan

a. After rezoning to a Planned Mixed-Use District, no permits shall be issued and no development shall commence unless in conformance with the approved site concept plan, unless a change or deviation is approved by the City.

b. The City Administrator may approve minor changes and deviations from the approved site concept plan which are in compliance with the provisions and intent of this article, and which do not depart from the principal concept of the approved site concept plan.

c. Should the City Administrator determine that a requested change or deviation from the approved site concept plan does not comply with the provisions and intent of this article, or departs from the principles of the Planned Mixed-Use Development; the applicant may apply for approval of such change or deviation to the City Council as a Plan Amendment.

Section 917. DOD Downtown Overlay District

Section 918. **Temporary Use Standards**

A. General Standards for Temporary Uses

The following shall apply to all temporary uses:

1. **All signage shall comply with the provisions of Section XII of the Zoning Resolution**
2. **Board of Health approval, if applicable as determined by the Planning & Development Department, shall be required for certain uses requiring a temporary use permit. When required, such approval must be documented and made a part of the temporary use permit.**
3. **All temporary uses which are proposed to encroach upon any public property or right-of-way shall require a temporary use permit. No temporary use permit shall be granted for such uses except where an encroachment agreement has been approved by the applicable governing agency.**
4. **The City Administrator may require City Council review and approval of any temporary uses.**

B. Standards for Specific Temporary Uses

In addition to the general standards applicable to all temporary uses set out above, the following table provides specific standards that apply to individual temporary uses.

Temporary Use	Permitted Areas	Temporary Use Permit	Maximum Length of Time per Entity	Other Conditions
A. Art Market/Gallery Crawl	Downtown Overlay & Downtown Dacula Character Area	Required	1 day per week for one year; permit must be renewed annually with administrative approval	Such uses must be located on the site of the sponsor business/ organization or on public property with the approval of the appropriate government body.
B. Carnival, Circus, Fair, Festival, or Concert	Downtown Overlay & Downtown Dacula Character Area	Required	7 consecutive days	The hours of operation for such uses shall be limited to between 11 AM and 12AM (midnight). Lighting, noise, and traffic plans must comply with noise ordinance and be submitted as

				part of the temporary use permit application.
C. Celebrations and/or Customer Appreciation Events for Private Businesses:	Commercial & Office Districts	Required	Events shall be limited to a maximum two (2) events per location for each calendar month.	Event must be located on the same premises as the business (i.e., parking lot or tent sales).
D. Charitable Activities Contained Within Building *(such as blood drives, auctions, and mixers).*	All	Not required	30 days per calendar year Not to exceed a period of two (2) consecutive days.	
E. Contractor's office, construction trailer and equipment shed	All	Not Required	One (1) year	Must be related to an active development. Such office must be placed on the property to which it is appurtenant. Must pull electrical permit for power.
F. Donation Containers	None	N/A	N/A	N/A
G. Farmers Market	All	Required	1 day per week; may be renewed each year with administrative approval.	(1) The market must be located wholly on private property. (2) Adequate parking and safety signage shall be provided to ensure safe pedestrian and vehicle travel. (3) Grass parking is allowed off of public right-of-way if a

				paved entrance is utilized. (4) The use shall be limited to Saturdays or Sundays between the hours of 8:00AM to 4:00 PM. The sale of alcohol is prohibited.
H. Firework sales in a tent or other temporary structure	All	Required	Ninety (90) days.	(1) The temporary sales location must be accessed through an approved D.O.T. entrance. (2) A paved parking area with a minimum of five (5) parking spaces must be available for patron and seller use. (3) On-site generators are prohibited.
I. Fruit & Vegetable Stands	Non industrial districts	Required	Ninety (90) consecutive days.	
J. Garage Sale, Yard Sale or Auction/Pre-Priced Sale	Residential Districts	Not Required	Four (4) events annually.	
K. Outdoor Storage of Campers/Trailers/ Recreational Vehicles	Residential Zoning Districts	Not Required		Must comply with applicable sections of Zoning Resolution and outside storage regulations.
L. Privately sponsored community events	All	Required	Two (2) consecutive days. Six (6) events annually.	Public roadways shall remain open with adequate traffic control.

M. Real estate sales office	All	Required	One (1) year	Must be related to an active development, provided no sleeping accommodations are maintained in the structure.
N. Sidewalk Sales	Commercial & Office Districts	Not Required	Two (2) consecutive days.	All sidewalk sales must allow safe pedestrian passage.
O. Seasonal Sales, such as Christmas trees or pumpkins	All	Required	60 days per year	All unsold merchandise must be removed at market event closing.
P. Storage of Construction Equipment	All	Not Required	Duration of construction activity	Such use must be incidental to construction or development occurring on the site.
Q. Any Other Use or Event Not Listed	Discretion of City Administrator or their designee.	Required	Varies	To be determined by the City Administrator or their designee based upon the nature of the proposed temporary use and any potential adverse impacts to surrounding properties.

B. Requirements for Approval of a Temporary Use Permit

1. **Written permission of the property owner(s) must be provided.**
2. **Private events shall not encroach public property or right-of-way without permission.**
3. **A total of two (2) signs may be erected for temporary events, with the following considerations:**
   - **a. Air-or gas-filled balloons or other devices which have a capacity for air or gas which does not exceed three (3) cubic feet.**
   - **b. Flags or banners, maximum size of thirty-two (32) square feet.**
   - **c. Temporary signs shall not be closer than ten (10) feet to the pavement of any street or any public right-of-way.**
   - **d. Temporary yard signs not to exceed six (6) square feet.**

4. **Adequate parking, ingress and egress must be provided on-site or written permission must be obtained if parking is provided on an adjoining property.**
5. **All requirements of the Fire Marshal's Office, Georgia Environmental Health Department, and the USDA must be followed at all times regarding food preparation, preservation, and sales.**
6. **Requirements of the Dacula Alcohol Ordinance must be adhered to at all times. An off duty uniformed Post certified officer is required onsite if alcohol is to be served on the premises of the event.**
7. **All other requirements for licenses and regulations of the City of Dacula shall be met.**
8. **Temporary use permits shall be counted towards a business not a multi-tenant commercial building.**
9. **Restroom facilities shall be provided by the applicant during the temporary event.**
10. **A certificate of general liability insurance (minimum $1,000,000) must be provided prior to permit approval.**
11. **A temporary permit is applied for and approved by the City Administrator or his/her designee.**
12. **The City Administrator shall have the authority to grant administrative variances on temporary uses and requirements of a temporary use permit.**

C. Standards for Temporary Uses on City Property

Temporary uses on City property must obtain an event permit or contract with the City of Dacula.

Section 919. Special Use Permit Required.

Notwithstanding any other provision of the City Code or Zoning Ordinance, unless otherwise permitted by State law, no Community Shelter, Congregate Personal Care Home, Convalescent Home, Day Care Facility, Foster Home, Group Day Care Home, Group Personal Care Home, or Residential Shelter may be permitted in the City except by the grant of a Special Use Permit or Special Exception approved by the Mayor and City Council.