

DAWSON COUNTY PLANNING COMMISSION
MEETING Agenda – Tuesday, April 20, 2021
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM
25 JUSTICE WAY, DAWSONVILLE GEORGIA 30534
6:00 PM

A. MEETING CALLED TO ORDER

B. INVOCATION

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

E. ANNOUNCEMENTS:

Planning Commission Meeting May 18, 2021

F. APPROVAL OF MINUTES:

March 16, 2021

G. APPROVAL OF THE AGENDA

H. STATEMENT OF DISCLOSURE:

For speakers in favor or opposition to any application who have made contributions more than \$250.00 to any local official campaign.

I. OLD BUSINESS:

1. Presentation of ZA 21-07 Jim King is requesting to rezone 14.3 acres of TMP 114-033-005 from R-A to C-HB for the purpose of building a retail/office/warehouse space.
2. Presentation of ZA 21-08 Jim King is requesting to rezone 30.48 acres of TMP 114-033-005 from R-A to RMF for the purpose of developing a 145 semi-attached residential neighborhood.

J. NEW BUSINESS:

Application for Variance:

1. Presentation of VR 21-04– Thomas & Leann Harter is requesting to vary from the Dawson County Subdivision Regulations Article V, Section 504.2.1 (No more than five lots will be created from a parent tract within a five-year period) TMP 101-011-010 Hwy. 136 East.
2. Presentation of VR 21-05– Kurt Trump is requesting to vary from the Dawson County Land Use Resolution Article III, Section 309 C.3 front setback reduction from 40’ to 20’ to bring a non-conforming structure into compliance TMP L17-189 Oak Grove Rd.

Application for Rezoning:

3. Presentation of ZA 21-09 Tim Hamby is requesting to rezone TMP 106-051, 106-051-015, 106-051-014 from R-A & VCR to RSR for the purpose of combining and subdividing the parcels per RSR standards.

K. PUBLIC HEARINGS:

1. Presentation of Dawson County Alcohol Ordinance Update

L. ADJOURNMENT

Those with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting, should contact the ADA Coordinator at 706-344-3666, extension 44514. The county will make reasonable accommodations for those persons

DAWSON COUNTY REZONING APPLICATION

This portion to be completed by Zoning Administrator

ZA 21-07 Tax Map & Parcel # (TMP): _____
Submittal Date: 2.11.21 Time: 12:20 PM Received by: [Signature] (staff initials)
Fees Assessed: 2500- Paid: Check Commission District: 3
Planning Commission Meeting Date: 3.16.21
Board of Commissioners Meeting Date: 4.15.21

APPLICANT INFORMATION (or Authorized Representative)

Printed Name: Jim King
Address: 131 Prominence Court, Suite 230

Phone: Listed Unlisted Email: Business Personal
Status: Owner Authorized Agent Lessee Option to purchase

Notice: If applicant is other than owner, enclosed Property Owner Authorization form must be completed.

I have /have not participated in a Pre-application meeting with Planning Staff.
If not, I agree /disagree to schedule a meeting the week following the submittal deadline.
Meeting Date: _____ Applicant Signature: _____

PROPERTY OWNER/PROPERTY INFORMATION

Name: Dawson Forest Holdings, LLC
Street Address of Property being rezoned: 7142 Hwy 53 E, Dawsonville GA 30534

Rezoning from: AG to: CHB Total acreage being rezoned: 14.3

Directions to Property: NW Corner of Dawson Forest Rd & Highway 53. Across from Byrd's Boat Storage

2:22PM FEB 11 2021

Subdivision Name (if applicable): n/a Lot(s) #: _____

Current Use of Property: Agricultural

Any prior rezoning requests for property? no if yes, please provide rezoning case #: ZA _____

*****Please refer to Dawson County's Georgia 400 Corridor Guidelines and Maps to answer the following:**

Does the plan lie within the Georgia 400 Corridor? yes (yes/no)

If yes, what section? South

SURROUNDING PROPERTY ZONING CLASSIFICATION:

North RA South RA East RA West C-HB

Future Land Use Map Designation: Commercial Hwy

Access to the development will be provided from:

Road Name: State Route 53 Type of Surface: Asphalt

REQUESTED ACTION & DETAILS OF PROPOSED USE

Rezoning to: CHB Special Use Permit for: _____

Proposed Use: Residential Neighborhood aimed at 55+ Seniors

Existing Utilities: Water Sewer Gas Electric

Proposed Utilities: Water Sewer Gas Electric

RESIDENTIAL

No. of Lots: n/a Minimum Lot Size: n/a (acres) No. of Units: n/a

Minimum Heated Floor Area: _____ sq. ft. Density/Acre: _____

Type: Apartments Condominiums Townhomes Single-family Other

Is an Amenity Area proposed: No; if yes, what? N/A

COMMERCIAL & INDUSTRIAL

Building area: 152,400 SF No. of Parking Spaces: _____

2011 FEB 11 2:29 PM

APPLICANT CERTIFICATION

I hereby request the action contained within this application relative to the property shown on the attached plats and site plan and further request that this item be placed on both the Planning Commission and Board of Commissioners agenda(s) for a public hearing.

I understand that the Planning & Development staff may either accept or reject my request upon review. My request will be rejected if all the necessary data is not presented.

I understand that I have the obligation to present all data necessary and required by statute to enable the Planning Commission and the Board of Commissioners to make an informed determination on my request. I will seek the advice of an attorney if I am not familiar with the zoning and land use requirements.

I understand that my request will be acted upon at the Planning Commission and Board of Commissioner hearings and that I am required to be present or to be represented by someone able to present all facts. I understand that failure to appear at a public hearing may result in the postponement or denial of my rezoning of special use application. I further understand that it is my responsibility to be aware of relevant public hearing dates and times regardless of notification from Dawson County.

I hereby certify that I have read the above and that the above information as well as the attached information is true and correct.

Signature _____
Witness _____
[Handwritten signature]

Date 8.11.21
Date 8.11.21

WITHDRAWAL

Notice: This section only to be completed if application is being withdrawn.

I hereby withdraw application # _____

Signature _____

Date _____

Withdrawal of Application:

Withdrawals of any application may be accommodated within the Planning & Development Department if requested before the Planning Commission agenda is set. Therefore, withdrawals may not be made after ten (10) days prior to the scheduled Planning Commission meeting hearing, unless accompanied by written request stating specific reasons for withdrawal. This withdrawal request is to be published in the legal organ prior to the meeting. Following the written request and publication the Planning Commission will vote to remove the item from the agenda at the scheduled hearing. Please note that should the withdrawal be denied, the item will receive deliberation and public hearing with a decision by the Planning Commission. Further, the applicant is encouraged to be present at the hearing to substantiate reasons for withdrawal. Please note that no refund of application fees may be made unless directed by the Board of Commissioners.

2021 FEB 11 AM

ZA _____

TMP#: _____

List of Adjacent Property Owners

It is the responsibility of the Applicant to provide a list of adjacent property owners. This list must include the name and mailing address of anyone who has property touching your property or who has property directly across the street from your property.

****Please note this information should be obtained using the Tax Map & Parcel (TMP) listing for any parcel(s) adjoining or adjacent to the parcel where a variance or rezone is being requested.**

Name

Address

- TMP _____ 1. _____
- TMP 114 018 2. Same Owner
- TMP 114 020 001 3. 3Mind Dawson Forest LLC & SG Atlantic, LLC c/o Alliance Tax Advisors
- TMP 114 033 001 4. Michael G Hughes: 7142 HWY 53 EAST DAWSONVILLE, GA 30534
- TMP 114 033 003 5. Etowah Water & Sewer Authority: 1162 Highway 53 E, Dawsonville, GA 30534
- TMP 114 033 005 6. Georgia 400 Industrial Park, Inc: Same Owner
- TMP 114 046 002 7. Farmington Creek, LP: 3825 PACES WALK SUITE 100 ATLANTA, GA 30339
- TMP 114 033 8. Dawson Forest Holdings, LLC, 4635 HARRIS TRAIL ATLANTA, GA 30327
- TMP 114 022 004 9. Dawson County Government, 25 Justice Way, Dawsonville, GA 30534
- TMP 114 022 003 10. David, Billy & Rocky Hughes: 33 Parkside Cir, Dawsonville, GA 30534
- TMP 114 022 006 11. David, Billy & Rocky Hughes: 33 Parkside Cir, Dawsonville, GA 30534
- TMP 114 022 009 12. Penler Dawsonville, LLC: P.O. BOX 56607 ATLANTA, GA 30343
- TMP 114 022 005 13. David, Billy & Rocky Hughes: 33 Parkside Cir, Dawsonville, GA 30534
- TMP 114 021 14. Byrd Elliott Properties, LLC: 7342 HWY 53 EAST DAWSONVILLE, GA 30534
- TMP 114 022 003 15. David, Billy & Rocky Hughes: 33 Parkside Cir, Dawsonville, GA 30534

Use additional sheets if necessary.

21 FEB 11 12:21 PM

NOTICE OF RESIDENTIAL EXURBAN/AGRICULTURAL DISTRICT (R-A) ADJACENCY

Agricultural districts include uses of land primarily for active farming activities and result in odors, noise, dust and other effects, which may not be compatible with adjacent development. Future abutting developers in non RA land use districts shall be provided with this "Notice of RA Adjacency" prior to administrative action on either the land use district or the issuance of a building or occupancy permit.

Prior to administrative action the applicant shall be required to sign this waiver which indicates that the applicant understands that a use is ongoing adjacent to his use which will produce odors, noise, dust and other effects which may not be compatible with the applicant's development. Nevertheless, understanding the effects of the adjacent RA use, the applicant agrees by executing this form to waive any objection to those effects and understands that his district change and/or his permits are issued and processed in reliance on his agreement not to bring any action asserting that the adjacent uses in the RA district constitute a nuisance) against local governments and adjoining landowners whose property is located in an RA district.

This notice and acknowledgement shall be public record.

Applicant Signature: _____

Applicant Printed Name: **Jim King**

Application Number: **21-07**

Date Signed: **2-11-21**

Sworn and subscribed before me

this **11** day of **Feb.**, 20**21**.

Harmony F GEE

Notary Public

My Commission Expires: _____

{
Notary Public Seal
}

HARMONY F GEE
Notary Public - State of Georgia
Dawson County
My Commission Expires Aug 9, 2022

21 FEB 11 12:22 PM

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS
(APPLICANT(S) AND REPRESENTATIVE(S) OF REZONING)

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

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

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

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

Amount \$ _____ Date: _____

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

Signature of Applicant/Representative of Applicant:

_____ Date: _____

BY NOT COMPLETING THIS FORM YOU ARE MAKING A STATEMENT THAT NO DISCLOSURE IS REQUIRED

This form may be copied for each applicant. Please attach additional sheets if needed.

21FEB11 12:22PM

PROPERTY OWNER AUTHORIZATION

I/we, David Duncan U-P. GA-400 Industrial Park inc, hereby swear that I/we own the property located at (fill in address and/or tax map & parcel #):

Tax Parcel 114-033, located at The Northwest Corner of Dawson Forrest Rd and GA. Hwy. 53

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

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

Printed Name of applicant or agent: JIM KING

Signature of applicant or agent: [Signature] Date: _____

Printed Name of Owner(s): David Duncan

Signature of Owner(s): [Signature] Date: 2-11-21

Mailing address: _____

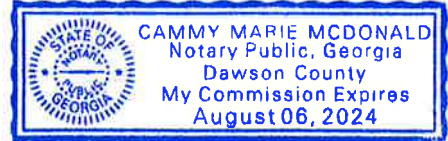
City, State, Zip: _____

Telephone Number: _____
Listed _____
Unlisted _____

Sworn and subscribed before me this 11th day of February, 2021.

Cammy Marie McDonald
Notary Public

My Commission Expires: 8/06/24



{Notary Seal}

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

21 FEB 11 12:23 PM

Dawson County, Georgia Board of Commissioners
Affidavit for Issuance of a Public Benefit
As Required by the Georgia Illegal Immigration Reform and Enforcement Act of 2011

By executing this affidavit under oath, as an applicant for a Dawson County Business License, Out of County Business Registration, Alcohol License, or other public benefit as referenced in the Georgia Illegal Immigration Reform and Enforcement Act of 2011 [O.C.G.A. § 50-36-1(e)(2)], I am stating the following with respect to my application for such Dawson County public benefit.

- I am a United States citizen.
- I am a legal permanent resident of the United States. *(FOR NON-CITIZENS)*
- I am a qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency. *(FOR NON-CITIZENS)*

My alien number issued by the Department of Homeland Security or other federal immigration agency is:

The undersigned applicant also hereby verifies that he or she is 18 years of age or older and has provided at least one **secure and verifiable document**, as required by O.C.G.A. § 50-36-1(e)(1), with this affidavit. *(See reverse side of this affidavit for a list of secure and verifiable documents.)*

The secure and verifiable document provided with this affidavit can best be classified as:

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20 and face criminal penalties as allowed by such criminal statute.

Executed in Dawsonville (city), Georgia (state)

Signature of Applicant

Jim King

Printed Name

2-11-21

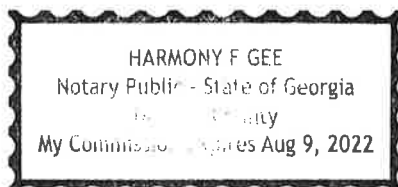
Name of Business

SUBSCRIBED AND SWORN BEFORE ME ON

THIS 11 DAY OF Feb., 2021

Harmony F. Gee Notary Public

My Commission Expires: August 9, 2022



{Notary Seal}

21FEB11 12:24PM

Secure and Verifiable Documents Under O.C.G.A. § 50-36-2

The following list of secure and verifiable documents, published under the authority of O.C.G.A. § 50-36-2, contains documents that are verifiable for identification purposes, and documents on this list may not necessarily be indicative of residency or immigration status.

- A **United States Passport or Passport Card** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **United States Military Identification card** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Driver's License** issued by one of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Marianas Islands, the United States Virgin Island, American Samoa, or the Swain Islands, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- An **Identification Card** issued by one of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Marianas Islands, the United States Virgin Island, American Samoa, or the Swain Islands, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Tribal Identification Card** of a federally recognized Native American tribe, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer. A listing of federally recognized Native American tribes may be found at:
<http://www.bia.gov/WhoWeAre/BIA/OIS/TribalGovernmentServices/TribalDirectory/index.htm>
[O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **United States Permanent Resident Card or Alien Registration Receipt Card** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- An **Employment Authorization Document** that contains a photograph of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Passport Issued by a Foreign Government** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Merchant Mariner Document or Merchant Mariner Credential** issued by the United States Coast Guard [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Free and Secure Trade (FAST) card** [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- A **NEXUS Card** [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- A **Secure Electronic Network for Travelers Rapid Inspection (SENTRI) card** [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- A **Driver's License issued by a Canadian Government Authority** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Certificate of Citizenship** issued by the United States Department of Citizenship and Immigration Services (USCIS) (Form N-560 or Form N-561) [O.C.G.A. § 50-36-2(b)(3); 6 CFR § 37.11]
- A **Certificate of Naturalization** issued by the United States Department of Citizenship and Immigration Services USCIS) (Form N-550 or Form N-570) [O.C.G.A. § 50-36-2(b)(3); 6 CFR § 37.11]

2025 RELEASE UNDER E.O. 14176

LETTER OF INTENT

The applicant requests Rezoning to a portion of Parcel Number: 114 033 005 from RA to C-HB in order to build Service Style Retail/Office-Warehouse (Flex Space) and General Retail on 14.3 acres. The property is located at the NW Corner of Dawson Forest Rd and Highway 53E, Dawsonville, GA 30534. The property encompasses the remainder of this Parcel which has also been submitted under separate application as a Residential Neighborhood. It is bounded on the West by Wal-Mart and the Dawson Forest Apartments, the North by the Farmington Apartments and the South by the Penler Apartments and Byrd Boat & Self-Storage Facility. It is designated on the Future Land Use Plan as Commercial Highway Business. The proposed development will contain general retail, offices, and warehouse space that will serve the area and will be integrated into the Residential Neighborhood providing a walkable and sustainable live-work-play community. This Business Park will also serve the surrounding community by providing an opportunity and place for local citizens to bring their businesses closer to home.

Owner Information

GEORGIA 400 INDUSTRIAL PARK INC

Payment Information

Status	Paid
Last Payment Date	11/09/2020
Amount Paid	\$34,724.03

Property Information

Parcel Number	114 033 005
District	1 DAWSON COUNTY UNINCORPORATED
Acres	51.44
Description	LL 374 LD 13-S
Assessed Value	\$1,467,440
Appraised Value	\$3,668,600

Bill Information

Record Type	Property
Tax Year	2020
Bill Number	5451
Account Number	56913
Due Date	12/01/2020

Taxes

Base Taxes	\$34,724.03
Penalty	\$0.00
Interest	\$0.00
Total Due	\$0.00

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**DAWSON COUNTY PLANNING COMMISSION
PLANNING STAFF REPORT**

Applicant.....Jim King

Amendment #ZA 21-07

Request.....Rezone from R-A to C-HB

Proposed UseDevelop a service style retail/office-warehouse & general retail

Current ZoningR-A

Size.....14.3± acres

LocationDawson Forest Road & Hwy 53 East

Tax Parcel114-033-005

Planning Commission DateMarch 16, 2021

Board of Commissioners Date..... April 15, 2021

Applicant Proposal

The applicant is seeking to develop a service style retail/office-warehouse & general retail on 14.3 acres at the NW corner of Dawson Forest Rd. & Hwy 53 E. The proposed development will be integrated into the residential neighborhood that is a separate zoning application.

History and Existing Land Uses

This property was purchased in 2016 by the current owner and the parcel has remained vacant. A zoning application was heard in 2020 requesting a zoning of Residential multi-family (leaving out any commercial component) and was subsequently withdrawn.

Adjacent Land Uses	Existing zoning	Existing Use
North	RMF	Apartment
South	RMF	Apartments
East	R-A	Single Family Residential/Vacant Land

West	CPCD	Commercial
------	------	------------

Development Support and Constraints

The applicant has access to a commercial driveway and parking lot with his existing business. Utilizing the existing commercial driveway would promote inter parcel connectivity.

Relationship to the Comprehensive Plan and FLUP (Future Land Use Plan)

According to the Comprehensive Plan and accompanying FLUP (Future Land Use Plan), the subject property is identified as Commercial Highway Business.

Public Facilities/Impacts

Engineering Department – “Major collector, asphalt locate along throughfare and state route. It is unknown at this time if the proposed access is adequate. Heavy traffic flow, geometric issues along state route could exist. Public Works will need to review a traffic impact study to make access comment. Dawson County and GDOT are partnering to complete a round a bout at Dawson Forest and SR 53. This development will increase traffic at the intersection and as such the developer should contribute to the cost of construction.”

Environmental Health Department – No comments returned.

Emergency Services – No comments necessary per Chief Bailey.

Etowah Water & Sewer Authority “If water main expansion/upgrades required to serve project. Must be developed & installed per EWSA specs at the developer’s expense. Sewer main expansion/upgrades required to serve project. Must be designed & installed per EWSA specs at developer’s expense.”

Dawson County Sheriff’s Office – Additional staffing needs to accommodate for growth. Improvements have been requested in an unknown timeframe.

GDOT: “Further coordination with GDOT will be necessary for this project,”

Analysis

According to the Comprehensive Plan and accompanying FLUP (Future Land Use Plan), the subject property is identified as Commercial Highway Business however, multi-family construction has occurred and is proposed for properties surrounding the Hwy 53 and Dawson Forest Road intersection. One development in particular, The Parker located on the southwest side of the intersection was approved, rezoned and constructed in contradiction to the FLUP designation of Light Industrial. Residential Multifamily is therefore an acceptable

zoning classification in align with current development in the area. With that being said this request has been submitted in conjunction with rezoning request ZA 21-07 (RA to CHB) for the portion of this property which fronts Hwy 53 and Dawson Forest Rd. These two requests, when taken as a whole would be better suited for a zoning of Commercial Planned Comprehensive Development (CPCD). A CPCD zoning would allow more control of development by the Board of Commissioners and would require a site specific plan and design for the project.

The Planning Department is in the process of updating the 400 Corridor guidelines and is working to present the BOC with a Hwy 53 Corridor plan within the near future. This development will be held to the guidelines in-place at the time of submittal, unless otherwise stipulated.

As currently presented the Planning and Development Department recommends the following stipulations:

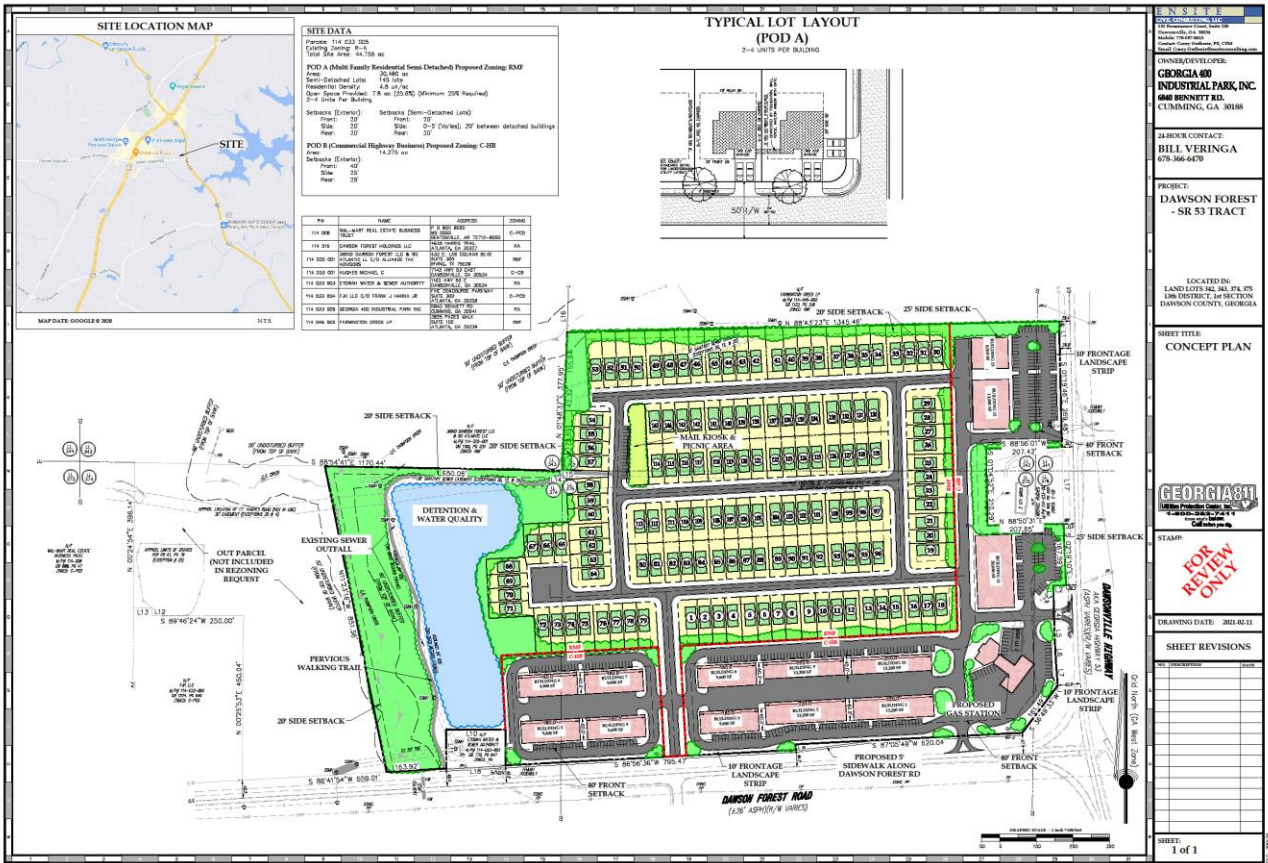
- Infrastructure for both portions should occur concurrently.
- Inter-parcel connectivity of the CHB and RMF portions and connectivity with surrounding developments should be required via sidewalks, street alignments, trails, etc.
- A maximum 2 curb cuts per street frontage of Hwy 53 and Dawson Forest Rd should be permitted.
- Dumpsters in the commercial portion should be fully screened both from the view of the public street and the accompanying multifamily portion of the project.
- All storm water infrastructure within the development should be interconnected and utilize shared detention.
- With consideration of the development of traffic improvements (roundabout(s)) at the Hwy 53 and Dawson Forest Rd intersection the developer should donate a negotiated amount based on the precedent set by the neighboring Penler development, towards cost of construction.
- A minimum 20 foot planted buffer should be established between the commercial and residential portions of this project.
- Open space suitable for play of not less than one acre should be required. The installation of playground equipment is encouraged.
- At a minimum, amenities for the RMF portion of this development should include a clubhouse and pool.
- The RMF portion of this development should provide additional parking equaling 20 percent of the number of lots. (For example, if 150 units is proposed then 30 additional parking spaces should be required).
- Project should be subject to additional requirements by the Planning Department if such requirements are noted during the civil review of said development.
- In addition to the requirements of the Buffer, Landscape and Tree Ordinance, street trees should be required outside of the rights of way of both Hwy 53 and Dawson Forest Rd. In addition, street trees should be required along all roadways within the multifamily portion of this development.

The rezoning request falls in line with the Comprehensive Plan and Future Land Use designation.

The following observations should be noted with respect to this request:

- A. The existing uses and classification of nearby property.**
Currently the property is undeveloped.
- B. The extent to which property values are diminished by the particular land use classification.**
There should not be any diminishment to property values.
- C. The extent to which the destruction of property values of the applicant promotes the health, safety, morals, or general welfare of the public.**
There should be no destruction of property values.
- D. The relative gain to the public, as compared to the hardship imposed upon the individual property owner.**
There should be none.
- E. The suitability of the subject property for the proposed land use classification.**
The subject property is well suited for the purposed use with the adjacent structure being similar in nature (a gun store).
- F. The length of time the property has been vacant under the present classification, considered in the context of land development in the area in the vicinity of the property.**
The land is vacant.
- G. The specific, unusual, or unique facts of each case, which give rise to special hardships, incurred by the applicant and/or surrounding property owners.**
The applicant would be subject to the 400 Corridor Design Guidelines and depending on when construction begins, Hwy 53 Corridor Guidelines. They would also have to follow the County Noise Ordinance.

Site Plan:



Pictures of the Property:



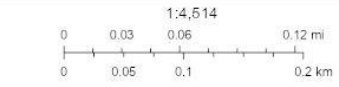
Current Zoning Map:

Dawson County Current Zoning



3/10/2021, 4:58:11 PM

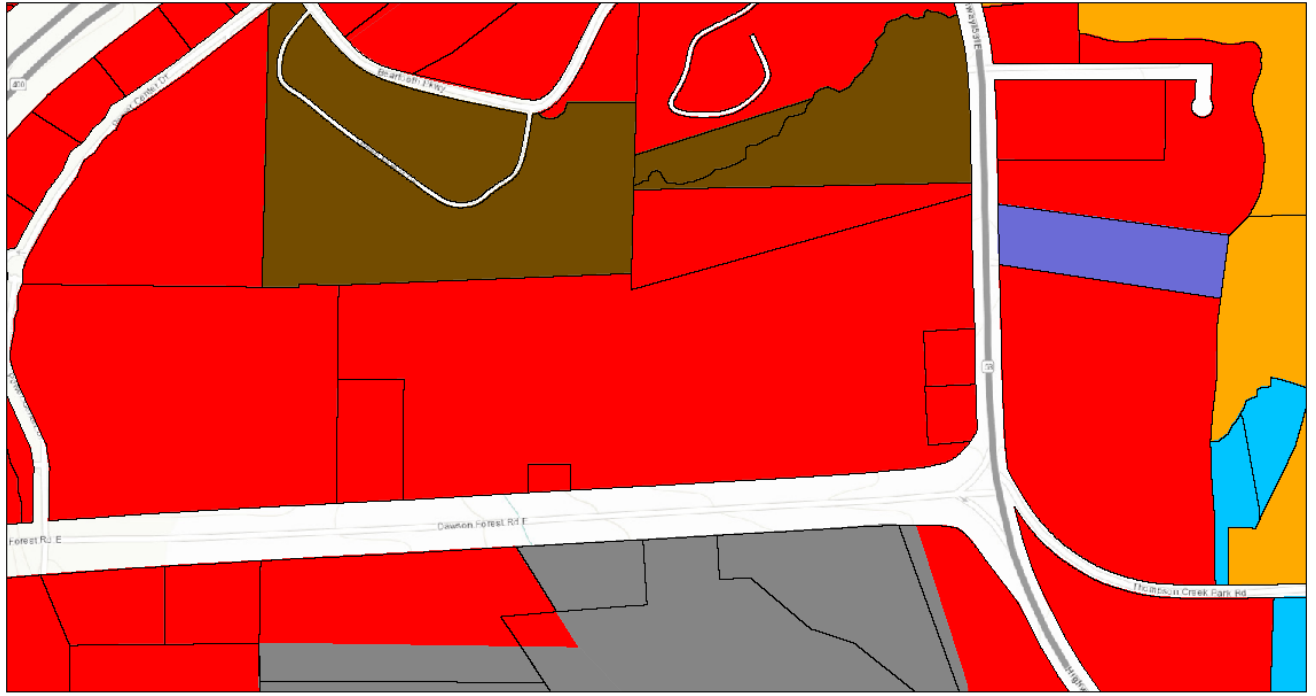
- | | | |
|---------|-------------|-------|
| Parcels | Zoning C-HB | C-PCD |
| RA | C-CB | RMF |



Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA
Planning and Development
Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

Future Land Use Map:

Future Land Use Map



March 10, 2021
Parcels FLU
CHB
PI
PRC
LI
RL
MFR

1:4,514
0 0.04 0.09 0.18 mi
0 0.07 0.15 0.3 km
Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

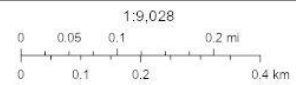
Topography:

Topo Map



3/10/2021, 4:25:29 PM

Parcels



The information on this map (or data product) is from a computer database accessed using a Geographic Information System (GIS). Dawson County Public Works cannot guarantee the accuracy of the information contained on this map. Each user of this map is

DAWSON COUNTY REZONING APPLICATION

This portion to be completed by Zoning Administrator

ZA 21-08 Tax Map & Parcel # (TMP): _____
Submittal Date: 8-11-21 Time: 12:26 am/pm Received by: chg (staff initials)
Fees Assessed: _____ Paid: Check Commission District: 3
Planning Commission Meeting Date: March 14, 2021
Board of Commissioners Meeting Date: April 15, 2021

APPLICANT INFORMATION (or Authorized Representative)

Printed Name: Jim King
Address: 131 Prominence Court, Suite 230

Phone: Listed Unlisted Email: Business Personal
Status: Owner Authorized Agent Lessee Option to purchase

Notice: If applicant is other than owner, enclosed Property Owner Authorization form must be completed.

I have /have not participated in a Pre-application meeting with Planning Staff.
If not, I agree /disagree to schedule a meeting the week following the submittal deadline.
Meeting Date: _____ Applicant Signature: _____

PROPERTY OWNER/PROPERTY INFORMATION

Name: Georgia 400 Industrial Park, Inc
Street Address of Property being rezoned: _____

Rezoning from: AG to: RMF Total acreage being rezoned: 30.48

Directions to Property: NW Corner of Dawson Forest Rd & Highway 53. Across from Byrd's Boat Storage

21 FEB 11 12:26 PM

Subdivision Name (if applicable): n/a Lot(s) #: _____

Current Use of Property: Agricultural

Any prior rezoning requests for property? no if yes, please provide rezoning case #: ZA _____

*****Please refer to Dawson County's Georgia 400 Corridor Guidelines and Maps to answer the following:**

Does the plan lie within the Georgia 400 Corridor? yes (yes/no)

If yes, what section? South

SURROUNDING PROPERTY ZONING CLASSIFICATION:

North RA South RA East RA West C-HB

Future Land Use Map Designation: Commercial Hwy

Access to the development will be provided from:

Road Name: State Route 53 Type of Surface: Asphalt

REQUESTED ACTION & DETAILS OF PROPOSED USE

Rezoning to: RMF Special Use Permit for: _____

Proposed Use: Residential Neighborhood aimed at 55+ Seniors

Existing Utilities: Water Sewer Gas Electric

Proposed Utilities: Water Sewer Gas Electric

RESIDENTIAL

No. of Lots: 145 Minimum Lot Size: 4,000 SF (acres) No. of Units: n/a

Minimum Heated Floor Area: 1,500 sq. ft. Density/Acre: 4.8

Type: Apartments Condominiums Townhomes Single-family Other

Is an Amenity Area proposed: No; if yes, what? N/A

COMMERCIAL & INDUSTRIAL

Building area: _____ No. of Parking Spaces: _____

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APPLICANT CERTIFICATION

I hereby request the action contained within this application relative to the property shown on the attached plats and site plan and further request that this item be placed on both the Planning Commission and Board of Commissioners agenda(s) for a public hearing.

I understand that the Planning & Development staff may either accept or reject my request upon review. My request will be rejected if all the necessary data is not presented.

I understand that I have the obligation to present all data necessary and required by statute to enable the Planning Commission and the Board of Commissioners to make an informed determination on my request. I will seek the advice of an attorney if I am not familiar with the zoning and land use requirements.

I understand that my request will be acted upon at the Planning Commission and Board of Commissioner hearings and that I am required to be present or to be represented by someone able to present all facts. I understand that failure to appear at a public hearing may result in the postponement or denial of my rezoning of special use application. I further understand that it is my responsibility to be aware of relevant public hearing dates and times regardless of notification from Dawson County.

I hereby certify that I have read the above and that the above information as well as the attached information is true and correct.

Signature _____

Date 2-11-21

Witness _____

Date 2-11-21

WITHDRAWAL

Notice: *This section only to be completed if application is being withdrawn.*

I hereby withdraw application # _____

Signature _____

Date _____

Withdrawal of Application:

Withdrawals of any application may be accommodated within the Planning & Development Department if requested before the Planning Commission agenda is set. Therefore, withdrawals may not be made after ten (10) days prior to the scheduled Planning Commission meeting hearing, unless accompanied by written request stating specific reasons for withdrawal. This withdrawal request is to be published in the legal organ prior to the meeting. Following the written request and publication the Planning Commission will vote to remove the item from the agenda at the scheduled hearing. Please note that should the withdrawal be denied, the item will receive deliberation and public hearing with a decision by the Planning Commission. Further, the applicant is encouraged to be present at the hearing to substantiate reasons for withdrawal. Please note that no refund of application fees may be made unless directed by the Board of Commissioners.

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List of Adjacent Property Owners

It is the responsibility of the Applicant to provide a list of adjacent property owners. This list must include the name and mailing address of anyone who has property touching your property or who has property directly across the street from your property.

****Please note this information should be obtained using the Tax Map & Parcel (TMP) listing for any parcel(s) adjoining or adjacent to the parcel where a variance or rezone is being requested.**

	<u>Name</u>	<u>Address</u>
TMP _____	1. _____	_____
TMP 114 018	2. Same Owner	_____
TMP 114 020 001	3. 3Mind Dawson Forest LLC & SG Atlantic, LLC	c/o Alliance Tax Advisors
TMP 114 033 001	4. Michael G Hughes:	7142 HWY 53 EAST DAWSONVILLE, GA 30534
TMP 114 033 003	5. Etowah Water & Sewer Authority	_____
TMP 114 033 005	6. Georgia 400 Industrial Park, Inc:	Same Owner
TMP 114 046 002	7. Farmington Creek, LP:	3825 PACES WALK SUITE 100 ATLANTA, GA 30339
TMP 114 033	8. Dawson Forest Holdings, LLC,	4635 HARRIS TRAIL ATLANTA, GA 30327
TMP 114 022 004	9. Dawson County Govt	_____
TMP 114 022 003	10. David, Billy & Rocky Hughes:	33 Parkside Cir, Dawsonville, GA 30534
TMP 114 022 006	11. David, Billy & Rocky Hughes:	33 Parkside Cir, Dawsonville, GA 30534
TMP 114 022 009	12. Penler Dawsonville, LLC:	P.O. BOX 56607 ATLANTA, GA 30343
TMP 114 022 005	13. David, Billy & Rocky Hughes:	33 Parkside Cir, Dawsonville, GA 30534
TMP 114 021	14. Byrd Elliott Properties, LLC:	7342 HWY 53 EAST DAWSONVILLE, GA 30534
TMP 114 022 003	15. David, Billy & Rocky Hughes:	33 Parkside Cir, Dawsonville, GA 30534

Use additional sheets if necessary.

21 FEB 11 12:31 PM

NOTICE OF RESIDENTIAL EXURBAN/AGRICULTURAL DISTRICT (R-A) ADJACENCY

Agricultural districts include uses of land primarily for active farming activities and result in odors, noise, dust and other effects, which may not be compatible with adjacent development. Future abutting developers in non RA land use districts shall be provided with this "Notice of RA Adjacency" prior to administrative action on either the land use district or the issuance of a building or occupancy permit.

Prior to administrative action the applicant shall be required to sign this waiver which indicates that the applicant understands that a use is ongoing adjacent to his use which will produce odors, noise, dust and other effects which may not be compatible with the applicant's development. Nevertheless, understanding the effects of the adjacent RA use, the applicant agrees by executing this form to waive any objection to those effects and understands that his district change and/or his permits are issued and processed in reliance on his agreement not to bring any action asserting that the adjacent uses in the RA district constitute a nuisance) against local governments and adjoining landowners whose property is located in an RA district.

This notice and acknowledgement shall be public record.

Applicant Signature: *Jim King*

Applicant Printed Name: Jim King

Application Number: 21-08

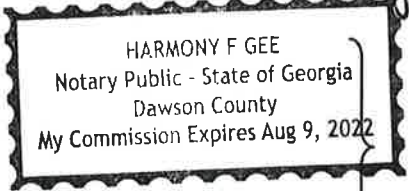
Date Signed: 2-11-21

Sworn and subscribed before me

this 11 day of Feb, 2021.

Harmony F GEE
Notary Public

My Commission Expires: August 9, 2022



Notary Public Seal

21 FEB 11 12:29 PM

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS
(APPLICANT(S) AND REPRESENTATIVE(S) OF REZONING)

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

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

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

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

Amount \$ _____ Date: _____

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

Signature of Applicant/Representative of Applicant:

_____ Date: _____

**BY NOT COMPLETING THIS FORM YOU ARE MAKING A STATEMENT THAT NO
DISCLOSURE IS REQUIRED**

This form may be copied for each applicant. Please attach additional sheets if needed.

21 FEB 11 2:32 PM

Dawson County, Georgia Board of Commissioners
Affidavit for Issuance of a Public Benefit
As Required by the Georgia Illegal Immigration Reform and Enforcement Act of 2011

By executing this affidavit under oath, as an applicant for a Dawson County Business License, Out of County Business Registration, Alcohol License, or other public benefit as referenced in the Georgia Illegal Immigration Reform and Enforcement Act of 2011 [O.C.G.A. § 50-36-1(e)(2)], I am stating the following with respect to my application for such Dawson County public benefit.

I am a United States citizen.

I am a legal permanent resident of the United States. *(FOR NON-CITIZENS)*

I am a qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency. *(FOR NON-CITIZENS)*

My alien number issued by the Department of Homeland Security or other federal immigration agency is:

The undersigned applicant also hereby verifies that he or she is 18 years of age or older and has provided at least one **secure and verifiable document**, as required by O.C.G.A. § 50-36-1(e)(1), with this affidavit. *(See reverse side of this affidavit for a list of secure and verifiable documents.)*

The secure and verifiable document provided with this affidavit can best be classified as:

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20 and face criminal penalties as allowed by such criminal statute.

Executed in Dawsonville (city), GA (state)

Signature of Applicant

Jim King

Printed Name

Date

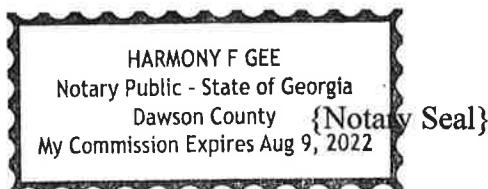
Name of Business

SUBSCRIBED AND SWORN BEFORE ME ON

THIS 11 DAY OF Feb., 2021

Harmony F GEE Notary Public

My Commission Expires: August 9, 2022



21FEB11 12:34PM

Secure and Verifiable Documents Under O.C.G.A. § 50-36-2

The following list of secure and verifiable documents, published under the authority of O.C.G.A. § 50-36-2, contains documents that are verifiable for identification purposes, and documents on this list may not necessarily be indicative of residency or immigration status.

- **A United States Passport or Passport Card** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- **A United States Military Identification card** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- **A Driver's License** issued by one of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Marianas Islands, the United States Virgin Island, American Samoa, or the Swain Islands, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- **An Identification Card** issued by one of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Marianas Islands, the United States Virgin Island, American Samoa, or the Swain Islands, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- **A Tribal Identification Card** of a federally recognized Native American tribe, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer. A listing of federally recognized Native American tribes may be found at:
<http://www.bia.gov/WhoWeAre/BIA/OIS/TribalGovernmentServices/TribalDirectory/index.htm>
[O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- **A United States Permanent Resident Card or Alien Registration Receipt Card** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- **An Employment Authorization Document** that contains a photograph of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- **A Passport Issued by a Foreign Government** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- **A Merchant Mariner Document or Merchant Mariner Credential** issued by the United States Coast Guard [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- **A Free and Secure Trade (FAST) card** [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- **A NEXUS Card** [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- **A Secure Electronic Network for Travelers Rapid Inspection (SENTRI) card** [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- **A Driver's License issued by a Canadian Government Authority** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- **A Certificate of Citizenship** issued by the United States Department of Citizenship and Immigration Services (USCIS) (Form N-560 or Form N-561) [O.C.G.A. § 50-36-2(b)(3); 6 CFR § 37.11]
- **A Certificate of Naturalization** issued by the United States Department of Citizenship and Immigration Services USCIS) (Form N-550 or Form N-570) [O.C.G.A. § 50-36-2(b)(3); 6 CFR § 37.11]

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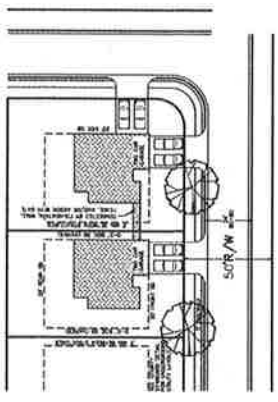
LETTER OF INTENT

The applicant requests Rezoning a portion of Parcel Number: 114 033 005 from RA to RMF in order to build a Residential Neighborhood of 145 homes on 30.48 acres. The property is located at the NW Corner of Dawson Forest Rd and Highway 53E, Dawsonville, GA 30534. The property is bounded on the north by Farmington Apartments, the south by the Penler Apartments and Byrd's Storage, and the west by Walmart and the Dawson Forest Apartments; so the proposed use obviously fits the area. The property is bounded on the south and east by Dawson Forest Rd and SR 53 respectfully. It is designated on the Future Land Use Plan as Commercial Highway Business; however with the boundless available commercial property along the Ga 400 Corridor, this property is not marketable as entirely Commercial. We are proposing a mixed-use solution that will provide Commercial Uses along the Highway frontages of State Route 53 and Dawson Forest Road, while integrating residential uses within walking distance on the property behind the commercial uses. The proposed higher density residential use is a far more logical and realistic use and will provide a transition from the commercial land use along Ga 400 to the more rural residential areas that currently exist.

The neighborhood will provide a much needed solution for younger families and support the workforce resonating in the Ga 400 Corridor without placing an extreme burden upon our transportation infrastructure. The proximity to the existing commercial uses creates a highly desired mixed-use activity area and will provide a true live-work environment.

TYPICAL LOT LAYOUT (POD A)

2-4 UNITS PER BUILDING



SITE DATA

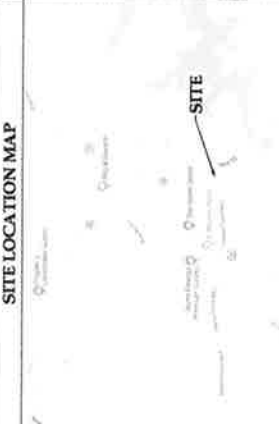
Parcel: 714 033 006
 Total Site Area: 44,735 ac
 Area: 30,480 ac
 Residential Density: 4.9 u/s/ac
 Open Space Provided: 7.8 ac (25.8%) (Minimum 25% Required)
 2-4 Units Per Building

Serious (Entire):
 Side: 20'
 Rear: 20'

Serious (Semi-Detached Lots):
 Side: 0-5' (Variable); 20' between detached buildings
 Rear: 20'

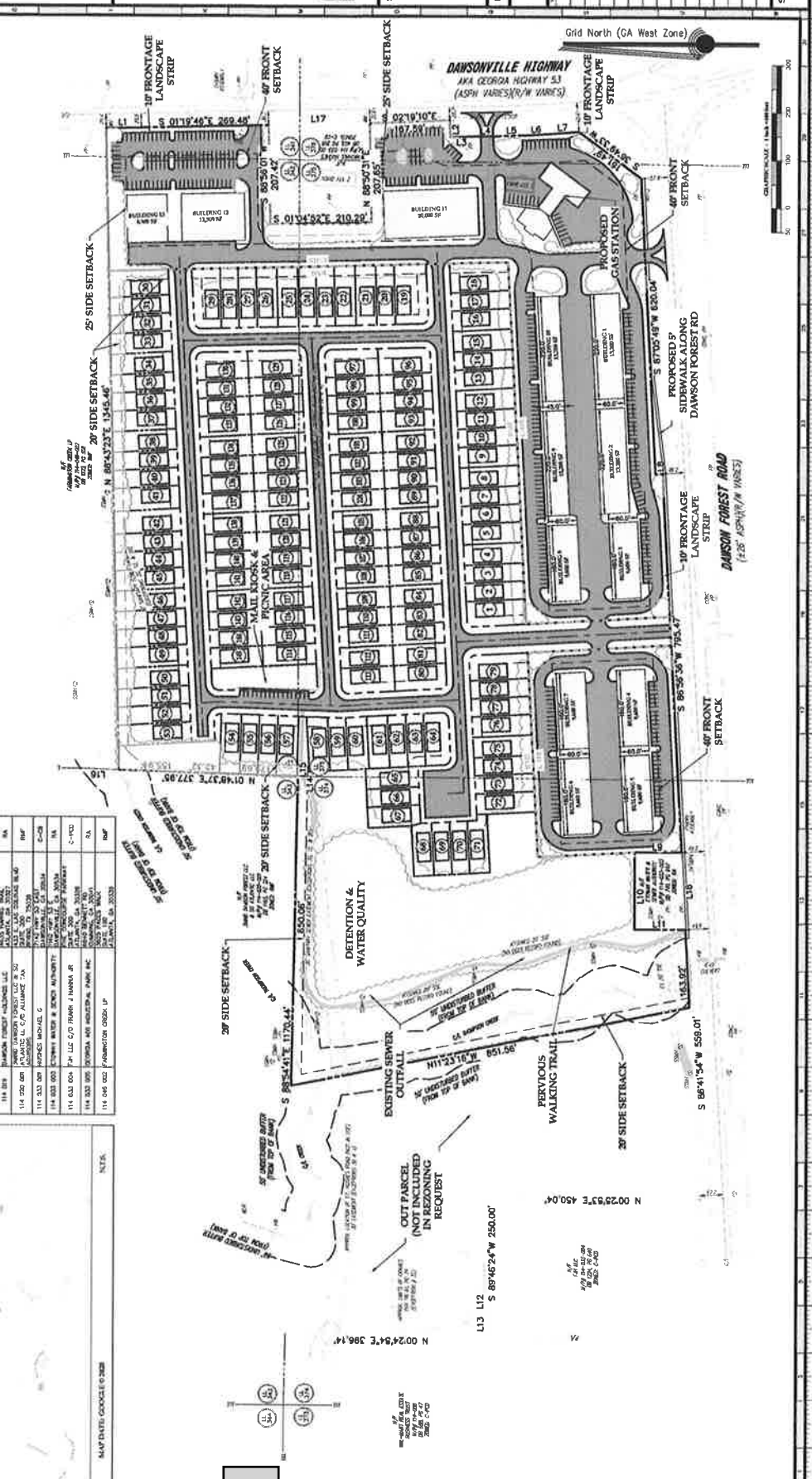
POD B (Commercial Highway Business) Proposed Zoning: C-HB
 Area: 14,270 ac
 Front: 40'
 Side: 25'
 Rear: 25'

PARCEL	NAME	ADDRESS	ZONING
111 008	WAL-MART REAL ESTATE BUSINESS	111 008	C-PD
111 009	WAL-MART REAL ESTATE BUSINESS	111 009	C-PD
111 010	WAL-MART REAL ESTATE BUSINESS	111 010	C-PD
111 011	WAL-MART REAL ESTATE BUSINESS	111 011	C-PD
111 012	WAL-MART REAL ESTATE BUSINESS	111 012	C-PD
111 013	WAL-MART REAL ESTATE BUSINESS	111 013	C-PD
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111 099	WAL-MART REAL ESTATE BUSINESS	111 099	C-PD
111 100	WAL-MART REAL ESTATE BUSINESS	111 100	C-PD



NOTES

MAP DATE: GOOGLE © 2008



Owner Information

GEORGIA 400 INDUSTRIAL PARK INC

Payment Information

Status	Paid
Last Payment Date	11/09/2020
Amount Paid	\$34,724.03

Property Information

Parcel Number	114 033 005
District	1 DAWSON COUNTY UNINCORPORATED
Acres	51.44
Description	LL 374 LD 13-S
Assessed Value	\$1,467,440
Appraised Value	\$3,668,600

Bill Information

Record Type	Property
Tax Year	2020
Bill Number	5451
Account Number	56913
Due Date	12/01/2020

Taxes

Base Taxes	\$34,724.03
Penalty	\$0.00
Interest	\$0.00
Total Due	\$0.00

21 FEB 11 12:35 PM

PROPERTY OWNER AUTHORIZATION

I/we, David Duncan V.P. GA 400 Industrial Park inc, hereby swear that I/we own the property located at (fill in address and/or tax map & parcel #):

Tax Parcel 114-033, located at The Northwest Corner of Dawson Forrest Rd and GA Hwy. 53
as shown in the tax maps and/or deed records of Dawson County, Georgia, and which parcel will be affected by this request.

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

Printed Name of applicant or agent: Jim King
Signature of applicant or agent: [Signature] Date: 2-11-21

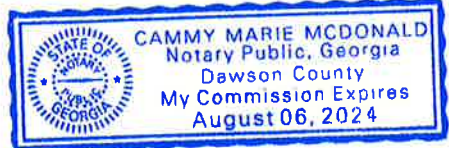
Printed Name of Owner(s): David Duncan
Signature of Owner(s): [Signature] Date: 2-11-21

Mailing address: [Blank]

City, State, Zip: [Blank]

Telephone Number: [Blank]
Listed [Blank]
Unlisted [Blank]

Sworn and subscribed before me
this 11th day of February, 2021.
Cammy Marie McDonald
Notary Public
My Commission Expires: 8/6/24



{Notary Seal}

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

**DAWSON COUNTY PLANNING COMMISSION
PLANNING STAFF REPORT**

Applicant.....Jim King

Amendment #ZA 21-08

Request.....Rezone a portion of the property from R-A
(Residential Agricultural) to RMF
(Residential Multi-Family)

Proposed UseTo construct 145 units of Multi-Family
(semi-attached homes)

Current ZoningR-A (Residential Agricultural)

Size.....30.48± acres

LocationDawson Forest Rd. East

Tax Parcel114-033-005

Planning Commission DateMarch 16, 2021

Board of Commissioners Date.....April 15, 2021

Applicant Proposal

The applicant is seeking to rezone the property from R-A (Residential Agricultural) to RMF (Residential Multi Family) for the purpose of building a 145-unit Multi-Family semi-detached single family residences with a commercial component on approximately 14 acres that adjoin.

History and Existing Land Uses

The current use of the property is vacant land.

Adjacent Land Uses	Existing zoning	Existing Use
North	RMF	Multi Family (Apartments)
South	RMF	Multi Family (Apartments)
East	R-A	Vacant Land
West	CPCD	Commercial

Development Support and Constraints

The project has access to Hwy 53, a major arterial road for Dawson County, and Dawson Forest Rd which serves as a major collector road. The intersection of these two roads are slated for traffic control improvements which will help support the added traffic. The applicant should be made aware and take into account the future traffic improvements relative to the proposed site plan.

Relationship to the Comprehensive Plan and FLUP (Future Land Use Plan)

According to the Comprehensive Plan and accompanying FLUP (Future Land Use Plan), the subject property is identified as Commercial Highway Business. Residential Multi-Family is a subsection of Commercial Highway business within the Comprehensive plan and would be considered in compliance.

Public Facilities/Impacts

Engineering Department – “Major collector, asphalt locate along thoroughfare and state route. It is unknown at this time if the proposed access is adequate. Heavy traffic flow, geometric issues along state route could exist. Public Works will need to review a traffic impact study to make access comment. Dawson County and GDOT are partnering to complete a round a bout at Dawson Forest and SR 53. This development will increase traffic at the intersection and as such the developer should contribute to the cost of construction.”

Environmental Health Department – No comments returned.

Emergency Services – No comments necessary per Chief Bailey.

Etowah Water & Sewer Authority “If water main expansion/upgrades required to serve project. Must be developed & installed per EWSA specs at the developer’s expense. Sewer main expansion/upgrades required to serve project. Must be designed & installed per EWSA specs at developer’s expense.”

Dawson County Sheriff’s Office – Additional staffing needs to accommodate for growth. Improvements have been requested in an unknown timeframe.

GDOT: “Further coordination with GDOT will be necessary for this project,”

The following observations should be noted with respect to this request:

A. The existing uses and classification of nearby property.

Adjacent properties to the North and South are multi-family zoned. The property to the West is commercially zoned. The land to the East is zoned agriculture. This parcel is located in the 400 Corridor with commercial adjacent.

B. The extent to which property values are diminished by the particular land use classification.

There should be no diminished values to the surrounding properties.

C. The extent to which the destruction of property values of the applicant promotes the health, safety, morals, or general welfare of the public.

There should be no destruction of property values.

D. The relative gain to the public, as compared to the hardship imposed upon the individual property owner.

There should be no gain to the public if approved.

E. The suitability of the subject property for the proposed land use classification.

The property is suitable for the proposed land use classification due to being located in close proximity to Hwy 400.

F. The length of time the property has been vacant under the present classification, considered in the context of land development in the area in the vicinity of the property.

The land has always been vacant.

G. The specific, unusual, or unique facts of each case, which give rise to special hardships, incurred by the applicant and/or surrounding property owners.

The staff has not identified any specific, unusual or unique facts in this case giving rise to any hardship on the part of the community.

Analysis

According to the Comprehensive Plan and accompanying FLUP (Future Land Use Plan), the subject property is identified as Commercial Highway Business however, multi-family construction has occurred and is proposed for properties surrounding the Hwy 53 and Dawson Forest Road intersection. One development in particular, The Parker located on the southwest side of the intersection was approved, rezoned and constructed in contradiction to the FLUP designation of Light Industrial. Residential Multifamily is therefore an acceptable zoning classification in align with current development in the area. With that being said this request has been submitted in conjunction with rezoning request ZA 21-07 (RA to CHB) for the portion of

this property which fronts Hwy 53 and Dawson Forest Rd. These two requests, when taken as a whole would be better suited for a zoning of Commercial Planned Comprehensive Development (CPCD). A CPCD zoning would allow more control of development by the Board of Commissioners and would require a site specific plan and design for the project.

The Planning Department is in the process of updating the 400 Corridor guidelines and is working to present the BOC with a Hwy 53 Corridor plan within the near future. This development will be held to the guidelines in-place at the time of submittal, unless otherwise stipulated.

As currently presented the Planning and Development Department recommends the following stipulations:

- Infrastructure for both portions should occur concurrently.
- Inter-parcel connectivity of the CHB and RMF portions and connectivity with surrounding developments should be required via sidewalks, street alignments, trails, etc.
- A maximum 2 curb cuts per street frontage of Hwy 53 and Dawson Forest Rd should be permitted.
- Dumpsters in the commercial portion should be fully screened both from the view of the public street and the accompanying multifamily portion of the project.
- All stormwater infrastructure within the development should be interconnected and utilize shared detention.
- With consideration of the development of traffic improvements (roundabout(s)) at the Hwy 53 and Dawson Forest Rd intersection the developer should donate a negotiated amount based on the precedent set by the neighboring Penler, towards cost of construction.
- A minimum 20 foot planted buffer should be established between the commercial and residential portions of this project.
- Open space suitable for play of not less than one acre should be required. The installation of playground equipment is encouraged.
- At a minimum, amenities for the RMF portion of this development should include a clubhouse and pool.
- The RMF portion of this development should provide additional parking equaling 20 percent of the number of lots. (For example, if 150 units is proposed then 30 additional parking spaces should be required).
- Project should be subject to additional requirements by the Planning Department if such requirements are noted during the civil review of said development.
- In addition to the requirements of the Buffer, Landscape and Tree Ordinance, street trees should be required outside of the rights of way of both Hwy 53 and Dawson Forest Rd. In addition, street trees should be required along all roadways within the multifamily portion of this development.

Pictures of Property:



Aerial:



Current Zoning Map:



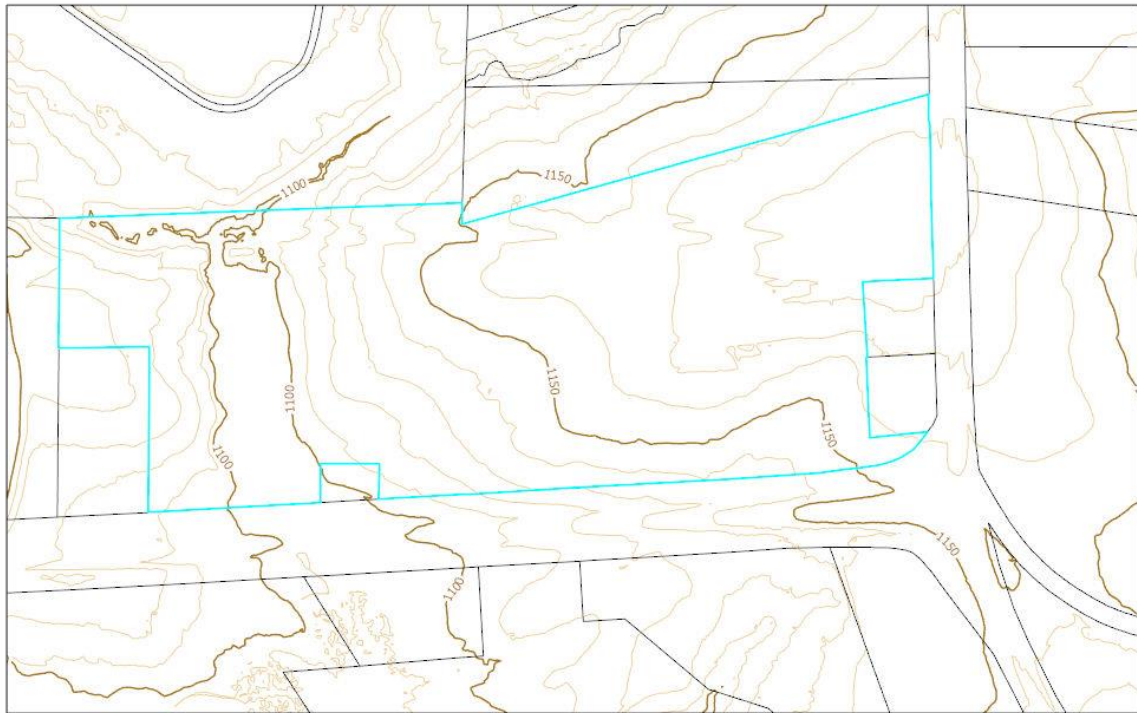
Legend

Parcel_Outline	C-HB	C-IR	VC	RMF
RA	RSRMM	C-PCD	MUV	HD
RSR	RPC	RS	CT	911 Roads
VCR	C-CB	C-01	C-RB	



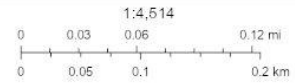
Topography:

Topo Map



10/22/2020, 12:10:24 PM

Parcels



The information on this map (or data product) is from a computer database accessed using a Geographic Information System (GIS). Dawson County Public Works cannot guarantee the accuracy of the information contained on this map. Each user of this map is

Future Land Use:

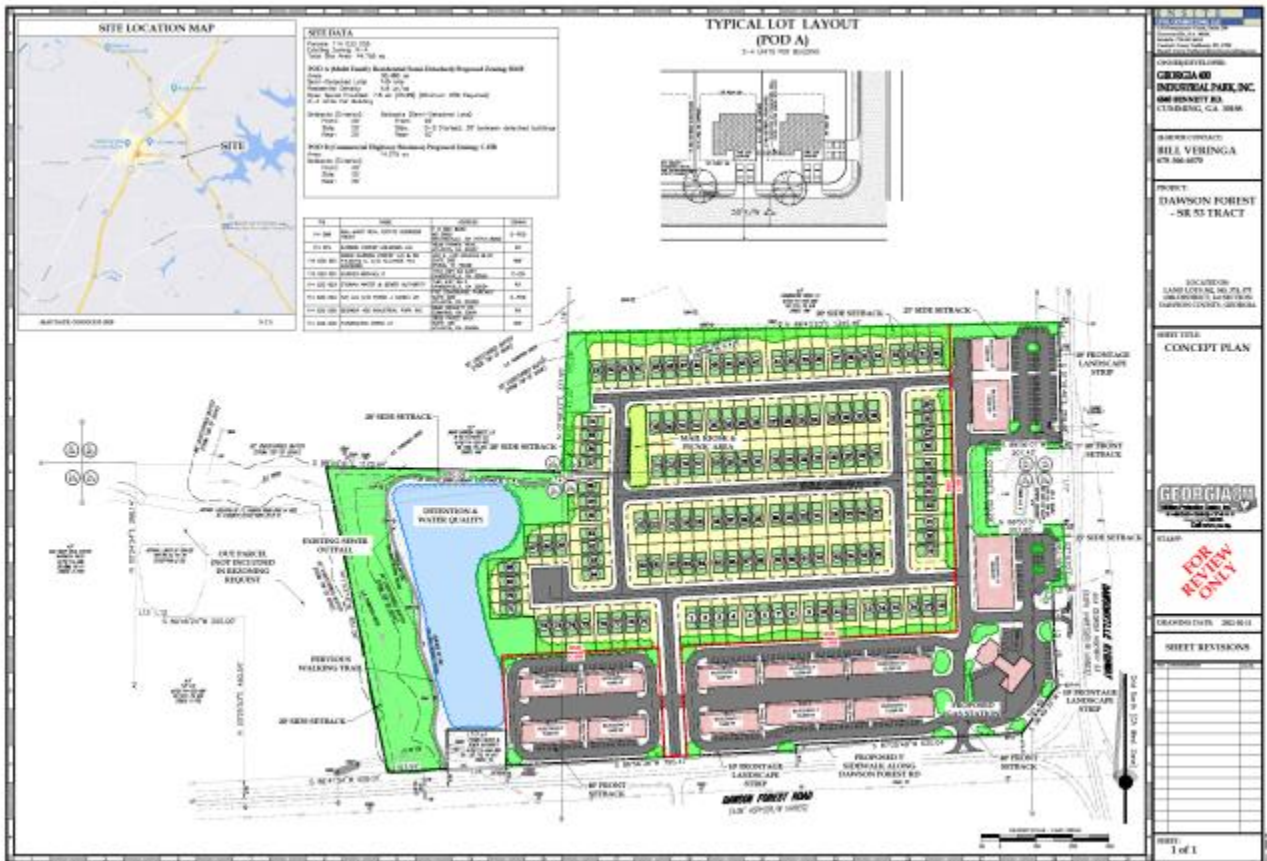


Legend

Parcel_Outline	RL	RR	MFR	CC	TCU
PRC	RA	CHB	PI	OP	PARK
SRR	SR	LI	RT	MUV	



Site Plan:



DAWSON COUNTY VARIANCE APPLICATION

****This portion to be completed by Zoning Administrator****

VR 21-04 Tax Map & Parcel # (TMP): 109 011 010
 Current Zoning: R.A Commission District #: 2
 Submittal Date: 2-12-21 Time: 11:12 am/pm Received by: jko (staff initials)
 Fees Assessed: 350- Paid: check
 Planning Commission Meeting Date: April 20, 2021

APPLICANT INFORMATION (or Authorized Representative)

Printed Name: LeeAnn Harter
 Address: _____
 Phone: Cell Listed Unlisted _____ Email: _____ Business Personal _____
 Status: Owner Authorized Agent Lessee Option to purchase

Notice: If applicant is other than owner, enclosed Property Owner Authorization form must be completed.

I have /have not _____ participated in a Pre-application meeting with Planning Staff.
 If not, I agree _____ /disagree _____ to schedule a meeting the week following the submittal deadline.
 Meeting Date: Approx. 12/15/20 Applicant Signature: Tom Harter
 (for LeeAnn)

PROPERTY INFORMATION

Street Address of Property: 3406 Hwy 136 E, Dawsonville
 Land Lot(s): 386/357 District: _____ Section: _____
 Subdivision/Lot: _____ Building Permit #: _____ (if applicable)
 Directions to the Property: Approx. 3 miles east of Hwy 9
on Hwy 136. On south side of Hwy 136.

2

21 FEB 12 11:12

REQUESTED ACTION

A Variance is requested from the requirements of Article # _____ Section # _____ of the Land Use Resolution/Sign Ordinance/Subdivision Regulations/Other (circle one).

If other, please describe: _____

Type of Variance requested:

Front Yard Side Yard Rear Yard variance of _____ feet to allow the structure to:

be constructed; remain a distance of _____ feet from the: _____

property line, road right of way, or other (explain below):

To gift approx 5.75 acres before five years

instead of the required distance of _____ required by the regulations.

Lot Size Request for a reduction in the minimum lot size from _____ to _____

Sign Variance for: _____

Home Occupation Variance to operate: _____ business

Other (explain request): _____

If there are other variance requests for this site in past, please list case # and nature of variance: _____

Variances to standards and requirements of the Regulations, with respect to open area, setbacks, yard area, lot coverage, height, and other quantitative requirements may be granted if, on the basis of the application, investigation, and other evidence submitted by the applicant, all four (4) expressly written findings below are made:

1. Describe why a strict and literal enforcement of the standards would result in a practical difficulty or unnecessary hardship: _____

We are asking to give this land to very close friends (like family) who also help us part-time on our hobby farm. This family (current homeowners in Dawson Co.) would like to construct a new home before their sons graduate from high school.

②

2. Describe the exceptional and extraordinary conditions applicable to this property which do not apply to other properties in the same district: _____

There is an existing, unused driveway connecting to Hwy 136 -
so no new driveways needed for this 5.75 acres. Also, the
special need here is to help caretake the land.

3. Describe why granting a variance would not be detrimental to the public health, safety, morals or welfare and not be materially injurious to properties in the near vicinity: _____

No changes in zoning - only asking to do this early. I
have spoken to the property owners listed on Page 9. -
They are supportive of this action.

4. Describe why granting this variance would support the general objectives within this Resolution: _____

The general objectives remain intact for RA zoning -
we are only asking to gift this 5.75 acres early.
No subdivisions here - we would retain 48+ acres in our
remaining two (adjoining) tracts.

Submit clear explanation of all four questions above. You may add sheets if necessary.

(Variances should not be granted if the need arises as a result of action by the applicant or previous owner.)

21 FEB 12 11:12 AM

2

VR# _____

TMP# _____

21 FEB 12 11:28 AM

List of Adjacent Property Owners

It is the responsibility of the Applicant to provide a list of adjacent property owners. This list must include the name and address of anyone who has property touching your property or who has property directly across the street from your property.

****Please note this information should be obtained using the Tax Map and Parcel Number listing any parcel(s) adjoining or adjacent to parcel where variance or rezone is being requested.**

	<u>Name</u>	<u>Address</u>
TMP <u>109011006</u>	<u>LeeAnn Harter</u>	<u>3406 Hwy 136 E, Dawsonville</u>
TMP <u>109011010</u>	<u>2. LeeAnn Harter</u>	<u>"</u>
TMP <u>109011011</u>	<u>3. Anthony Faria</u>	<u>192 Zoe Murphy Rd, Dawsonville</u>
TMP <u>109011</u>	<u>4. Jerry/Jackie Townley</u>	<u>24 Laina Bennet Rd, Dawsonville</u>
TMP _____	<u>5.</u>	_____
TMP _____	<u>6.</u>	_____
TMP _____	<u>7.</u>	_____
TMP _____	<u>8.</u>	_____
TMP _____	<u>9.</u>	_____
TMP _____	<u>10.</u>	_____
TMP _____	<u>11.</u>	_____
TMP _____	<u>12.</u>	_____
TMP _____	<u>13.</u>	_____
TMP _____	<u>14.</u>	_____
TMP _____	<u>15.</u>	_____

Use additional sheets if necessary.

4



As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

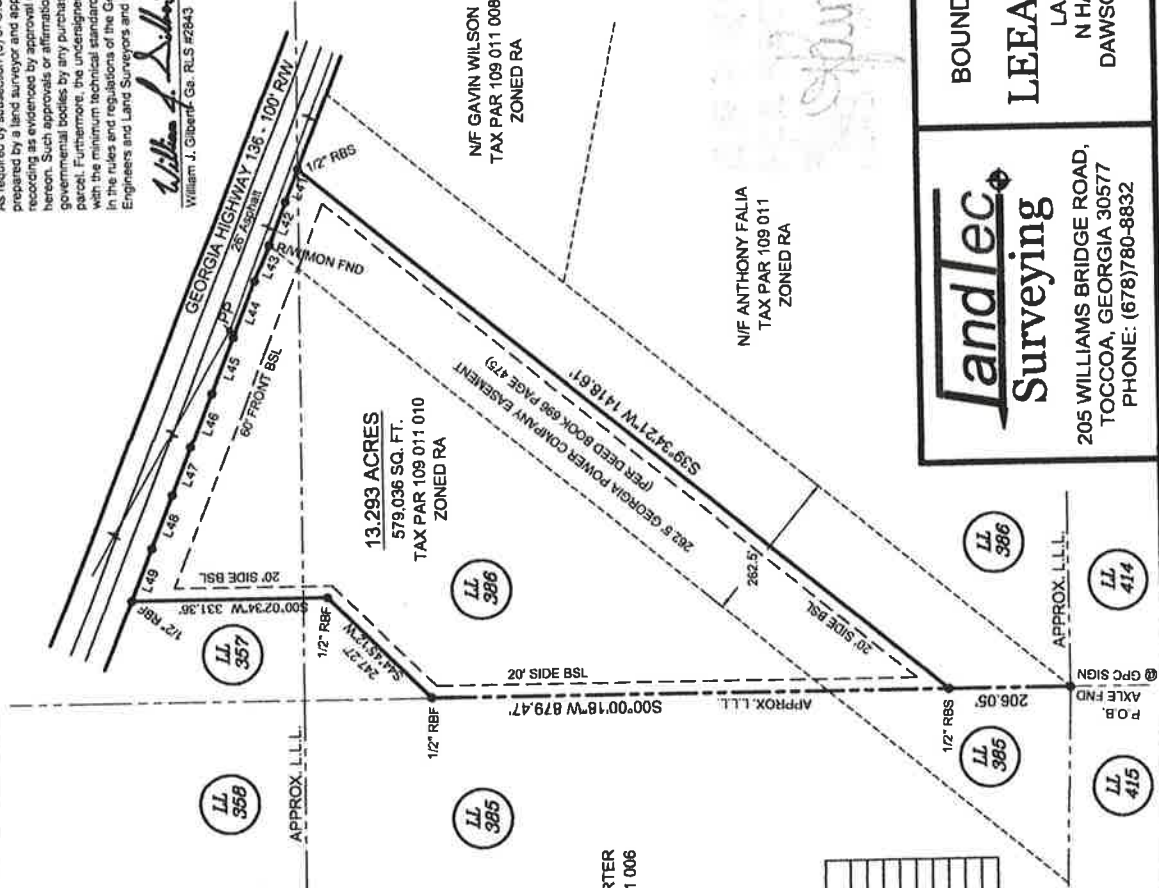
William J. Gilbert
 William J. Gilbert - Ga. RLS #2843 Date: September 12, 2019



- NOTES:**
- 1.) Field Data: Closure Precision - 1/97,133; Angular Error = 05"/STA
 - 2.) Measurements were taken with a Leica TS12P on 01/14/2019 and were balanced using the Compass Rule.
 - 3.) Bearings are based on Grid North (Ga West Zone).
 - 4.) Plat Precision - 1/100,000"
 - 5.) No portion of this property is located in a Special Flood Area as indicated on F.I.R.M. Map No. 13085C0116C, dated 04/04/2016.

LEGEND

OTPF	Open Top Pin Found
CTPF	Crimp Top Pin Found
CTPS	Crimp Top Pin Set
RFB	Rebar Found
RBS	Rebar Set
BSL	Building Setback Line
PP	Power Pole
N/F	Now or Formerly
	Fence
	Overhead Wire
	Not to Scale



Filed 01/18/2021 11:05AM
 Bk 00086 Pg 0020
 Plat Doc: PLAT

Penalty: \$0.00 Interest: \$0.00
 Participants: 7511394907
 JUSTIN POWER, Clerk of Superior Court
 DAWSON County, Georgia

Recorded



Course	Bearing	Distance
L41	N 68°03'11" W	59.43'
L42	N 68°53'23" W	78.43'
L43	N 66°57'16" W	66.11'
L44	N 68°01'19" W	101.96'
L45	N 68°16'24" W	101.57'
L46	N 68°05'00" W	98.65'
L47	N 68°10'44" W	87.78'
L48	N 68°08'55" W	97.10'
L49	N 68°12'14" W	84.94'

BOUNDARY SURVEY FOR:
LEEANN HARTER
 LAND LOTS 357, 386,
 N HALF 13TH DISTRICT
 DAWSON COUNTY GEORGIA
 09/12/2019

CC: WJG
DRAWN BY: WJG
SCALE: 1" = 200'
PROJECT NO. - 19-003.13
SHEET NO. 1 OF 1

Landtec
Surveying
 205 WILLIAMS BRIDGE ROAD,
 TOCCOA, GEORGIA 30577
 PHONE: (678)780-8832

21FEB12 11:42AM

5



As required by subsection (g) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be affirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

William J. Gilbert
 William J. Gilbert, Cal. RLS #2843
 Date: September 12, 2019



- NOTES:**
- 1.) Field Data: Closure Precision - 1/197,133'. Angular Error = 05/75TA.
 - 2.) Measurements were taken with a Leica TS12P on 01/14/2019 and were balanced using the Compass Rule.
 - 3.) Bearings are based on Grid North (Ga West Zone).
 - 4.) Plat Precision - 1/100,000'.
 - 5.) No portion of this property is located in a Special Flood Hazard Area as shown on FIRM, Map No. 13065C0116C, dated 04/04/2018.

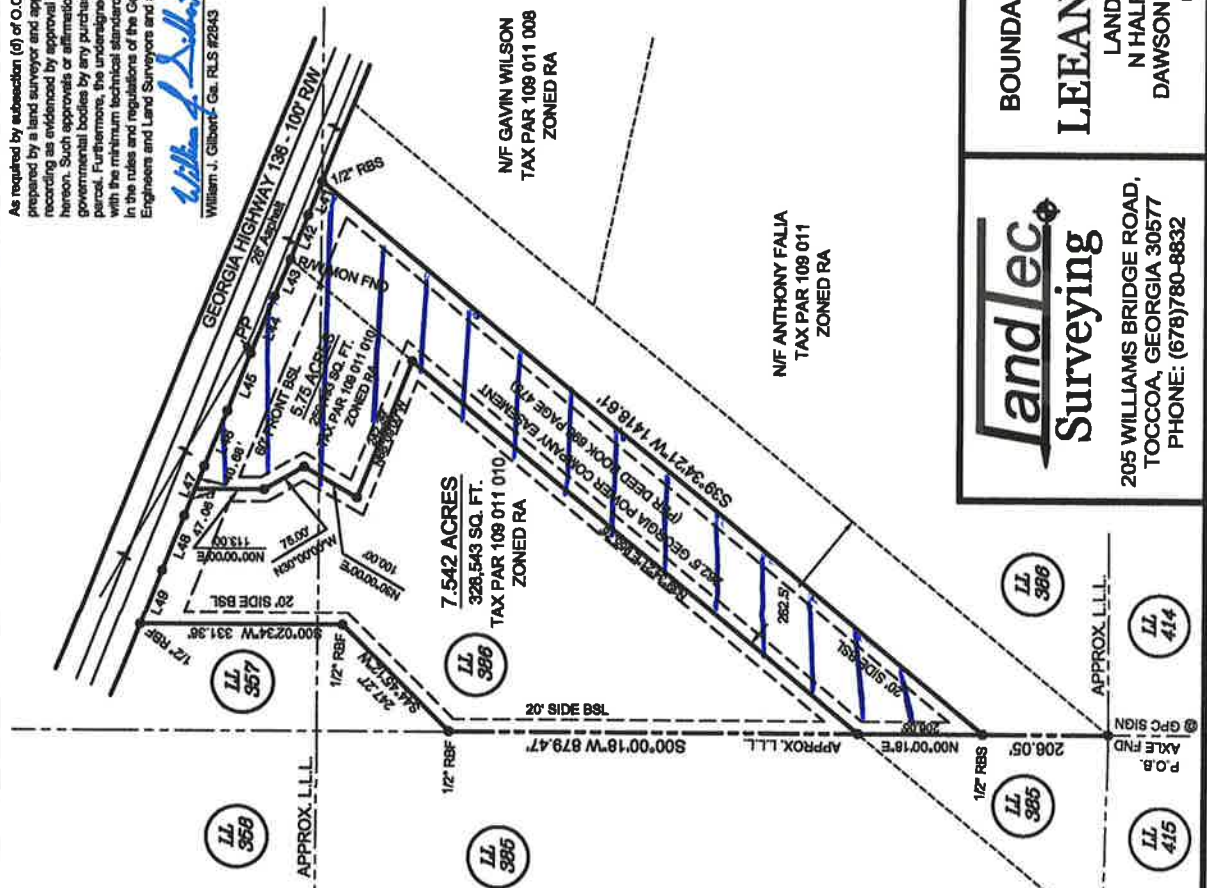
LEGEND

OTPF	Open Top Pin Found
CTPF	Chimp Top Pin Found
TPFS	Top Pin Set
RBS	Rebar Found
BSL	Rebar Set
PP	Power Pole
N/F	Now or Formerly
---	Fence
---	Overhead Wire
---	Not to Scale

CC: WJG
 DRAWN BY: WJG
 SCALE: 1" = 200'
 PROJECT NO. - 19-003.13
 SHEET NO. 1 OF 1

BOUNDARY SURVEY FOR:
LEEANN HARTER
 LAND LOTS 357, 386,
 N HALF 13TH DISTRICT
 DAWSON COUNTY GEORGIA
 09/12/2019

Landlec
 Surveying
 205 WILLIAMS BRIDGE ROAD,
 TOCCOA, GEORGIA 30577
 PHONE: (678)780-8832



Proposed



Course	Bearing	Distance
L41	N 68°03'11\"	58.43'
L42	N 68°55'23\"	78.43'
L43	N 68°57'18\"	68.11'
L44	N 68°01'19\"	101.98'
L45	N 68°16'24\"	101.57'
L46	N 68°05'00\"	98.65'
L47	N 68°10'44\"	87.78'
L48	N 68°08'55\"	97.10'
L49	N 68°12'14\"	94.94'

Official Tax Receipt
Nicole Stewart
DAWSON COUNTY Tax Commissioner

25 Justice Way Suite 1222
 Dawsonville, GA 30534

6

Trans No	Property ID/District Description	Original Due	Interest & Penalty	Prev Paid	Amount Due	Amount Paid	Transaction Balance
25666	100-011 010 / 001 LL LD 13N FMV: \$191,140.00	1,809.18	32.78 Fees 0.00	0.00	1,841.96	1,841.96	0.00
Year-Bill No 2020 - 6416						Paid Date 2/12/2021 10:52:32	Current Due 0.00
Transactions:	25666 - 25666 Totals	1,809.18	32.78	0.00	1,841.96	1,841.96	0.00

Paid By :

THOMAS & LEEANN HARTER

HARTER LEEANN
 [

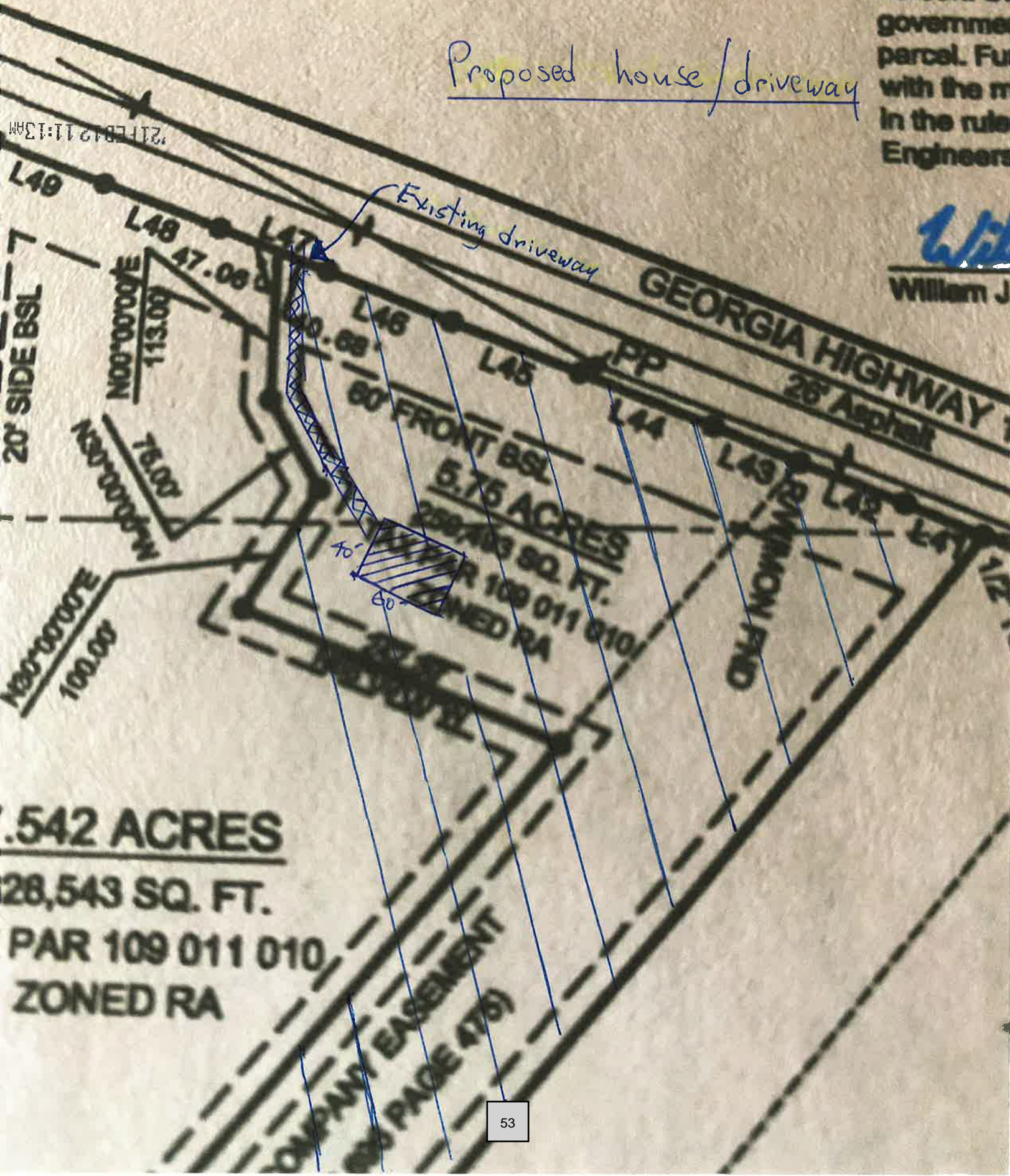
Cash Amt: 0.00
 Check Amt: 1,841.96
 Charge Amt: 0.00
 Change Amt: 0.00
 Refund Amt: 0.00
 Overpay Amt: 0.00

Check No 3449
 Charge Acct

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Engineers

Proposed house / driveway



William J
William J

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28,543 SQ. FT.
PAR 109 011 010
ZONED RA

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APPLICANT CERTIFICATION

I hereby request the action contained within this application relative to the property shown on the attached plats and site plan and further request that this item be placed on both the Planning Commission and Board of Commissioners agenda(s) for a public hearing.

I understand that the Planning & Development staff may either accept or reject my request upon review. My request will be rejected if all the necessary data is not presented.

I understand that I have the obligation to present all data necessary and required by statute to enable the Planning Commission and Board of Commissioners to make an informed determination on my request. I will seek the advice of an attorney if I am not familiar with the zoning and land use requirements.

I understand that my request will be acted upon at the Planning Commission and Board of Commissioner hearings and that I am required to be present or to be represented by someone able to present all facts. I understand that failure to appear at a public hearing may result in the postponement or denial of my special use or rezoning application. I further understand that it is my responsibility to be aware of relevant public hearing dates and times regardless of notification from Dawson County.

I hereby certify that I have read the above and that the above information as well as the attached information is true and correct.

Signature of Applicant or Agent:  Date: 2/12/2021
Signature of Witness:  Date: 2/12/2021

WITHDRAWAL

Notice: This section only to be completed if application is being withdrawn.

I hereby withdraw application #: _____

Signature: _____ Date: _____

Withdrawal of Application:

Withdrawals of any application may be accommodated within the Planning & Development office if requested before the Planning Commission agenda is set. Therefore, withdrawals may not be made after ten (10) days prior to the scheduled Planning Commission meeting hearing, unless accompanied by written request stating specific reasons for withdrawal. This withdrawal request is to be published in the legal organ prior to the meeting. Following that written request and publication the Commission will vote to remove the item from the agenda at the scheduled hearing. Please note that should the withdrawal be denied, the item will receive deliberation and public hearing with a decision by the Commission. Further the applicant is encouraged to be present at the hearing to substantiate reasons for withdrawal. Please note that no refund of application fee may be made unless directed by the Board of Commissioners.



Garden Ln



136

55

136

Grady's Pl





FEB 11 11:38 AM

Dawson County, Georgia Board of Commissioners
Affidavit for Issuance of a Public Benefit
As Required by the Georgia Illegal Immigration Reform and Enforcement Act of 2011

By executing this affidavit under oath, as an applicant for a Dawson County Business License, Out of County Business Registration, Alcohol License, or other public benefit as referenced in the Georgia Illegal Immigration Reform and Enforcement Act of 2011 [O.C.G.A. § 50-36-1(e)(2)], I am stating the following with respect to my application for such Dawson County public benefit.

- I am a United States citizen.
- I am a legal permanent resident of the United States. (FOR NON-CITIZENS)
- I am a qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency. (FOR NON-CITIZENS)

My alien number issued by the Department of Homeland Security or other federal immigration agency is:

The undersigned applicant also hereby verifies that he or she is 18 years of age or older and has provided at least one **secure and verifiable document**, as required by O.C.G.A. § 50-36-1(e)(1), with this affidavit. (See reverse side of this affidavit for a list of secure and verifiable documents.)

The secure and verifiable document provided with this affidavit can best be classified as:

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20 and face criminal penalties as allowed by such criminal statute.

Executed in Dawsonville (city), Georgia (state)

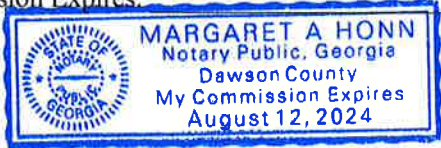
Lee Ann Harter (Signature of Applicant) 2/12/21 (Date)

Lee Ann Harter (Printed Name) _____ (Name of Business)

SUBSCRIBED AND SWORN BEFORE ME ON
THIS 12th DAY OF February, 2021

Margaret A Honn Notary Public

My Commission Expires: _____



(Seal)

**DAWSON COUNTY PLANNING COMMISSION
PLANNING STAFF REPORT & RECOMMENDATION**

Applicant.....LeeAnn Harter
Case Docket #VR 21-04
Request.....Additional subdivision of parent tract within
5 years
Proposed UseGifting of property
Size..... 5.75 +/- acres
Existing ZoningRA
Applicable Regulations.....Dawson County Subdivision Regulations
Location3406 Hwy 136 East
Tax Parcel #..... 109 011 010
Meeting Date.....April 20, 2021

Applicant Proposal

LeeAnn Harter has requested to subdivide a 13.29 acre tract into two parcels. Harter intends on retaining a 7.54 acre tract and gifting a 5.75 acre tract to a friend for the purpose of having them close to watch over the applicants property when away.

History and Existing Land Use

The subject property is zoned RA and is situated along Hwy 136 approximately halfway between GA Hwy 9 and GA 400.

Applicant Criteria of Need

To be considered for a variance, the following four (4) criteria must be addressed:

- 1.) *That a strict or literal interpretation and enforcement of the specified standard or requirement would result in practical difficulty or unnecessary hardship; and a strict and literal interpretation of the code would not allow the proposed home to be constructed.*

- Would prevent the gifting of said tract for another 2.5 years
- 2.) *That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties in the same district.*
- Additional driveway cut will not be necessary.
- 3.) *The granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the near vicinity; and*
- Applicant advises neighboring property have been notified and have no objections.
- 4.) *That the granting of the variance would support general objectives contained within this Resolution.*
- Property zoning will not change and will comply with minimum lot size requirements.

Staff Analysis

The subdivision of the parent tract will not produce any nonconforming tracts. Subdivision similar to this request has occurred within the past 5 years in this area. Request is merely to reduce the required waiting time for land subdivision which could occur by right if no waiting period existed.

Picture of subject property:



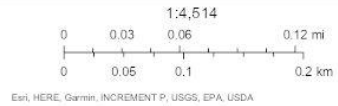
Existing zoning:

Dawson County



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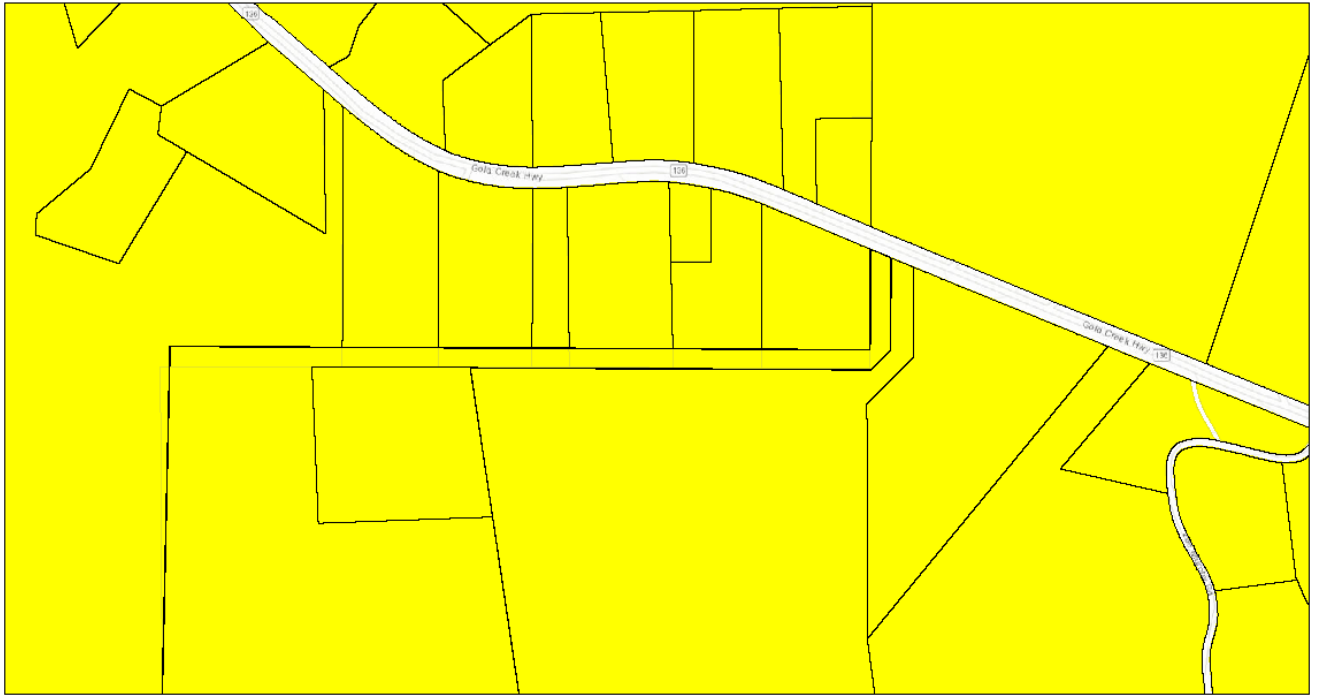
Energov Layers - Parcels Energov Layers - Zoning RSR
RA VC



Planning and Development
Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA |

Future Land Use:

Future Land Use Map

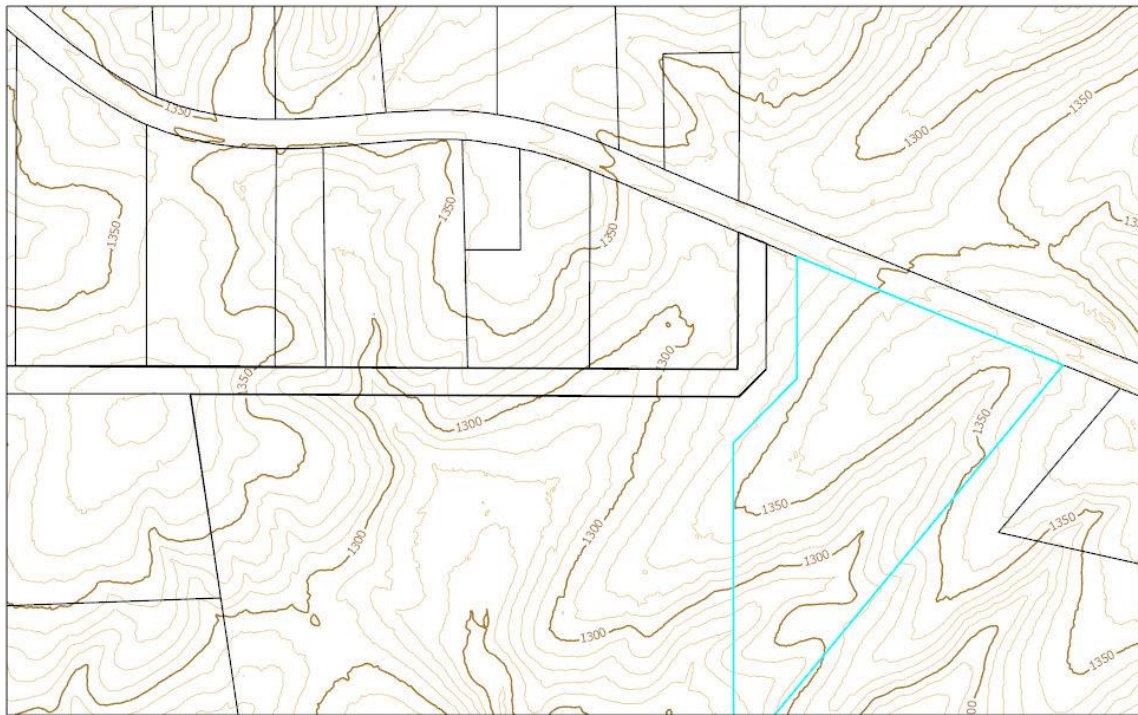


April 13, 2021
Parcels
FLU
SRR

1:4,514
0 0.04 0.09 0.18 mi
0 0.07 0.15 0.3 km
Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

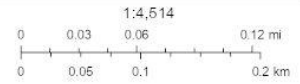
Topo:

Topo Map



4/13/2021, 1:56:17 PM

□ Parcels



Dawson County
The information on this map (or data product) is from a computer database accessed using a Geographic Information System (GIS). Dawson County Public Works cannot guarantee the accuracy of the information contained on this map. Each user of this map is

Aerial Photo:



DAWSON COUNTY VARIANCE APPLICATION

****This portion to be completed by Zoning Administrator****

VR _____ Tax Map & Parcel # (TMP): L17 189
Current Zoning: R4 Commission District #: 1
Submittal Date: _____ Time: _____ am/pm Received by: _____ (staff initials)
Fees Assessed: _____ Paid: _____
Planning Commission Meeting Date: _____

APPLICANT INFORMATION (or Authorized Representative)

Printed Name: KURT TRUMP
Address: _____
Phone: Listed _____ Unlisted _____ Email: Business _____ Personal _____
Status: Owner [] Authorized Agent [] Lessee [] Option to purchase

Notice: If applicant is other than owner, enclosed Property Owner Authorization form must be completed.

I have /have not _____ participated in a Pre-application meeting with Planning Staff.
If not, I agree /disagree _____ to schedule a meeting the week following the submittal deadline.
Meeting Date: _____ Applicant Signature: Kurt Trump

PROPERTY INFORMATION

Street Address of Property: 126 OAK GROVE RD. DAWSONVILLE, GA
Land Lot(s): L17 189 District: 1 Section: _____
Subdivision/Lot: _____ Building Permit #: _____ (if applicable)

Directions to the Property: _____

REQUESTED ACTION

A Variance is requested from the requirements of Article # _____ Section # 602 of the Land Use Resolution/Sign Ordinance/Subdivision Regulations/Other (circle one).

If other, please describe: existing home infringes upon Land Resolution section 602 c . 40ft from front of home to road closest corner being 27 ft.

Type of Variance requested:

Front Yard Side Yard Rear Yard variance of 22.51 feet to allow the structure to:

be constructed; remain a distance of 20 feet from the: ROAD

property line, road right of way, or other (explain below):

instead of the required distance of 40 required by the regulations.

Lot Size Request for a reduction in the minimum lot size from _____ to _____

Sign Variance for: HOME TO BE REMODELED AND REHABILITATED.

Home Occupation Variance to operate: _____ business

Other (explain request): _____

If there are other variance requests for this site in past, please list case # and nature of variance: _____

Variances to standards and requirements of the Regulations, with respect to open area, setbacks, yard area, lot coverage, height, and other quantitative requirements may be granted if, on the basis of the application, investigation, and other evidence submitted by the applicant, all four (4) expressly written findings below are made:

1. Describe why a strict and literal enforcement of the standards would result in a practical difficulty or unnecessary hardship: existing home has heavy sedimentation and erosion issues which require proper slab with footings to make repairs. in which current slab was heavily degraded to the point of allowing water and sediments in to the basement over and through the wall. which has been addressed and made good until we can proceed.

2. Describe the exceptional and extraordinary conditions applicable to this property which do not apply to other properties in the same district: home was built in 1944 roughly, road has been here longer than i can remember. these are conditions that existed before the statues themselves. i believe this falls under ARTICLE IX. section 901

3. Describe why granting a variance would not be detrimental to the public health, safety, morals or welfare and not be materially injurious to properties in the near vicinity: _____

the rehabilitation of this home would bring value to the district, its long over due. not to mention moral of the community and eager buyers which is an economic gain.

4. Describe why granting this variance would support the general objectives within this Resolution:

we are talking about adding 16 sqft of concrete, 24 inches x 8 foot. to meet the side of the home and restructure the front of the home and roof. Also giving us an updated floor plan and providing us with the space needed to raise our children and as stated above i believe this is good for us as is the community all the way around.

Submit clear explanation of all four questions above. You may add sheets if necessary.

(Variances should not be granted if the need arises as a result of action by the applicant or previous owner.)

PROPERTY OWNER AUTHORIZATION

I / we Kurt Trump hereby swear that I / we own the property located at (fill in address and / or tax map & parcel #):

126 Oak Grove Rd.

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

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

Printed name of applicant or agent: Kurt Trump

Signature of applicant or agent: _____ Date: _____

Printed Name of Owner(s): Kurt Trump

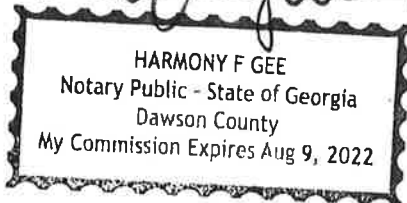
Signature of Owner(s): _____ Date _____

Sworn and subscribed before me this 22 day of July, 2021.

Harmony F GEE
Notary Public

My Commission Expires: August 9, 2022

(Seal)



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

VR# _____

TMP# _____

List of Adjacent Property Owners

It is the responsibility of the Applicant to provide a list of adjacent property owners. This list must include the name and address of anyone who has property touching your property or who has property directly across the street from your property.

****Please note this information should be obtained using the Tax Map and Parcel Number listing any parcel(s) adjoining or adjacent to parcel where variance or rezone is being requested.**

Name

Address

- TMP _____ 1. Byron Letchworth 181 OakGrove Rd. (L17 188 001)
- TMP _____ 2. _____
- TMP _____ 3. Timothy Bennet (L17 188)
- TMP _____ 4. _____
- TMP _____ 5. Hill of beans Holdings (L19 006)
- TMP _____ 6. _____
- TMP _____ 7. Turner K K estate (L19 004)
- TMP _____ 8. _____
- TMP _____ 9. _____
- TMP _____ 10. _____
- TMP _____ 11. _____
- TMP _____ 12. _____
- TMP _____ 13. _____
- TMP _____ 14. _____
- TMP _____ 15. _____

Use additional sheets if necessary.

APPLICANT CERTIFICATION

I hereby request the action contained within this application relative to the property shown on the attached plats and site plan and further request that this item be placed on both the Planning Commission and Board of Commissioners agenda(s) for a public hearing.

I understand that the Planning & Development staff may either accept or reject my request upon review. My request will be rejected if all the necessary data is not presented.

I understand that I have the obligation to present all data necessary and required by statute to enable the Planning Commission and Board of Commissioners to make an informed determination on my request. I will seek the advice of an attorney if I am not familiar with the zoning and land use requirements.

I understand that my request will be acted upon at the Planning Commission and Board of Commissioner hearings and that I am required to be present or to be represented by someone able to present all facts. I understand that failure to appear at a public hearing may result in the postponement or denial of my special use or rezoning application. I further understand that it is my responsibility to be aware of relevant public hearing dates and times regardless of notification from Dawson County.

I hereby certify that I have read the above and that the above information as well as the attached information is true and correct.

Signature of Applicant or Agent:  Date: 1-11-21

Signature of Witness:  Date: _____

WITHDRAWAL

Notice: This section only to be completed if application is being withdrawn.

I hereby withdraw application #: _____

Signature: _____ Date: _____

Withdrawal of Application:

Withdrawals of any application may be accommodated within the Planning & Development office if requested before the Planning Commission agenda is set. Therefore, withdrawals may not be made after ten (10) days prior to the scheduled Planning Commission meeting hearing, unless accompanied by written request stating specific reasons for withdrawal. This withdrawal request is to be published in the legal organ prior to the meeting. Following that written request and publication the Commission will vote to remove the item from the agenda at the scheduled hearing. Please note that should the withdrawal be denied, the item will receive deliberation and public hearing with a decision by the Commission. Further the applicant is encouraged to be present at the hearing to substantiate reasons for withdrawal. Please note that no refund of application fee may be made unless directed by the Board of Commissioners.

APPLICATION PROCESSING: STAFF USE ONLY

VR _____ Applicant Name: _____

Application Fee: \$ _____

IF APPLICABLE:

- Legal Advertisement Submitted to Newspaper Date: _____
- Planning Commission & Board of Commissioners Packets Delivered Date: _____
- Application Posted on County Website Date: _____
- Adjacent Property Owner Notices Mailed Date: _____
- Interdepartmental Forms Submitted for Review Date: _____
- Public Notice Signs on Property Verified Date: _____
- Approval or Denial Form placed in folder Date: _____
- Applicant Notified of Final Action Date: _____
- Approval or Denial Form to Office Manager/Building Official/Marshal Date: _____
- Planning Commission Meeting Minutes placed in folder Date: _____

Planning Commission & Board of Commissioners Actions

Planning Commission Recommendation Date: _____ Approval Approval w/stipulations Denial

If Denied by Planning Commission was decision appealed? Yes No

Board of Commissioners Decision Date: _____ Approval Approval w/stipulations Denial

-
- If appealed; Applicant Notified of Date of Appeal Hearing Date: _____
 - If appealed; Legal Advertising of Date of Appeal Hearing Date: _____
 - If appealed; Approval or Denial Form Placed in Folder Date: _____
 - Applicant Notified of Final Action of Appeal Date: _____
 - Board of Commission Meeting Minutes placed in folder Date: _____

Dawson County, Georgia Board of Commissioners

Affidavit for Issuance of a Public Benefit

As Required by the Georgia Illegal Immigration Reform and Enforcement Act of 2011

By executing this affidavit under oath, as an applicant for a Dawson County Business License, Out of County Business Registration, Alcohol License, or other public benefit as referenced in the Georgia Illegal Immigration Reform and Enforcement Act of 2011 [O.C.G.A. § 50-36-1(e)(2)], I am stating the following with respect to my application for such Dawson County public benefit.

 I am a United States citizen.

 I am a legal permanent resident of the United States. (FOR NON-CITIZENS)

 I am a qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency. (FOR NON-CITIZENS)

My alien number issued by the Department of Homeland Security or other federal immigration agency is:

The undersigned applicant also hereby verifies that he or she is 18 years of age or older and has provided at least one **secure and verifiable document**, as required by O.C.G.A. § 50-36-1(e)(1), with this affidavit. (See reverse side of this affidavit for a list of secure and verifiable documents.)

The secure and verifiable document provided with this affidavit can best be classified as:

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20 and face criminal penalties as allowed by such criminal statute.

Executed in Dawsonville (city), Georgia (state)
[Signature] Date 2.22.2021
Signature of Applicant

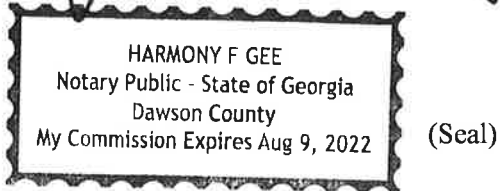
KURT TRUMP Name of Business
Printed Name

SUBSCRIBED AND SWORN BEFORE ME ON

THIS 22 DAY OF Feb., 2021

[Signature] Notary Public

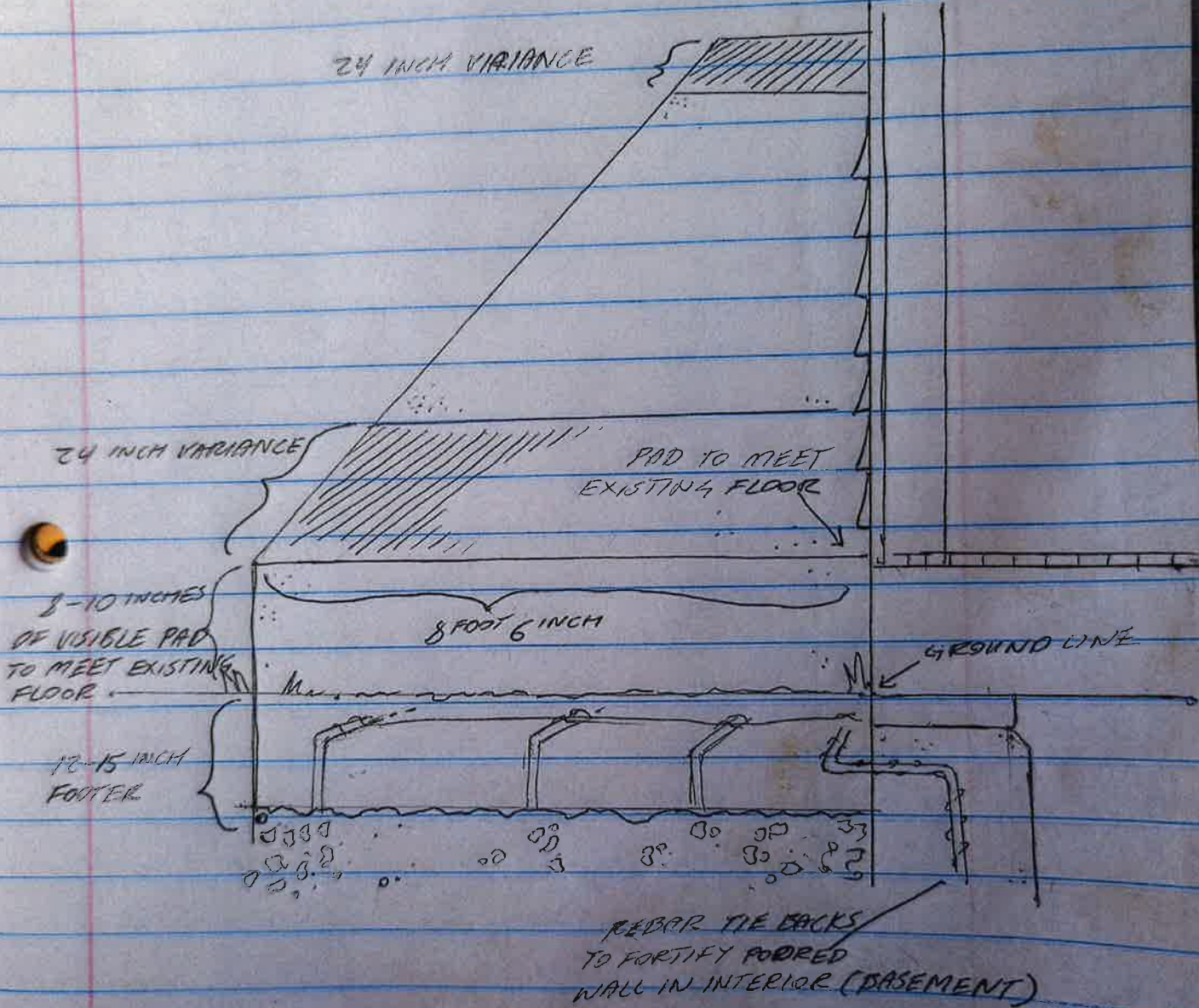
My Commission Expires: August 9, 2022



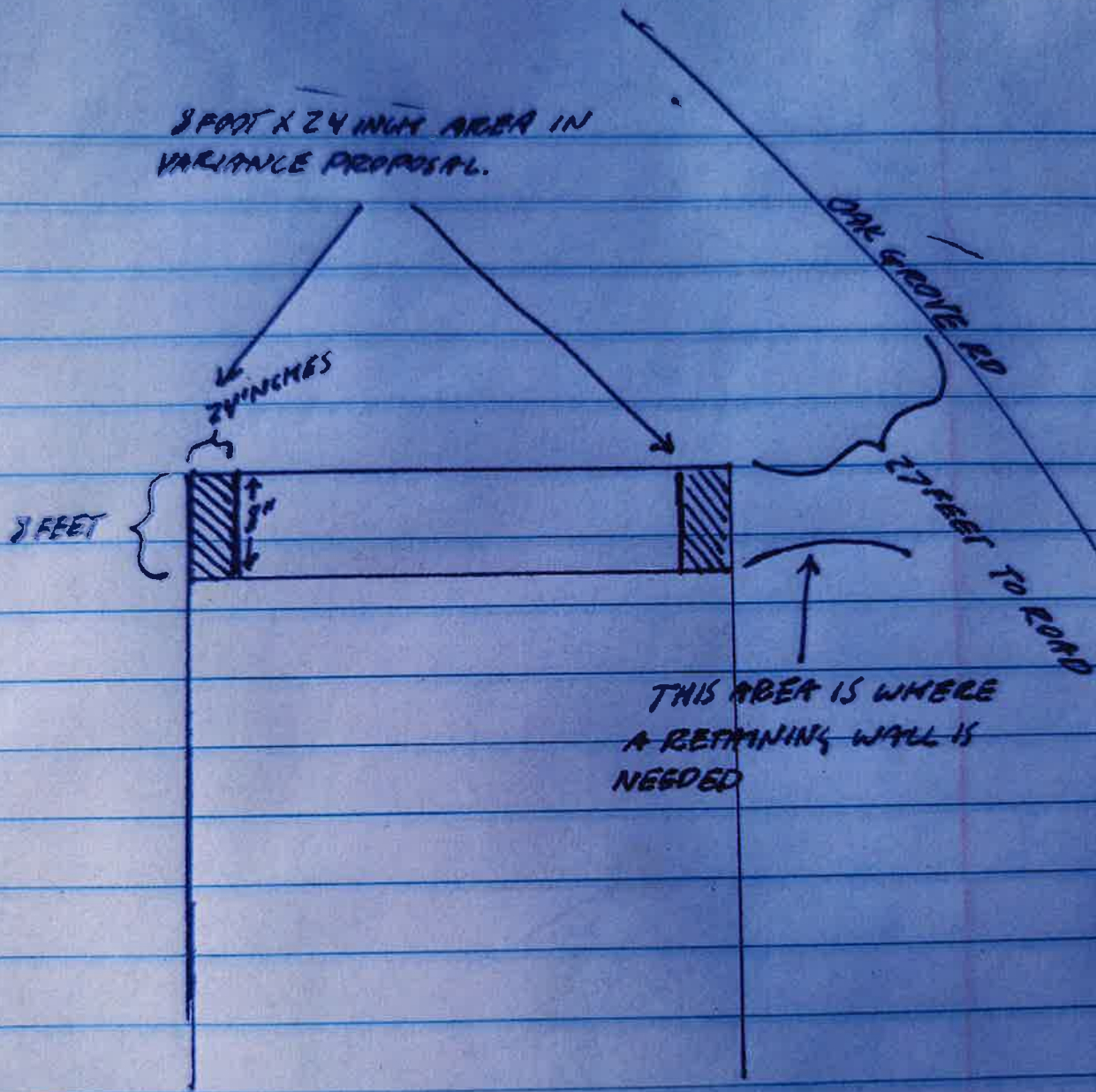
Secure and Verifiable Documents Under O.C.G.A. § 50-36-2

The following list of secure and verifiable documents, published under the authority of O.C.G.A. § 50-36-2, contains documents that are verifiable for identification purposes, and documents on this list may not necessarily be indicative of residency or immigration status.

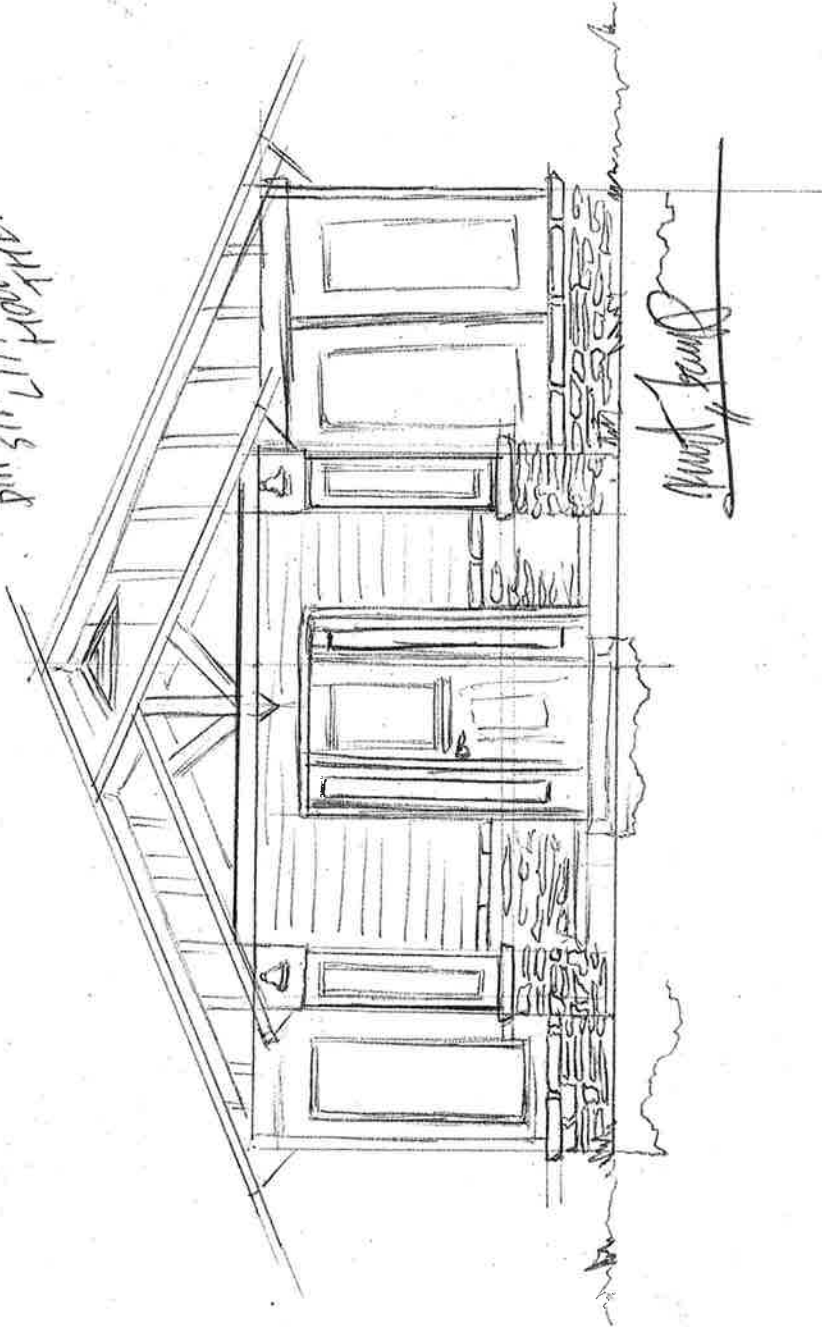
- A **United States Passport or Passport Card** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **United States Military Identification card** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Driver's License** issued by one of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Marianas Islands, the United States Virgin Island, American Samoa, or the Swain Islands, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- An **Identification Card** issued by one of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Marianas Islands, the United States Virgin Island, American Samoa, or the Swain Islands, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Tribal Identification Card** of a federally recognized Native American tribe, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer. A listing of federally recognized Native American tribes may be found at:
<http://www.bia.gov/WhoWeAre/BIA/OIS/TribalGovernmentServices/TribalDirectory/index.htm>
[O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **United States Permanent Resident Card or Alien Registration Receipt Card** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- An **Employment Authorization Document** that contains a photograph of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Passport Issued by a Foreign Government** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Merchant Mariner Document or Merchant Mariner Credential** issued by the United States Coast Guard [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Free and Secure Trade (FAST) card** [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- A **NEXUS Card** [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- A **Secure Electronic Network for Travelers Rapid Inspection (SENTRI) card** [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- A **Driver's License issued by a Canadian Government Authority** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Certificate of Citizenship** issued by the United States Department of Citizenship and Immigration Services (USCIS) (Form N-560 or Form N-561) [O.C.G.A. § 50-36-2(b)(3); 6 CFR § 37.11]
- A **Certificate of Naturalization** issued by the United States Department of Citizenship and Immigration Services USCIS) (Form N-550 or Form N-570) [O.C.G.A. § 50-36-2(b)(3); 6 CFR § 37.11]



8 FOOT X 24 INCH AREA IN
VARIANCE PROPOSAL.



FOR SIMPLE AND
SIMPLE HOUSE



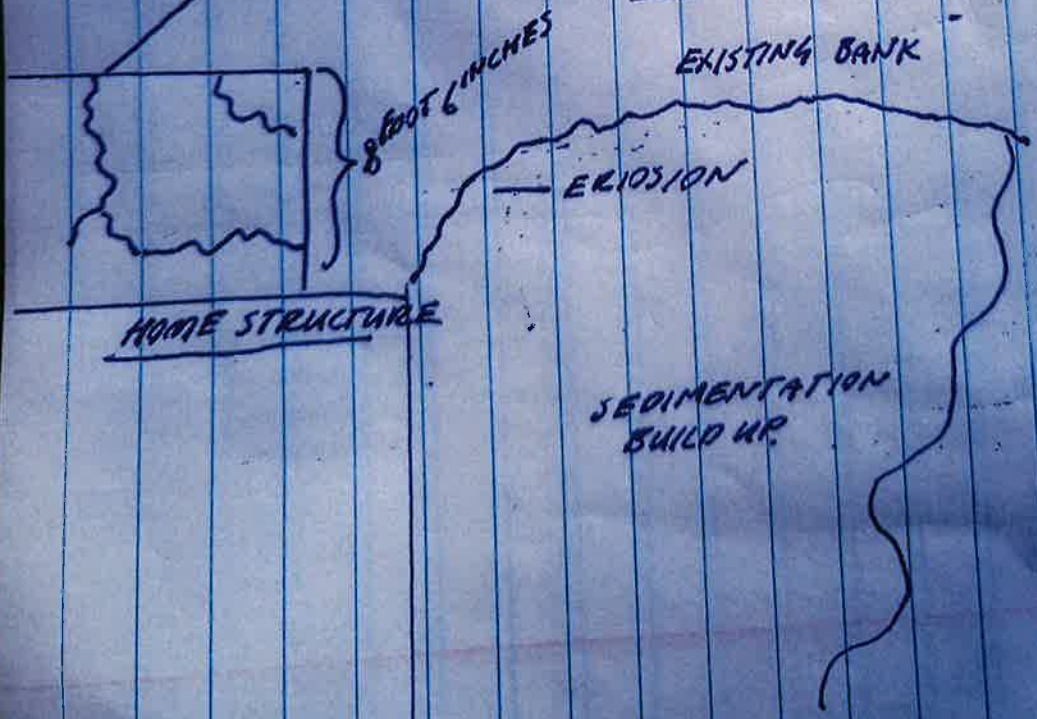
Simple House

Concept Plan

US 045-10212
0510 11102



PARCH SLAB WITH NO FOOTER
EXTREMELY ERODED ALLOWING
WATER IN BASEMENT. (HAS BEEN REMOVED FOR REPAIRATIONS)





**Official Tax Receipt
Dawson County
25 Justice Way, Suite 1222
Dawsonville, GA 30534
--Online Receipt--**

**Phone: (706) 344-3520
Fax: (706) 344-3522**

Trans No	Property ID / District Description	Original Due	Interest & Penalty	Amount Due	Amount Paid	Transaction Balance
2020 - 14218	L17 189 / 1 LL 395 446 LD 13-1 FMV: 94600	\$895.41	\$5.78 Fees: \$0.00 \$0.00	\$0.00	\$901.19	\$0.00
Totals:		\$895.41	\$5.78	\$0.00	\$901.19	\$0.00

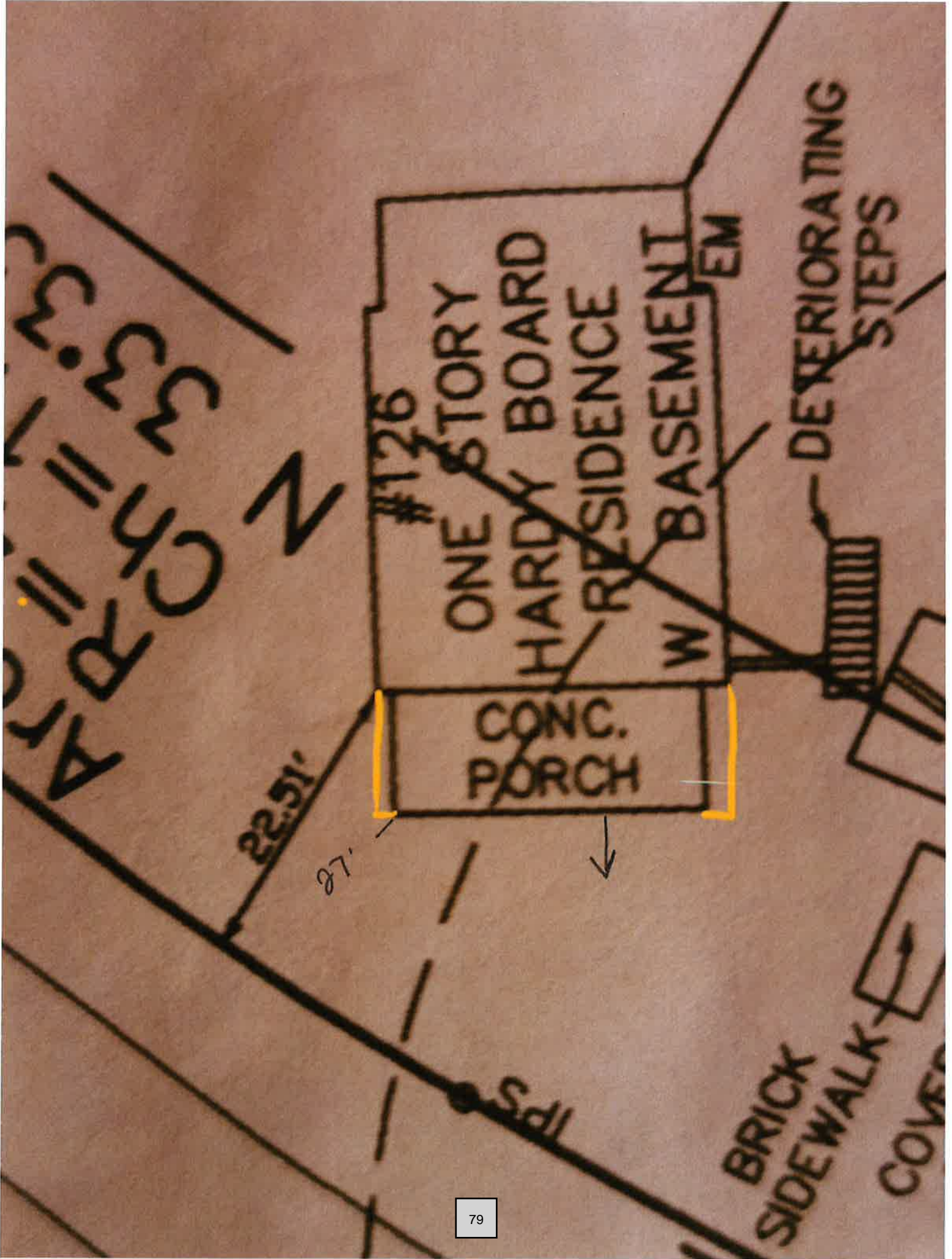
Paid Date: 12/9/2020

Charge Amount: \$901.19

TRUMP KURT D



Scan this code with your mobile phone to view this bill



**GEORGIA DEPARTMENT OF PUBLIC HEALTH
CONSTRUCTION PERMIT AND SITE APPROVAL
For On-Site Sewage Management System**

COUNTY: Dawson	SUBDIVISION:	LOT NUMBER:	BLOCK:
PROPERTY LOCATION (ADDRESS/DIRECTIONS): 126 OAK GROVE RD DAWSONVILLE, GA 30534			

I hereby apply for a construction permit to install an On-Site Sewage Management System and agree that the system will be installed to conform to the requirements of the rules of the Georgia Department of Public Health, Chapter 511-3-1. By my signature, I understand that final inspection is required and will notify the County Health Department upon completion of construction and before applying final cover material to the system.

PROPERTY OWNER'S/AUTHORIZED AGENT'S SIGNATURE:	DATE: 12/04/2020
PROPERTY OWNER'S NAME: KURT TRUMP	PHONE NUMBER: [REDACTED]
PROPERTY OWNER'S ADDRESS: [REDACTED]	ALTERNATE PHONE NUMBER:
AUTHORIZED AGENT'S NAME (IF OTHER THAN OWNER):	RELATIONSHIP TO OWNER:

Section A — General Information

1. REQUIRED SETBACK FROM RECEIVING BODIES (wells, lakes, sinkholes, streams, etc.) EVALUATED: <input checked="" type="radio"/> Yes <input type="radio"/> No	5. TYPE OF STRUCTURE (single/multi-family residence, commercial, restaurant, etc.): Single-Family Residence	9. SOIL SERIES (e.g. Pacolet, Orangeburg, etc.):
2. WATER SUPPLY: <input type="radio"/> Public <input checked="" type="radio"/> Private <input type="radio"/> Community	6. WATER USAGE BY: Bedroom Numbers	10. PERCOLATION RATE / HYDRAULIC LOADING RATE: [REDACTED] [REDACTED] [REDACTED] 4 5
3. SEWAGE SYSTEM TO BE PERMITTED: <input type="radio"/> New <input checked="" type="radio"/> Repair <input type="radio"/> Addition	7. NO. OF BEDROOMS / GPD: [REDACTED] [REDACTED] [REDACTED] 4	11. RESTRICTIVE SOIL HORIZON DEPTH (INCHES): [REDACTED] [REDACTED] 7 2
4. LOT SIZE (SQUARE FEET / ACRES): [REDACTED] [REDACTED] 1 [REDACTED] 9	8. LEVEL OF PLUMBING OUTLET: <input type="radio"/> Ground Level <input checked="" type="radio"/> Basement <input type="radio"/> Above ground level	12. SOIL TEST PERFORMED BY:

Section B — Primary / Pretreatment

1. DISPOSAL METHOD: Septic Tank	2. GARBAGE DISPOSAL: <input type="radio"/> Yes <input checked="" type="radio"/> No	3. SEPTIC TANK CAPACITY (GALLONS): 1000	4. ATU Capacity: 0	5. DOSING TANK CAPACITY (GALLONS):	6. GREASE TRAP CAPACITY (GALLONS):
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Section C — Secondary Treatment

1. ABSORPTION FIELD DESIGN: <input type="radio"/> Level Field <input checked="" type="radio"/> Serial <input type="radio"/> Drip <input type="radio"/> Bed <input type="radio"/> Distribution Box <input type="radio"/> Mound/Area Fill <input type="radio"/> Other	4. TOTAL ABSORPTION FIELD SQUARE FEET REQUIRED: [REDACTED] [REDACTED] 7 8 0	7. NUMBER OF ABSORPTION TRENCHES: [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
2. ABSORPTION FIELD PRODUCT: Quick 4 High Capacity -16in	5. TOTAL ABSORPTION FIELD LINEAR FEET REQUIRED: [REDACTED] [REDACTED] 2 6 0	8. SPECIFIED LENGTH OF ABSORPTION TRENCHES: [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
3. AGGREGATE DEPTH (Inches):	6. DEPTH OF ABSORPTION TRENCHES (range in inches): [REDACTED] 2 4 [REDACTED] 3 6	9. Distance Between Absorption Trenches: [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

Permit

A PERMIT IS HEREBY GRANTED TO INSTALL THE ON-SITE SEWAGE MANAGEMENT SYSTEM DESCRIBED ABOVE. THIS PERMIT IS NOT VALID UNLESS PROPERLY SIGNED BELOW. THIS PERMIT EXPIRES TWELVE (12) MONTHS FROM DATE OF ISSUANCE.

ANY GRADING, FILLING, OR OTHER LANDSCAPING SUBSEQUENT TO ISSUANCE OF A PERMIT MAY RENDER PERMIT VOID.

VOID, FAILURE TO FOLLOW SITE PLAN MAY RENDER PERMIT VOID. ANY GRADING, FILLING, OR OTHER LANDSCAPING SUBSEQUENT TO FINAL INSPECTION BY COUNTY HEALTH DEPARTMENT, WHICH ADVERSELY AFFECTS THE FUNCTION OF THE ON-SITE SEWAGE MANAGEMENT SYSTEM, MAY RENDER APPROVAL VOID. INSTALLATION CONTRACTOR IS RESPONSIBLE FOR LOCATING PROPER DISTANCES FROM BUILDINGS, WELLS, PROPERTY LINES, ETC.

ISSUANCE OF A CONSTRUCTION PERMIT FOR AN ON-SITE SEWAGE MANAGEMENT SYSTEM, AND SUBSEQUENT APPROVAL OF SAME BY REPRESENTATIVE OF THE GEORGIA DEPARTMENT OF PUBLIC HEALTH OR COUNTY BOARD OF HEALTH SHALL NOT BE CONSTRUED AS A GUARANTEE THAT SUCH SYSTEMS WILL FUNCTION SATISFACTORILY FOR A GIVEN PERIOD OF TIME; FURTHERMORE, SAID REPRESENTATIVE(S) DO NOT, BY ANY ACTION TAKEN IN EFFECTING COMPLIANCE WITH THESE RULES, ASSUME ANY LIABILITY FOR DAMAGES WHICH ARE CAUSED, OR WHICH MAY BE CAUSED, BY THE MALFUNCTION OF SUCH SYSTEM.

1. SITE APPROVED AS SPECIFIED ABOVE:

Yes No

APPROVING ENVIRONMENTALIST: 	TITLE: Environmental Health Specialist IV	DATE: 12/09/2020	CONSTRUCTION PERMIT NUMBER: [REDACTED]
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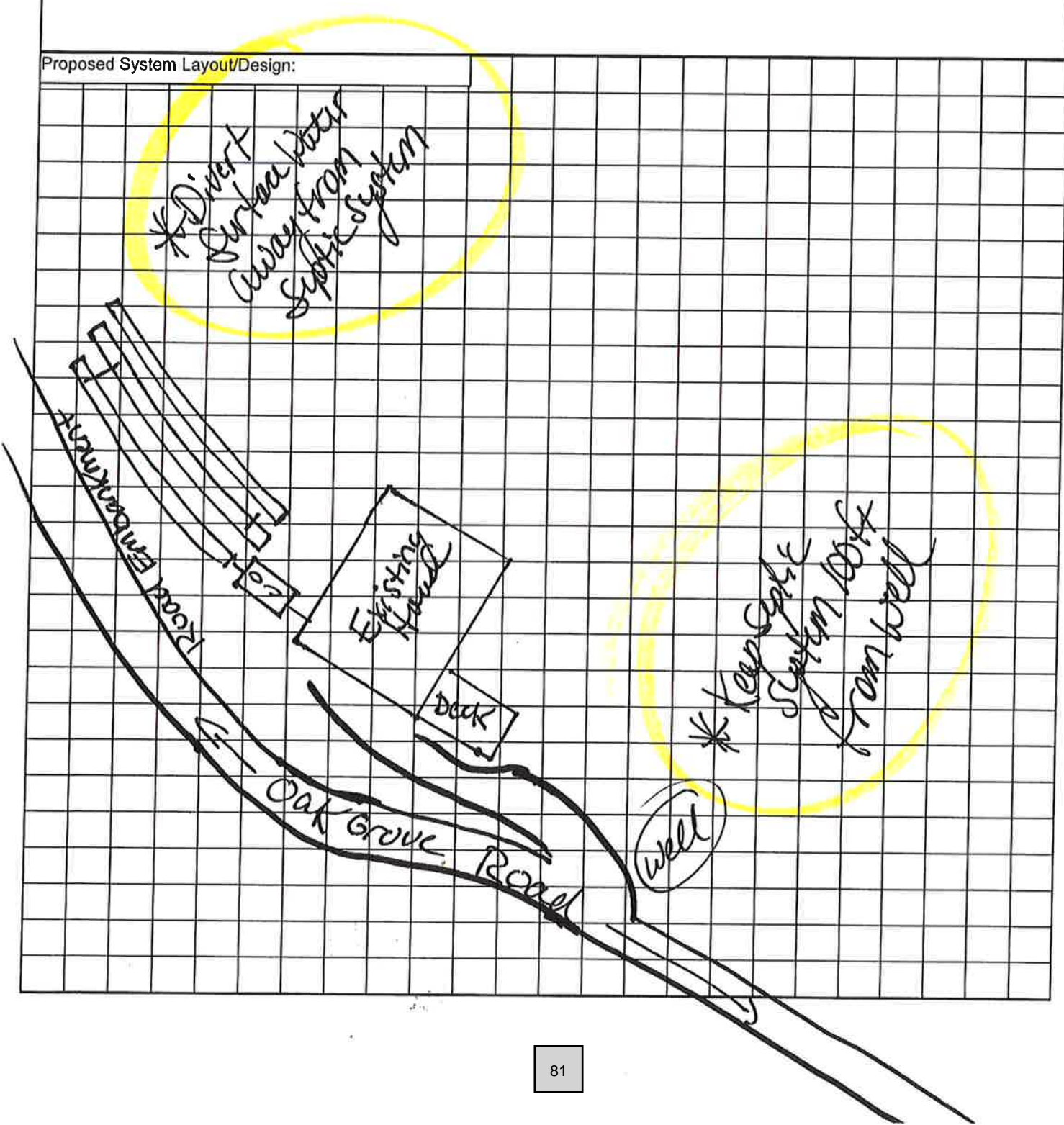
GEORGIA DEPARTMENT OF PUBLIC HEALTH
CONSTRUCTION PERMIT AND SITE APPROVAL
For On-Site Sewage Management System

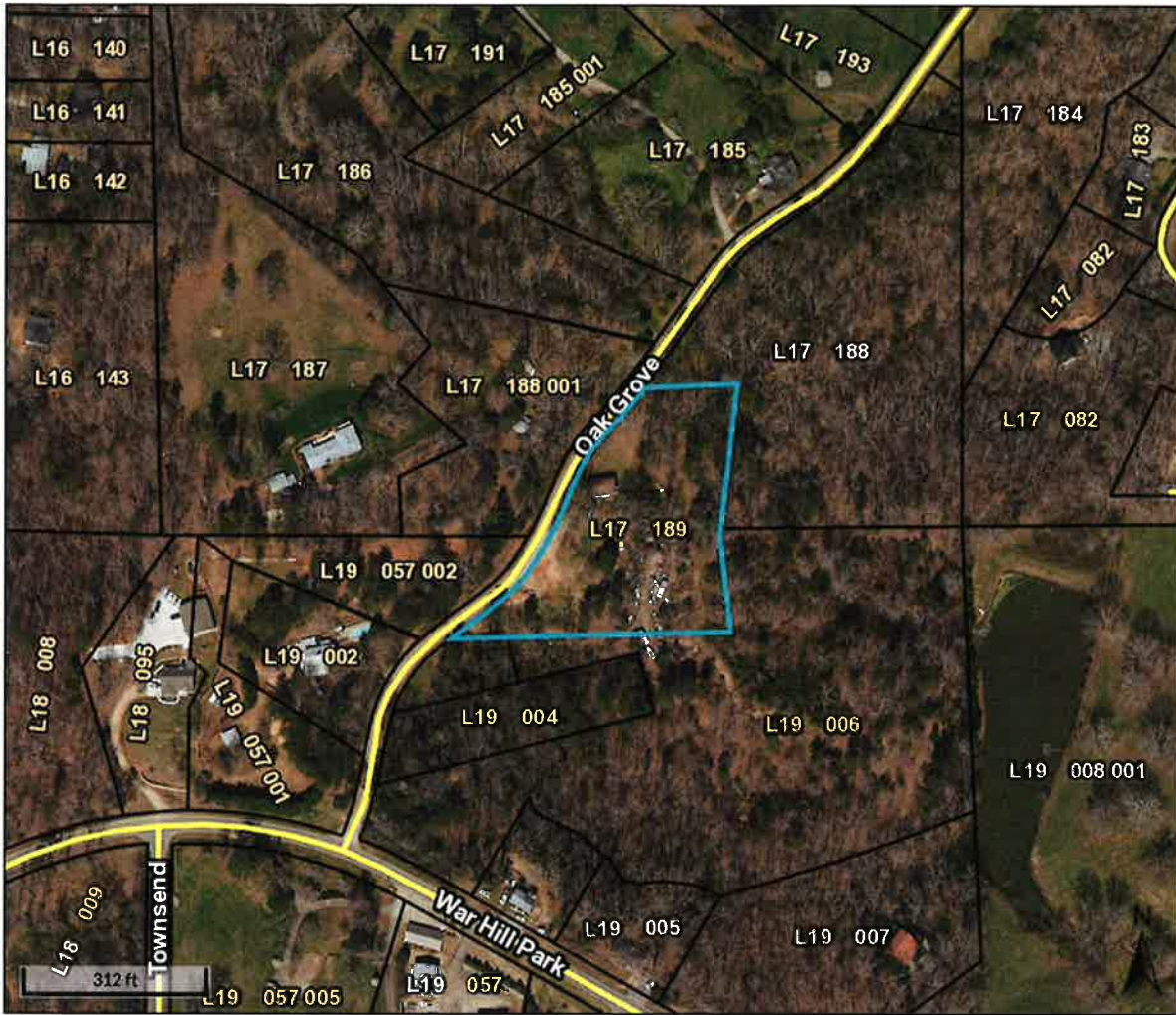
County: Dawson
County Phone: (706) 265-2930
Permit Number: OSC04200942
Property Address: 126 OAK GROVE RD DAWSONVILLE, GA 30534
Property Owner: KURT TRUMP

PRESCRIBED TANK LOCATION / REMARKS:

PRESCRIBED ABSORPTION FIELD LOCATION:

Proposed System Layout/Design:





Overview



Legend

 Parcels

Parcel ID: L17 189
Alt ID: 1693
Owner: TRUMP KURT D
Acres: 2
Assessed Value: \$94600

Date created: 2/8/2021
Last Data Uploaded: 2/5/2021 11:51:11 PM

Developed by  **Schneider**
GEOSPATIAL

**DAWSON COUNTY PLANNING COMMISSION
PLANNING STAFF REPORT & RECOMMENDATION**

Applicant.....Kurt Trump
Case Docket #VR 21-05
Request.....Front setback reduction of 22.51 ft. from the
required 40-foot setback.
Proposed UseSingle Family Residential
Size..... 2 +/- acres
Existing ZoningVCR
Applicable Regulations.....Dawson County Land Use Resolution
Location126 Oak Grove Rd
Tax Parcel #..... L17 189
Meeting Date.....April 20, 2021

Applicant Proposal

Kurt Trump has requested a front setback variance in order to improve the residence at 126 Oak Grove Rd and correct some erosion concerns.

History and Existing Land Use

The home was built in the 1940's and currently encroaches upon the later established front setback requirements. Applicant intends to remodel the residence including the addition of a new front and a retaining wall for erosion control.

Applicant Criteria of Need

To be considered for a variance, the following four (4) criteria must be addressed:

- 1.) *That a strict or literal interpretation and enforcement of the specified standard or requirement would result in practical difficulty or unnecessary hardship; and a strict and literal interpretation of the code would not allow the proposed home to be constructed.*

- Existing home has heavy sedimentation and erosion issues which require proper slab with footings to make repairs. Current slab was heavily degraded to the point of allowing water and sediments into the basement over and through the wall.
- 2.) *That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties in the same district.*
- Home was built in 1944 prior to current regulations and setbacks
- 3.) *The granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the near vicinity; and*
- The rehabilitation of this home would bring value to the district and is long overdue. Will improve the morale of the community and enhance economic gains.
- 4.) *That the granting of the variance would support general objectives contained within this Resolution.*
- Applicant wishes to add 16 sq. ft. of concrete, 24 inches by 8 feet in length to meet the side of the home and restructure the front of the home and roof. Applicant intends to reside therein and raise a family. Applicant believes this will be of value to the community.

Staff Analysis

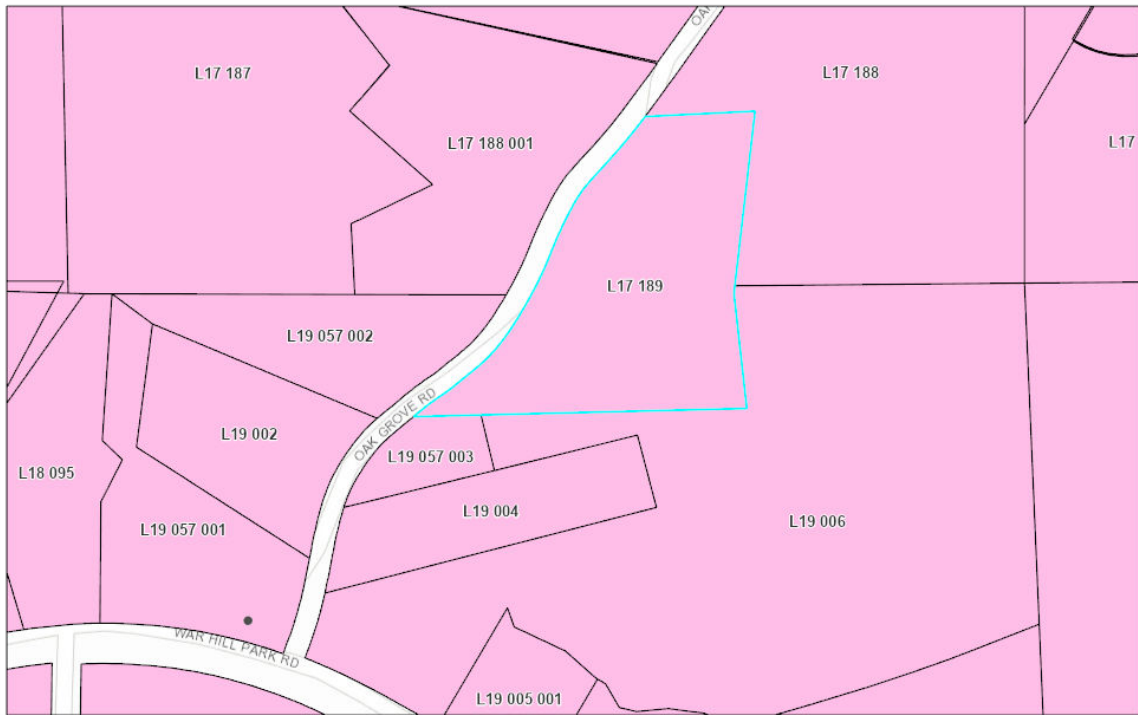
The actual additional encroachment into the front setback above and beyond the existing encroachment will only be approximately 24 inches. Distance from the road is consistent with homes of the period. Road is not a major thru route and dead ends into residential properties abutting Lake Lanier. The additional encroachment into the front setback should cause no detriment to this property or the area. This structure is currently 22.5 feet from the front property line. Granting this variance would allow for the front porch to be 13 feet from the property line.

Picture of subject property:



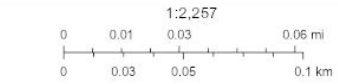
Existing zoning:

Dawson County



4/14/2021, 8:28:40 AM

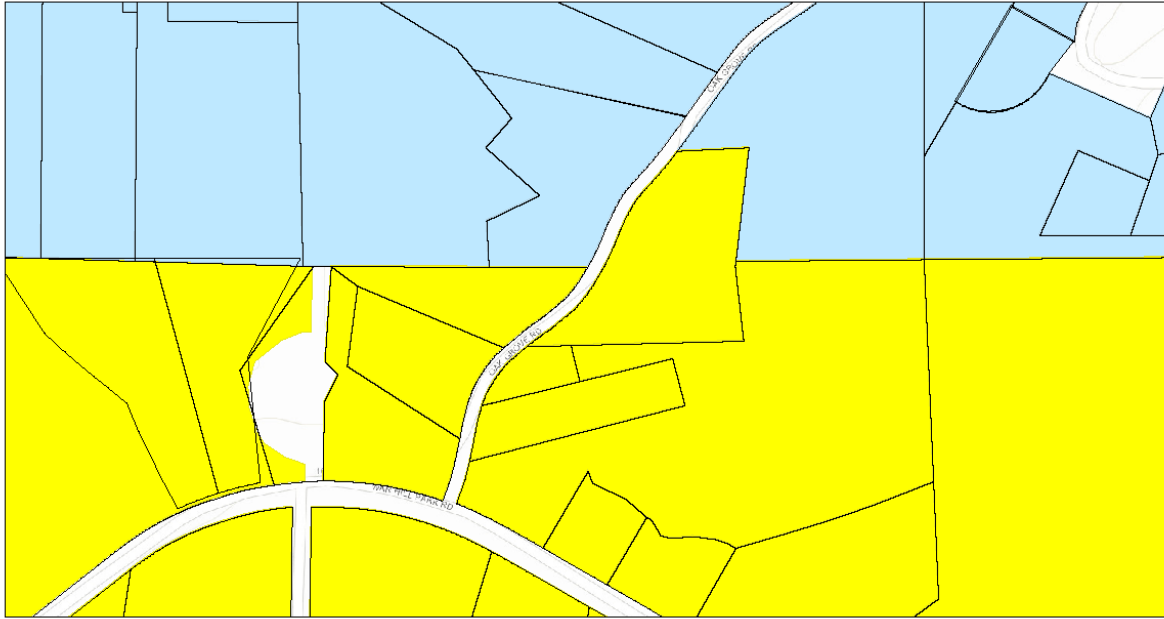
Energy Layers - Parcels Energy Layers - Zoning
VCR



Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA
Planning and Development
Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA |

Future Land Use:

Future Land Use Map

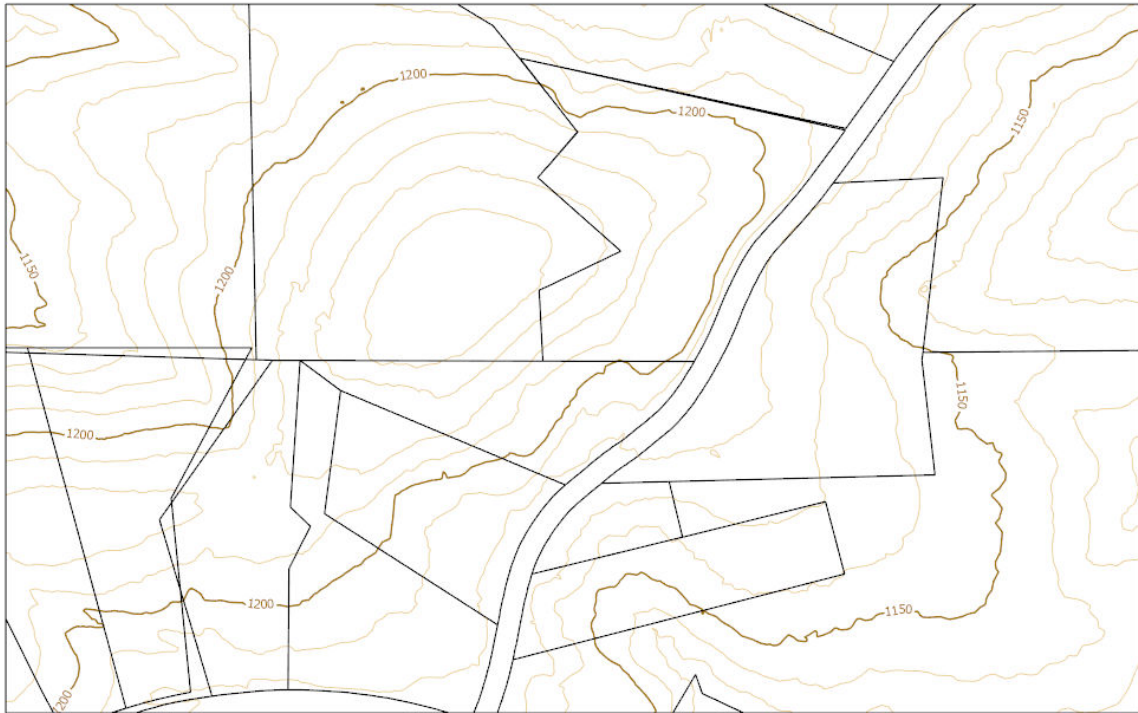


April 14, 2021
Parcels
FLU
SRR
RL

1:2,257
0 0.02 0.04 0.09 mi
0 0.04 0.07 0.14 km
Eri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

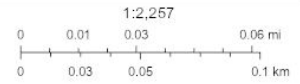
Topo:

Topo Map



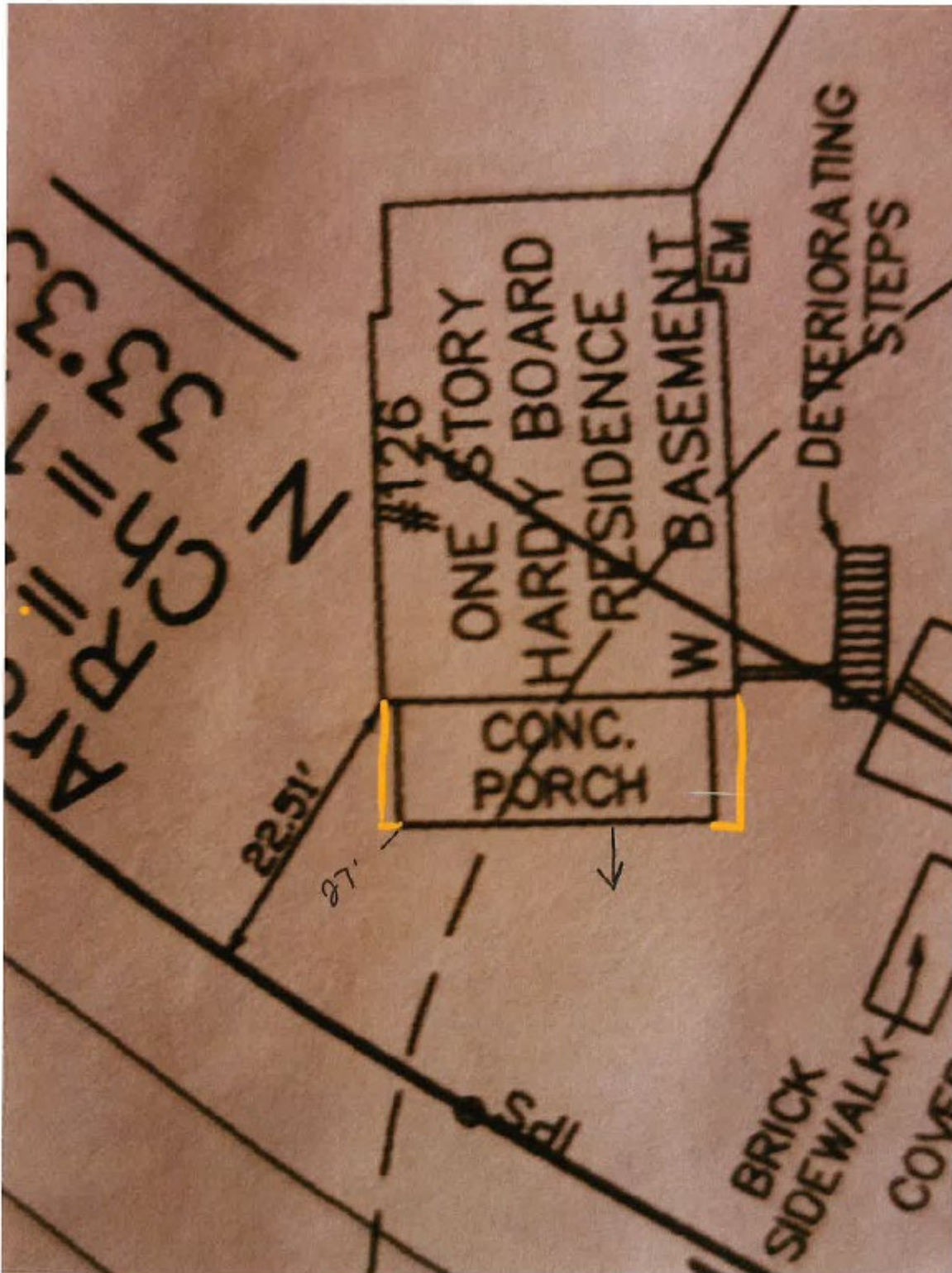
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□ Parcels



Dawson County
The information on this map (or data product) is from a computer database accessed using a Geographic Information System (GIS). Dawson County Public Works cannot guarantee the accuracy of the information contained on this map. Each user of this map is

Site Plan:



**DAWSON COUNTY PLANNING COMMISSION
PLANNING STAFF REPORT**

Applicant.....Tim Hamby

Amendment #ZA 21-09

Request.....Rezone Property from R-A (Residential Agriculture) and VCR (Vacation Cottage Restricted) to RSR (Residential Sub-Rural)

Proposed UseTo combine, rezone and sub divide parcel 3 parcels into 4 lots with retention of primary homesite as main lot

Current ZoningR-A (Residential Agriculture) & VCR (Vacation Cottage Restricted)

Size.....8.97± acres

Location122 Paddock Place/Dawson Forest Rd.

Tax Parcels106 051, 106 051 014, 106 051 015

Planning Commission DateApril 20, 2021

Board of Commission DateMay 20, 2021

Applicant Proposal

The applicant is seeking to rezone the property from R-A (Residential Agriculture) and VCR (Vacation Cottage Restricted) to RSR (Residential Sub Rural) for the purpose of combining three parcels to then subdivide the newly created parcel of 8.97-acres into four tracts, three of which shall be one acre each and the fourth 5.928 acres. Mr. Hamby would like to combine the northern portion of TMP 106-051 with TMP 106-051-014 and 106-051-015 to form the 5.928 acre tract and subdivide the remainder of TMP 106-051 into three one acre tracts.

History and Existing Land Uses

Mr. Hamby’s family purchased the property in 1985 and consists of three total parcels with a single-family residence preexisting on the parent lot.

Adjacent Land Uses	Existing zoning	Existing Use
North	VCR	Single Family Residential
South	Dawson Forest Rd and RA	Single Family Residential
East	VCR	Single Family Residential
West	VCR	Single Family Residential
Middle Parcel	R-A	Single Family Residential

Development Support and Constraints

Newly created lots will increase traffic flow onto Dawson Forest Rd. Total frontage along Dawson Forest Rd. including that frontage for TMP 106 051 017 (not included in this action) will be approximately 675 feet. Adequate site distance exists along Dawson Forest Rd.

Relationship to the Comprehensive Plan and FLUP (Future Land Use Plan)

According to the Comprehensive Plan and accompanying FLUP (Future Land Use Plan), the subject property is identified as OP (Office Professional).

Public Facilities/Impacts

Engineering Department –No comments returned.

Environmental Health Department –No comments returned.

Emergency Services – No comments returned.

Etowah Water & Sewer Authority – If development is needed, EWSA specifications must be followed. There is an existing water main on Dawson Forest Road.

Dawson County Sheriff’s Office – No comments necessary.

Analysis

- Requested action does not conform to the Future Land Use Map and Comprehensive Plan but fits with the character of the area at present.

The following observations should be noted with respect to this request:

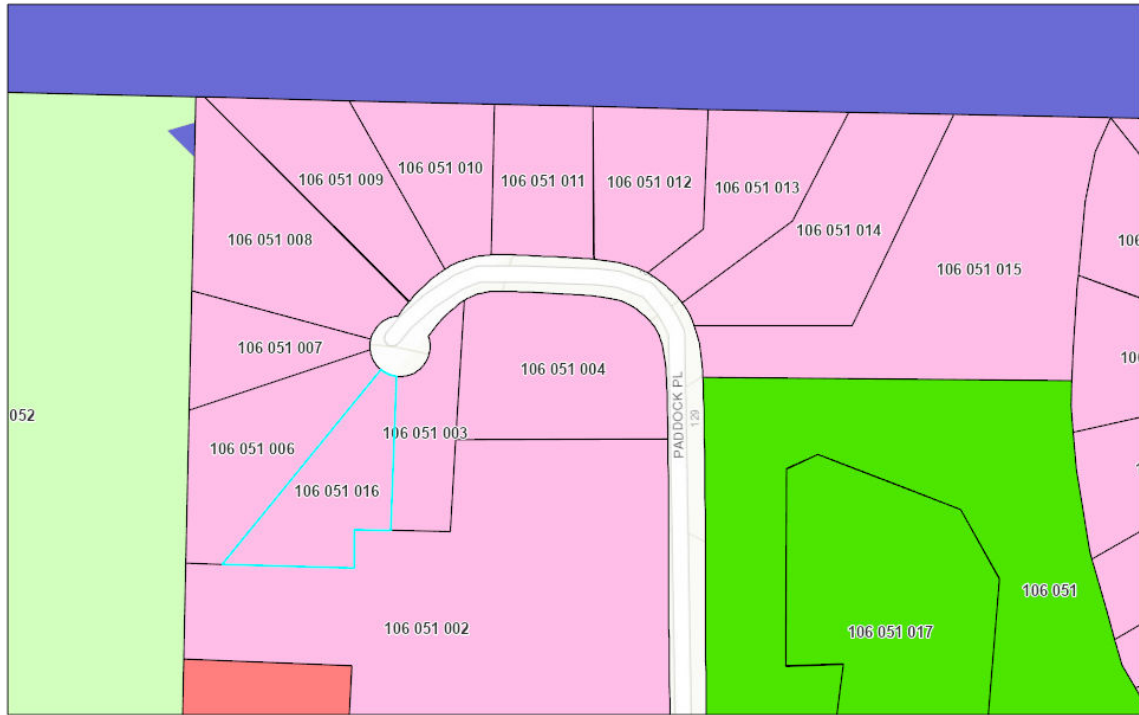
- A. The existing uses and classification of nearby property.**
- The existing uses and classification of nearby property is almost exclusively VCR with a single-family use. The closest non-residential use is the Set Free Baptist Church. The closest commercial use is Dawson Forest Animal Hospital.
- B. The extent to which property values are diminished by the particular land use classification.**
- Property values should not be diminished by the particular land use classification requested.
- C. The extent to which the destruction of property values of the applicant promotes the health, safety, morals, or general welfare of the public.**
- N/A real use of property will not change.
- D. The relative gain to the public, as compared to the hardship imposed upon the individual property owner.**
- No relative change noted.
- E. The suitability of the subject property for the proposed land use classification.**
- Property is suitable for single-family zoning and construction.
- F. The length of time the property has been vacant under the present classification, considered in the context of land development in the area in the vicinity of the property.**
- Unknown
- G. The specific, unusual, or unique facts of each case, which give rise to special hardships, incurred by the applicant and/or surrounding property owners.**
- Mr. Hamby plans to sell the property so that his ailing father can be moved closer to family for care.

Pictures of Property:



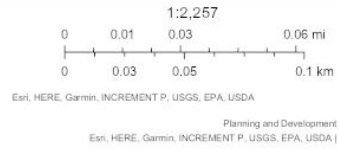
Current Zoning Map:

Dawson County



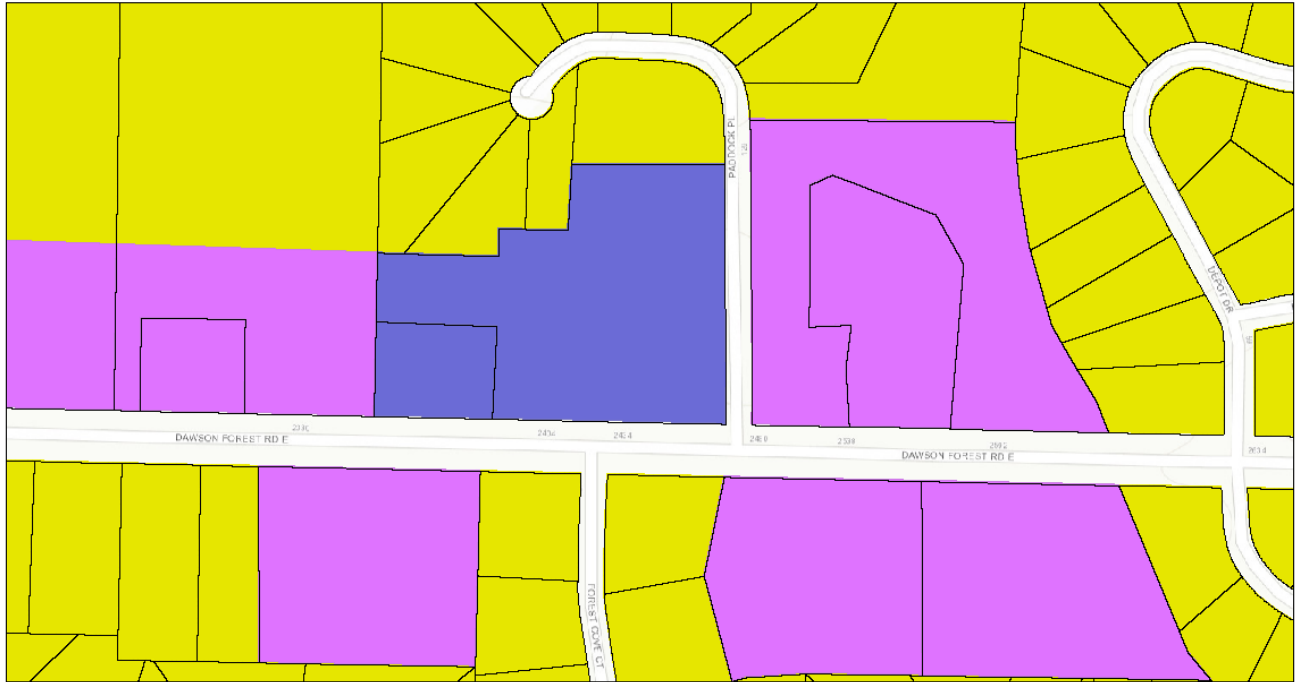
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- Energov Layers - Parcels
- Energov Layers - Zoning
- RA
- VCR
- C-CB
- RS
- RS3



Future Land Use Map:

Future Land Use Map



April 13, 2021

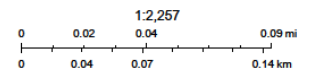
Parcels

FLU

SR

PI

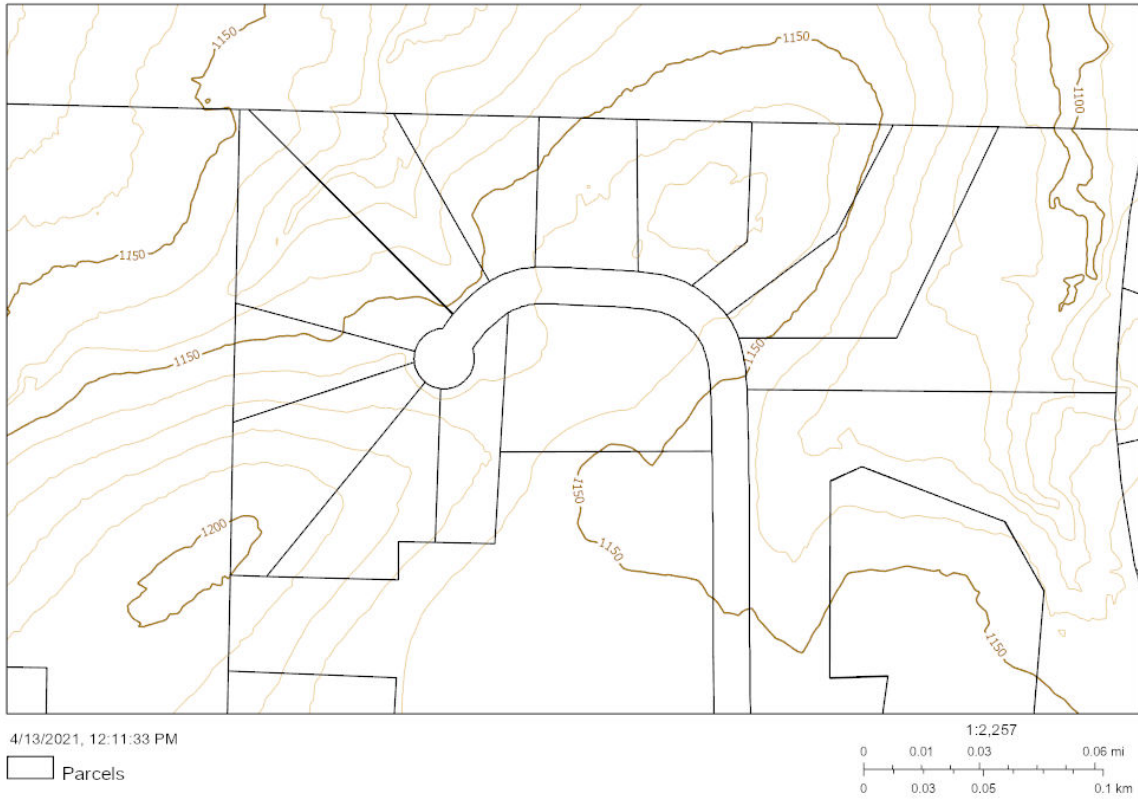
OP



Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

Topography:

Topo Map

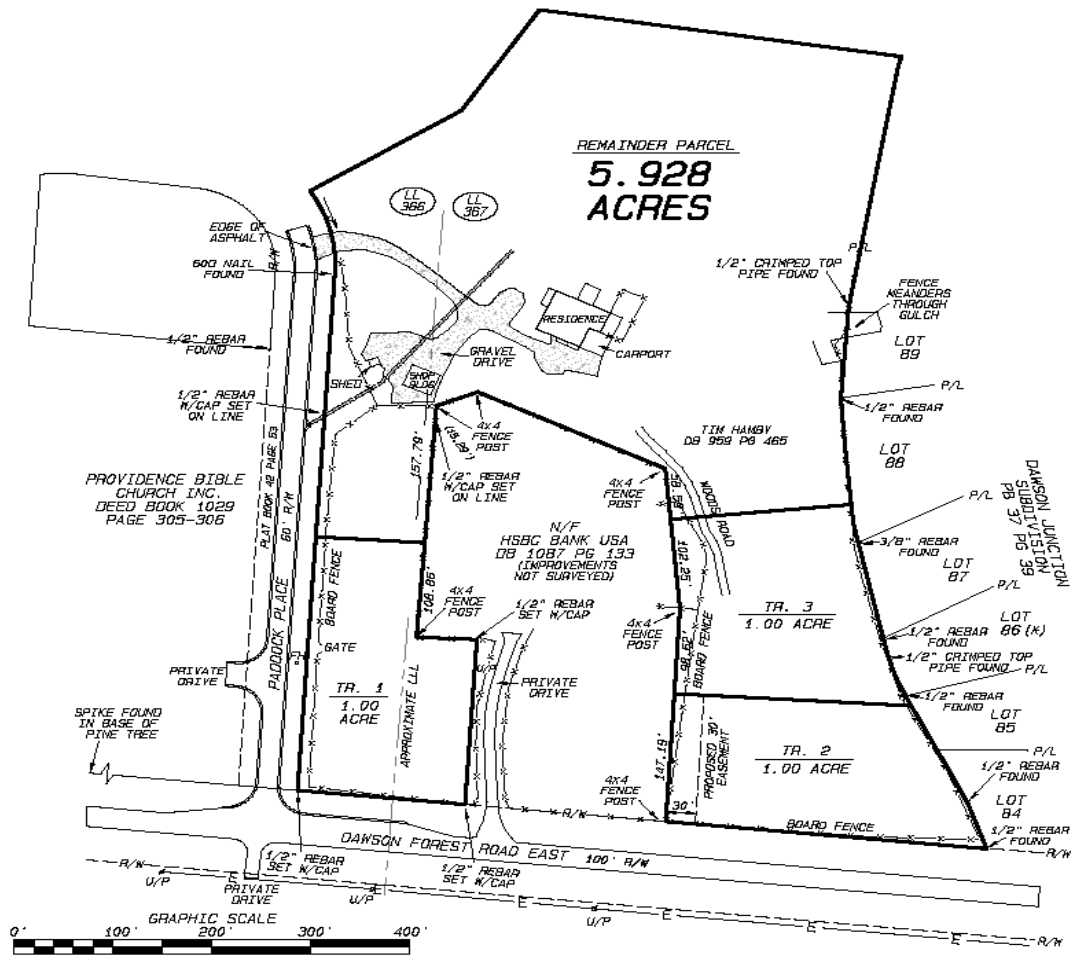


Dawson County
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Aerial:



Site Plan:



DAWSON COUNTY REZONING APPLICATION

This portion to be completed by Zoning Administrator

ZA 21.0 Tax Map & Parcel # (TMP): 106-051-106-051-015,
106-051-014
Submittal Date: _____ Time: _____ am/pm Received by: hg (staff initials)
Fees Assessed: _____ Paid: _____ Commission District 4
Planning Commission Meeting Date: April 20, 2021
Board of Commissioners Meeting Date: May 20, 2021

APPLICANT INFORMATION (or Authorized Representative)

Printed Name: Tim Hamery
Address: _____

Phone: Listed _____ Email: _____ Business _____
 Unlisted _____ Personal _____

Status: Owner Authorized Agent Lessee Option to purchase

Notice: If applicant is other than owner, enclosed Property Owner Authorization form must be completed.

I have /have not _____ participated in a Pre-application meeting with Planning Staff.
If not, I agree _____ /disagree _____ to schedule a meeting the week following the submittal deadline.

Meeting Date: 3-11-21 Applicant Signature: _____

PROPERTY OWNER/PROPERTY INFORMATION

Name: Tim Hamery
Street Address of Property being rezoned: 122 Paddock Place / Dawson
Forest Rd. Dawsonville, GA 30534
Rezoning from: VCR + RIA to: RSP Total acreage being rezoned: 8.97 acres
Directions to Property (if no address): _____

21 MAR 11 3:43 PM

APPLICANT CERTIFICATION

I hereby request the action contained within this application relative to the property shown on the attached plats and site plan and further request that this item be placed on both the Planning Commission and Board of Commissioners agenda(s) for a public hearing.

I understand that the Planning & Development staff may either accept or reject my request upon review. My request will be rejected if all the necessary data is not presented.

I understand that I have the obligation to present all data necessary and required by statute to enable the Planning Commission and the Board of Commissioners to make an informed determination on my request. I will seek the advice of an attorney if I am not familiar with the zoning and land use requirements.

I understand that my request will be acted upon at the Planning Commission and Board of Commissioner hearings and that I am required to be present or to be represented by someone able to present all facts. I understand that failure to appear at a public hearing may result in the postponement or denial of my rezoning of special use application. I further understand that it is my responsibility to be aware of relevant public hearing dates and times regardless of notification from Dawson County.

I hereby certify that I have read the above and that the above information as well as the attached information is true and correct.

Signature 

Date 3.11.21

Witness _____

Date 3.11.21

WITHDRAWAL

Notice: *This section only to be completed if application is being withdrawn.*

I hereby withdraw application # _____

Signature _____

Date _____

Withdrawal of Application:

Withdrawals of any application may be accommodated within the Planning & Development Department if requested before the Planning Commission agenda is set. Therefore, withdrawals may not be made after ten (10) days prior to the scheduled Planning Commission meeting hearing, unless accompanied by written request stating specific reasons for withdrawal. This withdrawal request is to be published in the legal organ prior to the meeting. Following the written request and publication the Planning Commission will vote to remove the item from the agenda at the scheduled hearing. Please note that should the withdrawal be denied, the item will receive deliberation and public hearing with a decision by the Planning Commission. Further, the applicant is encouraged to be present at the hearing to substantiate reasons for withdrawal. Please note that no refund of application fees may be made unless directed by the Board of Commissioners.

2021 APR 1 10 30 AM

NOTICE OF RESIDENTIAL EXURBAN/AGRICULTURAL DISTRICT (R-A) ADJACENCY

Agricultural districts include uses of land primarily for active farming activities and result in odors, noise, dust and other effects, which may not be compatible with adjacent development. Future abutting developers in non RA land use districts shall be provided with this "Notice of RA Adjacency" prior to administrative action on either the land use district or the issuance of a building or occupancy permit.

Prior to administrative action the applicant shall be required to sign this waiver which indicates that the applicant understands that a use is ongoing adjacent to his use which will produce odors, noise, dust and other effects which may not be compatible with the applicant's development. Nevertheless, understanding the effects of the adjacent RA use, the applicant agrees by executing this form to waive any objection to those effects and understands that his district change and/or his permits are issued and processed in reliance on his agreement not to bring any action asserting that the adjacent uses in the RA district constitute a nuisance) against local governments and adjoining landowners whose property is located in an RA district.

This notice and acknowledgement shall be public record.

Applicant Signature: [Signature]

Applicant Printed Name: Tim Hamby

Application Number: ZA 21-

Date Signed: 3-11-21

Sworn and subscribed before me

this 11 day of March, 20 21.

[Signature]
Notary Public

My Commission Expires: August 9, 2022

{
Notary Public Seal
}

21 APR 1 3 59 PM

PROPERTY OWNER AUTHORIZATION

I/we, Tim Hamby, hereby swear that I/we own the property located at (fill in address and/or tax map & parcel #):

106-051, 106-051-015 + 106-051-014

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

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

Printed Name of applicant or agent: Tim Hamby

Signature of applicant or agent: _____ Date: 3-11-21

Printed Name of Owner(s): _____

Signature of Owner(s): [Signature] Date: _____

Mailing address: _____

City, State, Zip: _____

Telephone Number: Listed _____ Unlisted _____

Sworn and subscribed before me this 11 day of March, 2021.

[Signature]
Notary Public

My Commission Expires: August 9, 2022 {Notary Seal}

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

2021 APR 11 10:30 AM

Dawson County, Georgia Board of Commissioners
Affidavit for Issuance of a Public Benefit
As Required by the Georgia Illegal Immigration Reform and Enforcement Act of 2011

By executing this affidavit under oath, as an applicant for a Dawson County Business License, Out of County Business Registration, Alcohol License, or other public benefit as referenced in the Georgia Illegal Immigration Reform and Enforcement Act of 2011 [O.C.G.A. § 50-36-1(e)(2)], I am stating the following with respect to my application for such Dawson County public benefit.

- X I am a United States citizen.
- _____ I am a legal permanent resident of the United States. *(FOR NON-CITIZENS)*
- _____ I am a qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency. *(FOR NON-CITIZENS)*

My alien number issued by the Department of Homeland Security or other federal immigration agency is:

The undersigned applicant also hereby verifies that he or she is 18 years of age or older and has provided at least one **secure and verifiable document**, as required by O.C.G.A. § 50-36-1(e)(1), with this affidavit. *(See reverse side of this affidavit for a list of secure and verifiable documents.)*

The secure and verifiable document provided with this affidavit can best be classified as:

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20 and face criminal penalties as allowed by such criminal statute.

Executed in Dawsonville (city), GA (state)

[Signature] _____
Signature of Applicant Date

Tim Hamby _____
Printed Name Name of Business

SUBSCRIBED AND SWORN BEFORE ME ON
THIS 11 DAY OF March, 2021
[Signature] Notary Public
My Commission Expires: August 9, 2022

{Notary Seal}

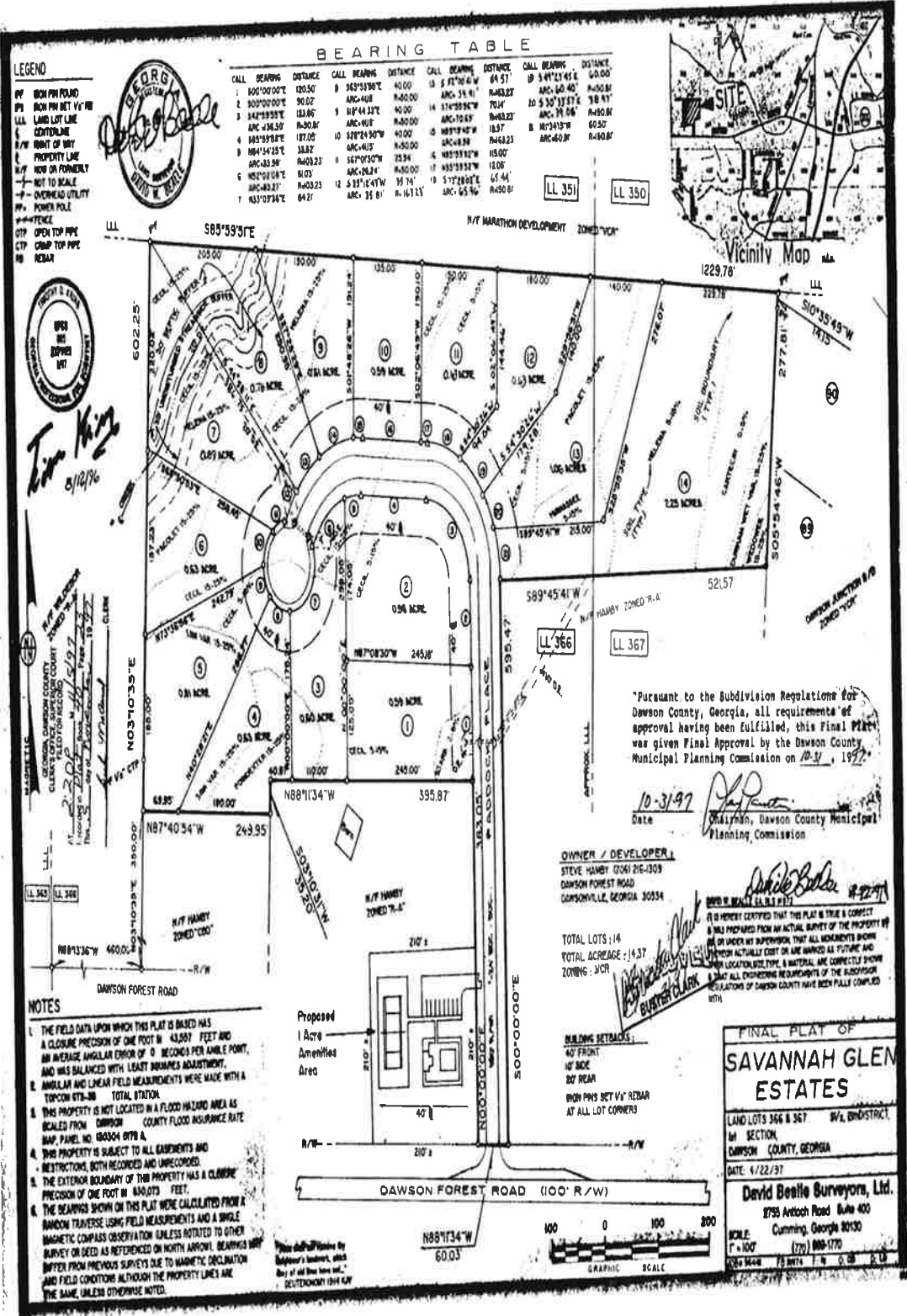
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Secure and Verifiable Documents Under O.C.G.A. § 50-36-2

The following list of secure and verifiable documents, published under the authority of O.C.G.A. § 50-36-2, contains documents that are verifiable for identification purposes, and documents on this list may not necessarily be indicative of residency or immigration status.

- A **United States Passport or Passport Card** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **United States Military Identification card** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Driver's License** issued by one of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Marianas Islands, the United States Virgin Island, American Samoa, or the Swain Islands, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- An **Identification Card** issued by one of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Marianas Islands, the United States Virgin Island, American Samoa, or the Swain Islands, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Tribal Identification Card** of a federally recognized Native American tribe, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer. A listing of federally recognized Native American tribes may be found at:
<http://www.bia.gov/WhoWeAre/BIA/OIS/TribalGovernmentServices/TribalDirectory/index.htm>
[O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **United States Permanent Resident Card or Alien Registration Receipt Card** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- An **Employment Authorization Document** that contains a photograph of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Passport Issued by a Foreign Government** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Merchant Mariner Document or Merchant Mariner Credential** issued by the United States Coast Guard [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Free and Secure Trade (FAST) card** [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- A **NEXUS Card** [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- A **Secure Electronic Network for Travelers Rapid Inspection (SENTRI) card** [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- A **Driver's License issued by a Canadian Government Authority** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Certificate of Citizenship** issued by the United States Department of Citizenship and Immigration Services (USCIS) (Form N-560 or Form N-561) [O.C.G.A. § 50-36-2(b)(3); 6 CFR § 37.11]
- A **Certificate of Naturalization** issued by the United States Department of Citizenship and Immigration Services USCIS) (Form N-550 or Form N-570) [O.C.G.A. § 50-36-2(b)(3); 6 CFR § 37.11]





Owner Information

HAMBY TIMOTHY ADAM



Payment Information

Status Paid
Last Payment Date 11/20/2020
Amount Paid \$2,966.59

Property Information

Parcel Number 106 051
District 1 DAWSON COUNTY UNINCORPORATED
Acres 5.66
Description LL 366 367 413 LD 13-S
Property Address 122 PADDOCK PL
Assessed Value \$125,368
Appraised Value \$313,420

Bill Information

Record Type Property
Tax Year 2020
Bill Number 6157
Account Number 37412
Due Date 12/01/2020

Taxes

Base Taxes \$2,966.59
Penalty \$0.00
Interest \$0.00
Total Due \$0.00

Tax Breakdown

Entity	Adjusted FMV	Net Assmt	Exemptions	Taxable Val	Millage Rate	Gross Tax	Credit	Net Tax
STATE TAX	313,420	125,368	0	125,368	0	\$0.00	\$0.00	\$0.00
COUNTY M&O	313,420	125,368	0	125,368	12.377	\$1,551.68	\$0.00	\$988.53
SALES TAX ROLLBACK	0	0	0	125,368	-4.492	\$0.00	-\$563.15	\$0.00
SCHOOL M&O	313,420	125,368	0	125,368	15.778	\$1,978.06	\$0.00	\$1,978.06
Totals					23.663	\$3,529.74	-\$563.15	\$2,966.59

21 APR 1 3:49 PM

Owner Information

HAMBY STEVE EDWARD



Payment Information

Status Paid
Last Payment Date 11/20/2020
Amount Paid \$638.91

Under Appeal

Bankrupt

Tax Sale

Property Information

Parcel Number 106 051 015
District 1 DAWSON COUNTY UNINCORPORATED
Acres 2.25
Description LOT 14 SADDLE RIDGE
Property Address PADDOCK PL
Assessed Value \$27,000
Appraised Value \$67,500

Bill Information

Record Type Property
Tax Year 2020
Bill Number 6156
Account Number 39618
Due Date 12/01/2020

Taxes

Base Taxes \$638.91
Penalty \$0.00
Interest \$0.00
Other Fees \$0.00
Discount -\$0.00
2020 Total Due \$0.00
Back Taxes \$0.00
Total Due \$0.00

Tax Breakdown

Entity	Adjusted FMV	Net Assmt	Exemptions	Taxable Val	Millage Rate	Gross Tax	Credit	Net Tax
STATE TAX	67,500	27,000	0	27,000	0	\$0.00	\$0.00	\$0.00
COUNTY M&O	67,500	27,000	0	27,000	12.377	\$334.18	\$0.00	\$212.90
SALES TAX ROLLBACK	0	0	0	27,000	-4.492	\$0.00	-\$121.28	\$0.00
SCHOOL M&O	67,500	27,000	0	27,000	15.778	\$426.01	\$0.00	\$426.01
Totals					23.663	\$760.19	-\$121.28	\$638.91

21 MAR 11 3:49 PM

Owner Information

HAMBY STEVE EDWARD



Payment Information

Status Paid
Last Payment Date 11/20/2020
Amount Paid \$301.00

Under Appeal

Bankrupt

Tax Sale

Property Information

Parcel Number 106 051 014
District 1 DAWSON COUNTY UNINCORPORATED
Acres 1.06
Description LOT 13 SADDLE RIDGE
Property Address PADDOCK PL
Assessed Value \$12,720
Appraised Value \$31,800

Bill Information

Record Type Property
Tax Year 2020
Bill Number 6155
Account Number 52114
Due Date 12/01/2020

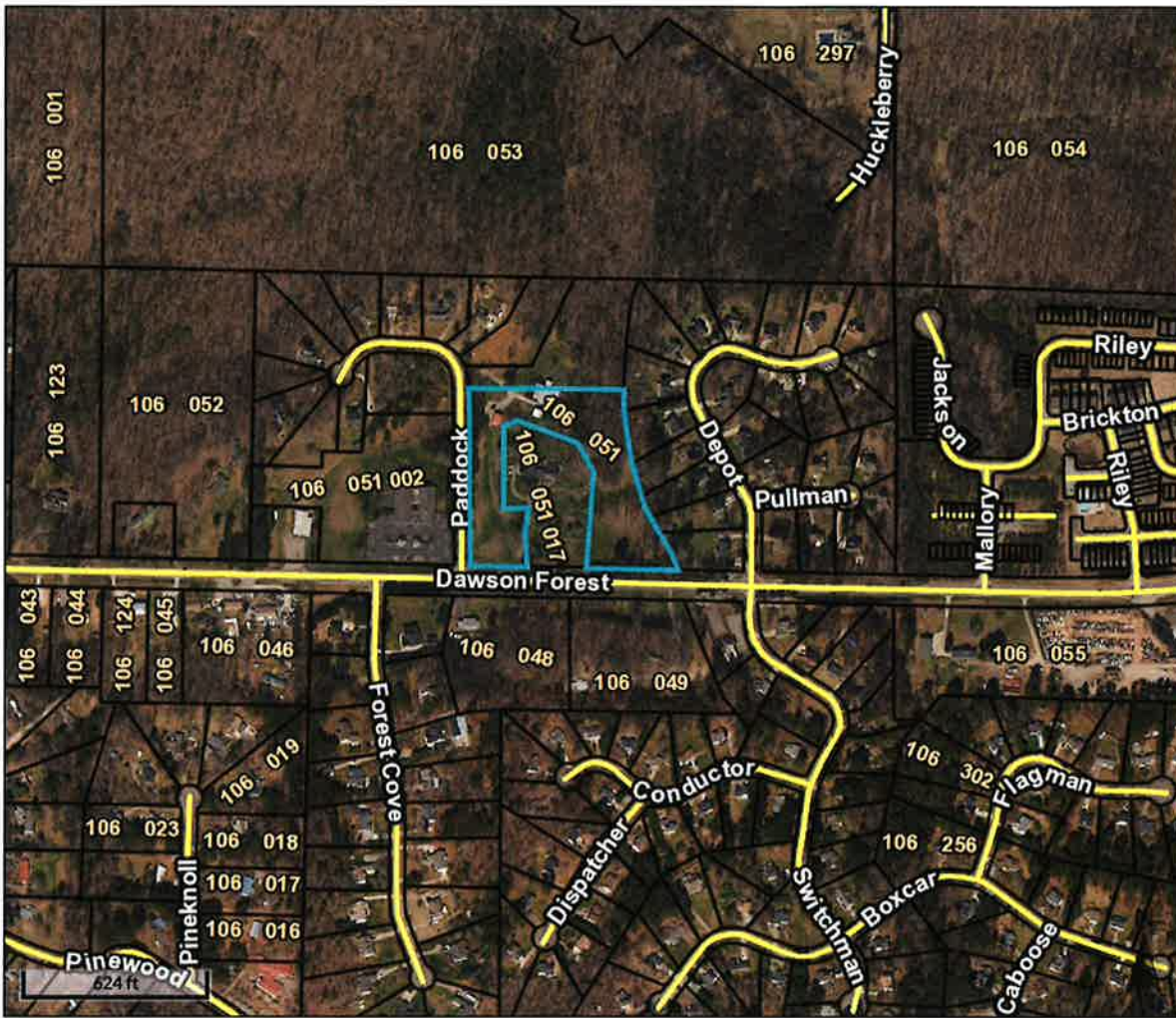
Taxes

Base Taxes \$301.00
Penalty \$0.00
Interest \$0.00
Other Fees \$0.00
Discount -\$0.00
2020 Total Due \$0.00
Back Taxes \$0.00
Total Due \$0.00

Tax Breakdown

Entity	Adjusted FMV	Net Assmt	Exemptions	Taxable Val	Millage Rate	Gross Tax	Credit	Net Tax
STATE TAX	31,800	12,720	0	12,720	0	\$0.00	\$0.00	\$0.00
COUNTY M&O	31,800	12,720	0	12,720	12.377	\$157.44	\$0.00	\$100.30
SALES TAX ROLLBACK	0	0	0	12,720	-4.492	\$0.00	-\$57.14	\$0.00
SCHOOL M&O	31,800	12,720	0	12,720	15.778	\$200.70	\$0.00	\$200.70
Totals					23.663	\$358.14	-\$57.14	\$301.00

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Overview



Legend

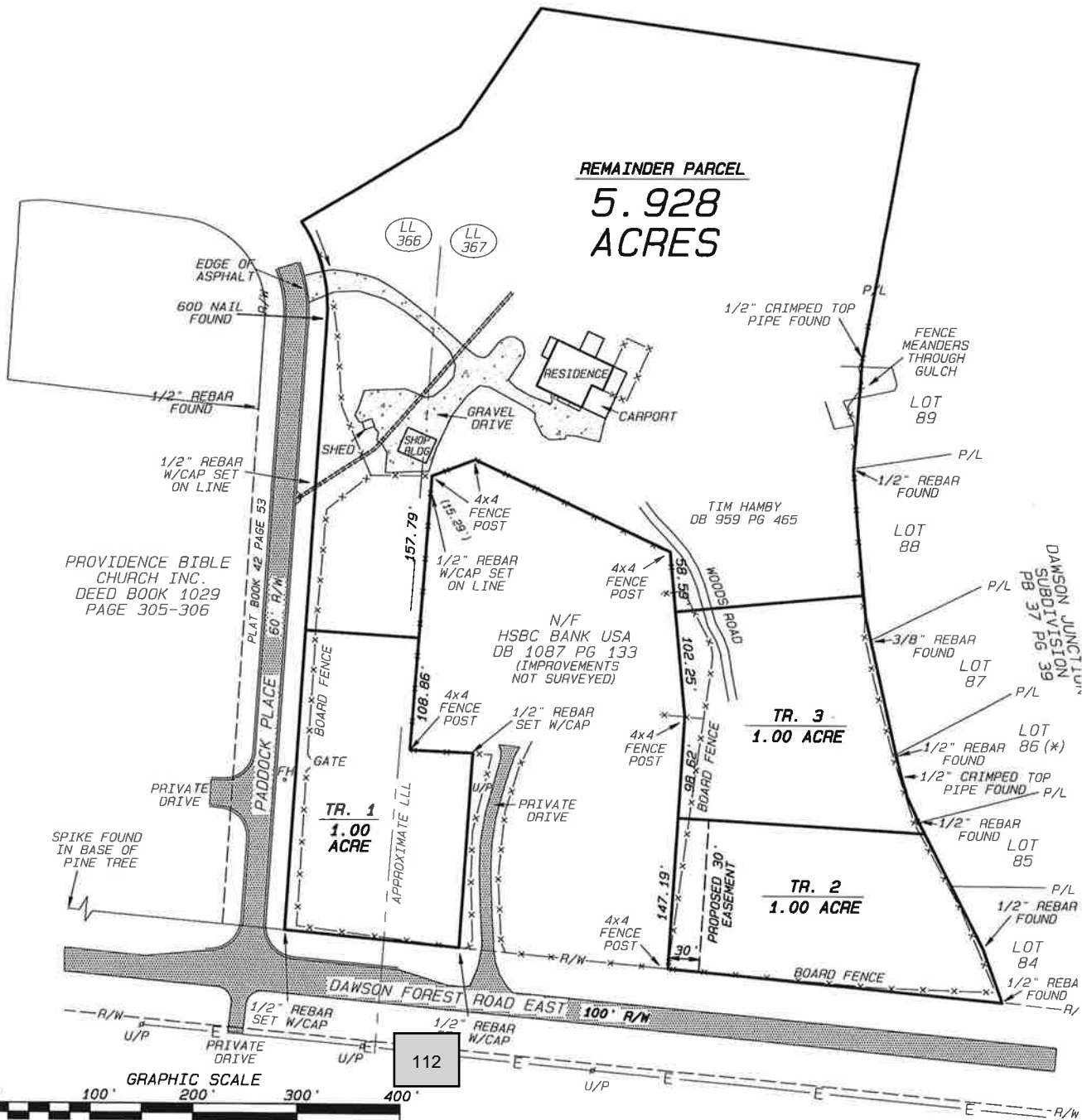
 Parcels

Parcel ID: 106 051
Alt ID: 7450
Owner: HAMBY TIMOTHY ADAM
Acres: 5.66
Assessed Value: \$313420

Date created: 3/11/2021
Last Data Uploaded: 3/11/2021 1:39:57 AM

Developed by  Schneider
GEOSPATIAL

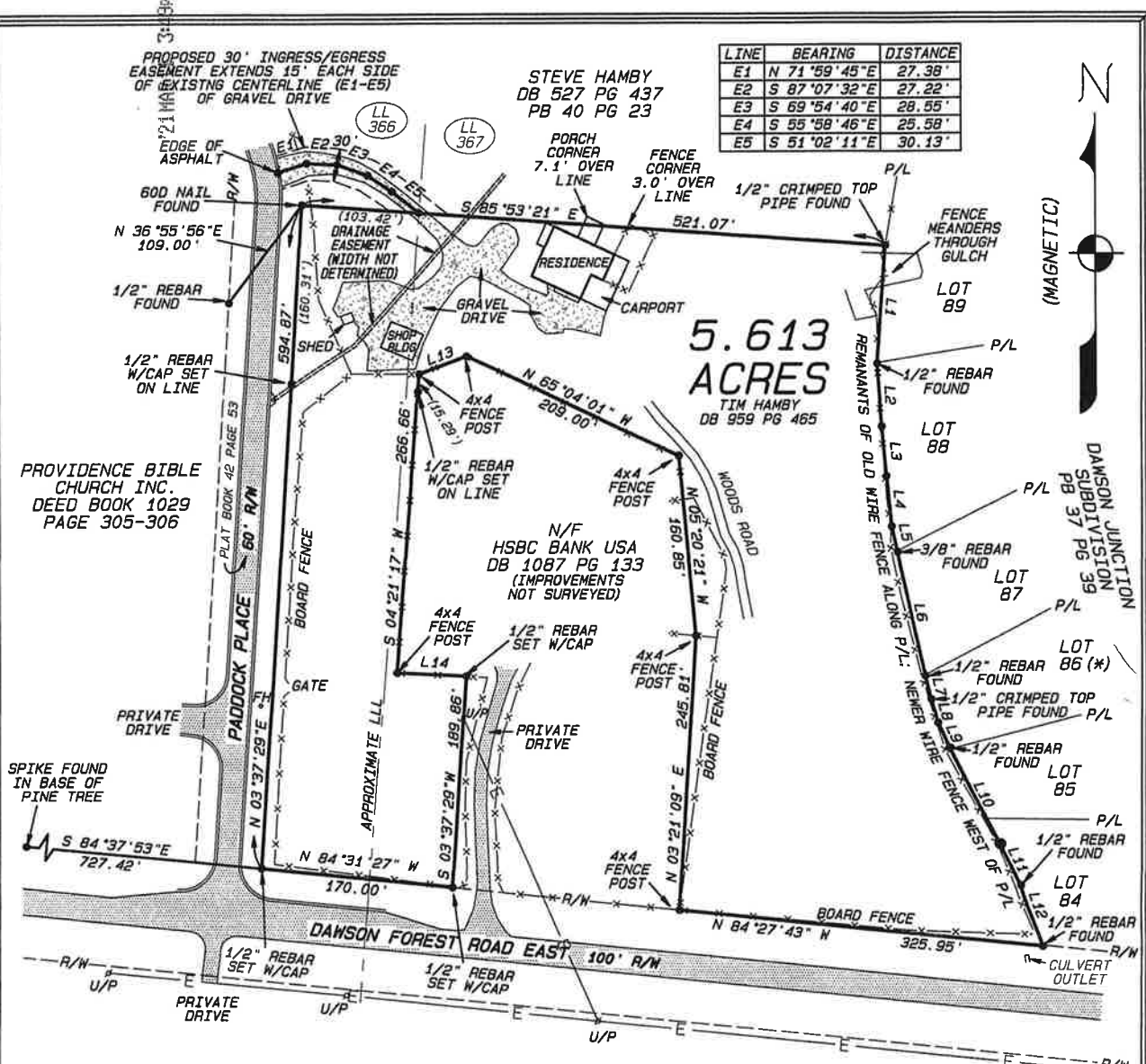
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PROPOSED 30' INGRESS/EGRESS EASEMENT EXTENDS 15' EACH SIDE OF EXISTING CENTERLINE (E1-E5) OF GRAVEL DRIVE

STEVE HAMBY
DB 527 PG 437
PB 40 PG 23

LINE	BEARING	DISTANCE
E1	N 71°59'45"E	27.38'
E2	S 87°07'32"E	27.22'
E3	S 69°54'40"E	28.55'
E4	S 55°58'46"E	25.58'
E5	S 51°02'11"E	30.13'



PROVIDENCE BIBLE CHURCH INC.
DEED BOOK 1029
PAGE 305-306

5.613
ACRES
TIM HAMBY
DB 959 PG 465

THIS SURVEYOR DOES NOT GUARANTEE THAT ALL EASEMENTS AFFECTING THIS PROPERTY ARE SHOWN.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 19324 FEET, AND WAS ADJUSTED USING THE LEAST SQUARE RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 328492 FEET.

EQUIPMENT USED: TRIMBLE S6 ROBOTIC.
THIS SURVEY WAS PREPARED WITHOUT THE AID OF A TITLE SEARCH AND IS SUBJECT TO ANY AND ALL DISCLOSURES THAT A TITLE SEARCH MAY YIELD.

THIS SURVEY IS CERTIFIED SOLELY TO THE PARTY OR PARTIES NAMED HEREON.

CURRENT ZONING: R-A
BUILDING SETBACKS:
FRONT: 40'
SIDE: 20'
REAR: 35'

THIS SURVEY WAS PERFORMED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE PLAT PREPARED AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.



REFERENCE:
PLAT OF SURVEY FOR DAWSON JUNCTION DATED JUNE 11, 1996 BY DAVID BEALLE SURVEYORS, LTD

IN MY OPINION, NO PORTION OF THIS PROPERTY LIES WITHIN A FEMA DESIGNATED SPECIAL FLOOD HAZARD AREA.
REFERENCE FEMA FLOOD MAP: 13085C0202B DATED 9-26-2008.

UNDERGROUND UTILITIES WERE NOT LOCATED AS PART OF THIS SURVEY. CALL 811 BEFORE YOU DIG.

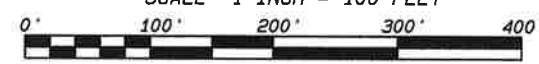
ROAD RIGHT OF WAY WIDTHS SHOWN HEREON ARE BASED UPON REFERENCE PLATS. ACREAGE STATED IS SUBJECT TO ANY GOVERNMENTAL CLAIM TO R/W.

- LL = LAND LOT
- LLL = LAND LOT LINE
- C/L = CENTER LINE
- N/F = NOW OR FORMERLY
- R/W = RIGHT OF WAY
- P/L = PROPERTY LINE
- U/P = UTILITY POLE
- E- = OVERHEAD WIRES
- X- = 3 BOARD FENCE
- BLDG = BUILDING
- FH = FIRE HYDRANT

(*) NOTE: CHAINLINK FENCE AT REAR OF LOT 86 EXTENDS WEST OF OLD FENCE LINE AND TIES IN TO NEWER WIRE FENCE.

LINE	BEARING	DISTANCE
L1	S 04°19'00"W	106.53'
L2	S 04°19'35"E	55.14'
L3	S 05°16'26"E	44.09'
L4	S 05°33'32"E	44.79'
L5	S 12°56'11"E	29.40'
L6	N 12°52'02"W	112.93'
L7	S 14°34'48"E	21.42'
L8	S 16°48'53"E	21.71'
L9	S 24°16'51"E	26.82'
L10	S 27°09'43"E	95.54'
L11	S 26°47'38"E	41.91'
L12	S 20°04'58"E	56.08'
L13	S 69°03'20"W	44.62'
L14	S 87°27'35"E	61.03'

SCALE 1 INCH = 100 FEET



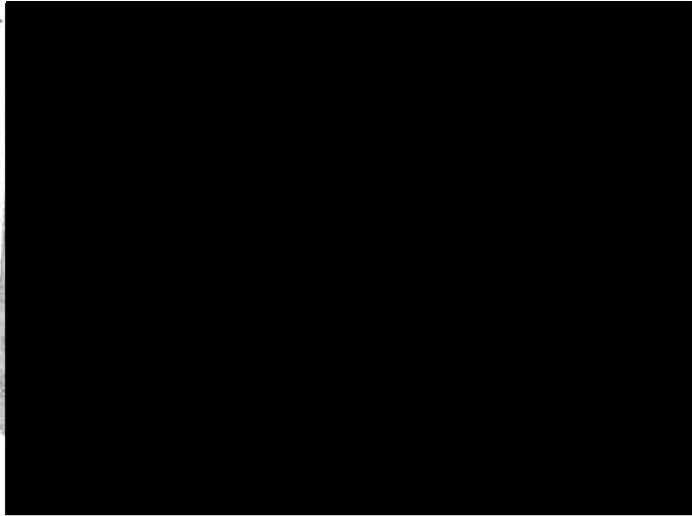
PLAT OF BOUNDARY SURVEY FOR
TIM HAMBY
LAND LOTS 366 & 367, SOUTH HALF 13TH DISTRICT, 1ST SECTION
DAWSON COUNTY, GEORGIA

LSF # 1074: ALTASURY LLC dba

GEOIMAGE
LAND SURVEYING, LAND PLANNING & DESIGN
21 ENOTA STREET, DAHLONEGA, GA 30533, (706) 864-7298

PLAT DATE: JUNE 21, 2014
FIELD DATES: JUNE 20 & 26, 2013 & JUNE 14 & 21, 2014

FIELD CREW: JG
DRAWN BY: JG/JDH
DRWG FILE: 3877 HAMBY DFR
JOB # 3877



21 MAR 11 3:50 PM

Dawson County Rezoning Application

Application Requirements/Applicant Checklist

- ✓ 1. Pre-Application meeting with Planning & Development Staff (recommended)
 - ✓ 2. Completed Application to include:
Property Owner Authorization (if acting agent)
Adjoining Property Owner information (found on the Tax Assessor's website)
Notice of RA Agency form (if applicable)
 3. Letter of Intent
 - ✓ 4. Letter from Environmental Health Department (706-265-2930) for review of septic → emailed
 - ✓ 5. Recorded Plat of the property (Clerk of Court) → Deed
 - ✓ 6. Site plan drawn to scale of any proposed structures
*Commercial rezoning require more information – please see insert
 - ✓ 7. Paid tax receipt for most current year (Tax Commissioner's office)
 - ✓ 8. Aerial location map of the subject property (qPublic.com or Google Earth)
 9. Check or Money Order in the correct amount made payable to Dawson County
 - ✓ 10. Completed Affidavit for Issuance of a Public Benefit. - Copy of drivers lic. + signature
-

This application packet contains all of the information required to submit a change in a zoning category. If, after reading this, you have questions, please contact Planning & Development at (706) 344-3500 extension 42336. It is strongly suggested that an applicant schedule a pre-application meeting with staff prior to submitting the application.

To avoid unnecessary delays, please be sure the application is complete. Incomplete applications **without all required attachments will be REJECTED.**

It is the applicant's responsibility to attend the Public Hearings and be able to answer any questions regarding the request. If you are uncomfortable in this role, you may want to seek the help of a lawyer, surveyor or other professional.

**FAILURE TO APPEAR AT MEETINGS CONSTITUTES
ABANDONMENT AND DISMISSAL OF THE CASES, UNLESS THE
APPLICANT SHOWS JUST CAUSE BY REASON OF ILLNESS/HEALTH
ISSUES OR OTHER EMERGENCY WITHIN A REASONABLE TIME, IN
WRITING, AND ACCOMPANIED BY NEW COSTS FOR RE-
ADVERTISEMENT AND HEARING.**

2021 Rezoning/Variance Submittal Dates and Meeting Schedules

Submittal Dates @12:00 p.m.	Planning Commission Meeting Dates (6:00 p.m.)	Board of Commissioners Meeting Dates for Rezoning Hearings (6:00 p.m.)
December 11, 2020	January 19, 2021	February 18, 2021
January 8, 2021	February 16, 2021	March 18, 2021
February 12, 2021	March 16, 2021	April 15, 2021
March 12, 2021	April 20, 2021	May 20, 2021
April 9, 2021	May 18, 2021	June 17, 2021
May 14, 2021	June 15, 2021	July 15, 2021
June 11, 2021	July 20, 2021	August 19, 2021
July 9, 2021	August 17, 2021	September 16, 2021
August 13, 2021	September 21, 2021	October 21, 2021
September 10, 2021	October 19, 2021	November 18, 2021
October 8, 2021	November 16, 2021	December 16, 2021
November 12, 2021	December 21, 2021	TBD
December 10, 2021	TBD	TBD

Prior to the submittal date, applicants are encouraged to request and participate in a pre-application conference with staff to discuss the particulars of the request and/or potential coordination with the requirements of the Comprehensive Plan and the Future Land Use map.

Applications may be submitted at anytime during the month prior to the submittal deadline date and time. However, **APPLICATIONS MUST BE SUBMITTED BY 12:00 NOON ON THE SUBMITTAL DATE LISTED ABOVE** to be considered for that cycle.

Please be aware that each monthly rezoning cycle has a maximum number of agenda items limited to eight (8) applications. If that number is met, then your application will be placed on the next monthly cycle.

The above schedule is subject to change. Check the local legal organ for meeting dates and times. If you have any questions, please call the Planning & Development office at (706) 344-3500 extension 42336.

REGULAR MONTHLY MEETINGS OF THE PLANNING COMMISSION AND THE BOARD OF COMMISSIONERS MEET IN THE DAWSON COUNTY GOVERNMENT CENTER, ASSEMBLY ROOM 2303 LOCATED AT 25 JUSTICE WAY, DAWSONVILLE, GEORGIA.

*Planning Commission meetings begin at 6:00 p.m.
The Board of Commissioners meetings begin at 6:00 p.m.*

Chapter 6 - ALCOHOLIC BEVERAGES

ARTICLE I. ~~IN~~ GENERAL

Sec. 6-1. - Title.

This chapter shall be known as and may be referred to as the Dawson County Alcohol Ordinance or Dawson County Alcoholic Beverage Code.

Sec. 6-~~2~~. - Purpose.

The purposes of this chapter include, but are not limited to, the following:

- (1) Compliance with state law.
- (2) Guarding against monopoly and concentration of the retail sales of alcoholic beverages in one group.
- (3) Prevention and control of the sale of alcoholic beverages by unfit persons.
- (4) Promotion of appropriate land use planning and zoning in accordance with the county's comprehensive zoning policies.
- (5) Protection of schools, homes, churches, parks, and other institutions.
- (6) Protection of public health, safety, and general welfare.

~~Secs. 6-4 - 6-22. Reserved.~~

ARTICLE II. ~~TYPES OF LICENSES AND FEES~~

Sec. ~~6-23. License is a privilege.~~ ~~6-3. Licenses generally.~~

- (a) Alcoholic beverages may be sold in the unincorporated area of the county only after issuance of a license for such and only in the manner permitted by said license, upon the terms and conditions provided in this chapter. Sales are permitted only by licensees who comply with the rules of this chapter and with the licensing, revenue and regulatory requirements of the State of Georgia.
- (b) All licenses issued pursuant to this chapter shall be a mere grant of privilege to carry on the business during the term of the license, subject to all terms and conditions imposed by this chapter and state law. Licenses may be abandoned by the licensee, may be suspended or placed under restrictive conditions by the board of commissioners, and are subject to being revoked by the ~~board.~~ [Board of Commissioners](#). Renewal is subject to the discretion of the ~~board~~ [Board of Commissioners](#).
- (c) All licenses issued pursuant to this chapter shall have printed on the front these words: "This license is a mere privilege subject to be revoked and annulled and is subject to any further ordinances that may be enacted."
- (d) Any holder of a license issued in accord with this chapter is required to apply for and obtain all applicable alcoholic beverage licenses from the state before any sales or service commence. Additionally, county licensees and permit holders are required to abide by all applicable State regulations and laws.

~~Sec. 6-24. Licenses generally; expiration and application dates; transferability.~~

(a)(e) All licenses issued under this chapter shall:

- (1) Permit the licensee to sell or distribute the beverage for which the license is issued and for the purpose authorized, within Dawson County, Georgia, but outside municipalities in Dawson County, Georgia, pursuant to the terms of this chapter and not inconsistent with the laws of the State of Georgia and of the United States;
- (2) Expire on December 31 of each year. Application for renewal shall be made annually on or before November 30th. Any licensee making proper application, with supporting documents and required fees, for a license to operate during the following calendar year and having filed such application prior to November 30, shall be permitted to continue to operate pending final action (approval or disapproval) of such licensee's application for the following year if final approval or disapproval is not done prior to January 1;
- (3) Not be transferred from one person to another or from one location to another without the prior approval of the county commission upon written application; and
- (4) Be subject to all terms and conditions imposed or provided for by future provisions or amendments to this alcoholic beverage ordinance.

(b)(f) Any license or permit under this chapter which is issued by administrative error, or due to mistake, or in reliance upon any misrepresentation by the applicant or anyone providing information on behalf of the applicant shall be null and void and shall be subject to seizure by the sheriff or other official charged with enforcement of this chapter. When notified of the invalidity by Dawson County personnel, the licensee or permittee shall immediately cease operation and surrender the license or permit to the county. The licensee/permittee shall be given written notice of the invalidity of the license or permit and the reasons therefor, and shall be advised of the right to appeal the decision to the board of commissioners, which shall consider the asserted grounds for invalidity and the licensee's arguments and/or evidence contesting the assertion of invalidity. Once the licensee has been given notice and an opportunity to be heard the board shall determine the issue and cause written notice of its decision to be provided to the licensee.

(e)(g) There shall be a separate application, license fee, application fee and license required for each proposed location of a proposed licensee and for each category of operation as provided for herein.

Sec. 6-254. - Types of licenses and permits issued.

(a) Only the following licenses and/or permits shall be issued under this chapter:

- (1) Malt beverages and Wine, wholesale.
- (2) Malt beverages and Wine, retail package.
- (3) Malt beverages and Wine, by the drink for consumption on the premises.
- (4) ~~Wine, wholesale.~~
- (5) ~~Wine, retail package.~~
- (6) ~~Wine, by the drink for consumption on the premises.~~
- (7) ~~Distilled spirits, wholesale.~~
- (8) Distilled spirits, retail package.
- (9) Distilled spirits, by the drink for consumption on the premises.
- (10) ~~Licensed alcoholic beverage caterer.~~

~~(14)(7)~~ Caterer License.

(8) Farm ~~winery tasting room.~~Winery.

~~(12)(9)~~ Special ~~event alcohol permit.~~Event Permits.

~~(13) Employee permit (which shall not be required for licensees or owners themselves to work in their licensed establishments).~~

~~(14)(10)~~ Event Catering Permit.

~~(11)~~ Employee Permit.

(12) Hotel-motel in-room service permit.

~~(15) Brewpub/microbrewery, which is separate from and in addition to the on premises and off-premises licenses required for authorization to sale in either manner as the case may be.~~(13) Agribusiness.

(b) Licenses relating to wine shall also include mead (honey mead or honey wine). Licenses relating to malt beverages shall also include hard cider.

Sec. 6-~~265~~. - Fees.

- (a) There is an annual license fee for each type of license. In addition, there are administrative fees to offset administrative and investigative costs which are charged with the initial, renewal, transfer and reinstatement applications for licenses and permits. The fees applicable to all such licenses, permits, and applications shall be set forth in the Dawson County Alcohol Schedule of Fees. Said fee schedule may be modified by the commission periodically as it deems needed and any changes shall be put in written form. An ordinance or ordinance amendment shall not be necessary to change the fee schedule. The fee schedule shall set forth the amount to be paid as a license (annual) fee and the amount of any administrative fee, investigatory fee or other fee as to each type of license. The administrative, investigatory and other fees may be combined in the schedule. There shall be no waiver of fees or parts of fees except in accordance with written policy approved by the county commission. The director shall be responsible to determine fees and shall have authority to decide upon any dispute, question or objection as to the amount payable as fees with an application in order for the application to be considered complete, subject to review by the board of commissioners.
- (b) Each type of license to be issued requires a separate application. Each application for a license shall be accompanied by a certified check in the full amount of the license fee, ~~together with a separate certified check in the amount of the total of administrative and additional fees (application, investigative and any other alcohol fees under this chapter) to defray investigative and administrative costs.~~ In the event a license application is denied, withdrawn or abandoned, the license fee will be refunded, but the administrative fees are nonrefundable. License fee and administrative fee ~~checks~~check shall be delivered to the director or other designee of the board of commissioners with the application and no application shall be deemed complete until all required fees are paid.
- (c) Licenses are valid for not more than one year from date of issue. The normal termination of every license shall be midnight on December 31. If a license is issued prior to July 1 of the year, the full annual license fee shall be payable. If the license is issued July 1 or thereafter, only 50 percent of the license fee shall be payable; the license shall still expire on December 31. All administrative fees are payable regardless of the time of year the application is filed.
- (d) All licenses granted under this chapter shall expire on December 31 of each year unless revoked, surrendered, abandoned or otherwise terminated prior to that normal termination date. Licensees

who desire to renew the license shall file applications, with the requisite fee enumerated in the fee schedule, with the designee of the county commission on the form provided for renewal of the license for the ensuing year. Applications for renewal must be filed before November 30 of each year. Any renewal applications received after November 30 shall pay in addition to the annual license and administrative fees, a late charge of 20 percent of the total license and administrative fees otherwise payable. If the license application is received after December 31, the late charge/penalty payable shall be increased from 20 percent to 50 percent ~~and such application shall be treated as an initial application; the applicant shall be required to comply with all rules and regulations for the granting of licenses as if no previous license had been held, including criminal background checks. If the license was valid for the existing location on December 31, then it shall not be necessary for a renewal application filed between December 31 and March 31 to meet the location requirements as to churches and other buildings which may have commenced operation subsequent to the date the location was originally licensed for sale of alcoholic beverages.~~

- (e) In the event a license is issued and thereafter abandoned, forfeited, surrendered, revoked, suspended or transferred, no portion of the license fee or administrative fees shall be refunded.
- (f) In the event an application is withdrawn before the license is issued, any sums deposited for license fees will be refunded. Administrative fees will not be refunded.

~~Secs. 6-27—6-55. Reserved.~~

ARTICLE IV. GENERAL PROVISIONS; ALL LICENSES

Sec. ~~6-90.~~ 6. — Applications; ~~and~~ procedures, ~~including diagram; initial issuance and other decisions; whether for commission or director; notices and delivery of same; appeals.~~

- (a) All persons desiring to sell alcoholic beverages shall make application on the form prescribed by the director, which shall include a diagram illustrating distances to the closest example of each type/class of property for which a minimum distance is prescribed in this chapter, and a diagram/site plan illustrating which portions of the parcel (on which the proposed licensed premise is to be located) shall be usable for sale and/or consumption of alcoholic beverages, such as interior areas, decks, patios, exterior fenced areas, etc. The diagram for on-premise consumption licensees shall show the location of each bar, identifying whether it is fixed or mobile, and whether it may include counter service. If the applicant is or will be doing business under a trade name, the application shall include the trade name though the license will be issued to the individual, partnership, limited liability company or corporation in accordance with the provisions of this article.
- (b) If the applicant is an individual, then the application for license shall be in the name of the individual and the license, if issued, shall be issued in that name.
- (c) If the applicant is a partnership or limited partnership, then the application shall be made in the name of the entity; and if a license is issued, then the license shall be issued in the name of the entity or in accord with section ~~6-93~~ 6-93 hereof if section ~~6-93~~ 6-93 applies.
- (d) If the applicant is a limited liability company or a corporation, then the application shall be made in the name of the said limited liability company or corporation; and if a license is issued, then the license shall be issued in the name of the said limited liability company or corporation or in accord with section ~~6-94~~ 6-94 10 hereof if section ~~6-94~~ 6-94 10 applies.
- (e) All applicants shall furnish data, fingerprints, financial responsibility and other records as required by the county commission or its designee to insure compliance with the provisions of this chapter.

The refusal or failure to furnish data, fingerprints, records or information pursuant to such request shall automatically serve to dismiss the application with prejudice.

- (f) The fingerprints provided shall be forwarded to the Sheriff's office and/or the Georgia Bureau of Investigation, as well as the Federal Bureau of Investigation, to search for any instance of criminal activity during the two years immediately preceding the date of the application.
- (g) All applications shall be sworn to by the applicant before a notary public or other officer empowered by law to administer oaths.
- (h) A notice of each initial application to sell distilled spirits (whether for package sales or for consumption on the premises) shall be advertised in the official legal organ of the county once during each of two weeks during the 30 days preceding consideration of the application. In the event it is determined at or before the time of consideration that there has been a failure as to publication of the required notice, then the appropriate action will be to delay consideration of the application until proper publication is done. The notice shall contain the name of the applicant, the type of license sought, and the location of the proposed licensed premises, as well as the expected date for consideration (including a statement that such date is subject to change).
- (i) An applicant for any type of license under this chapter, including an employee permit, must resolve any pending alcohol related criminal charges before his or her application will be considered.
- (j) If an applicant is notified of a date, time and place to appear before the county commission or its designee in connection with consideration of an initial application, or a renewal application, or a reinstatement request, or a possible disciplinary action such as suspension, probation or revocation, and the applicant fails to so appear, and if the failure to appear is not excused by the county commission or its designee, then the commission or its designee may deny the application, or may consider the proposed disciplinary action unopposed, or may delay further proceedings as the commission or its designee determines to be appropriate.
- (k)
 - (1) Consideration of all initial applications and transfer of location applications under section 6-9410 of this Code, shall be done by the county commission at an open meeting of the commission unless the commission by written policy, resolution or amendment to this ordinance designates the director or another person or entity to consider and decide such categories of possible actions.
 - (2) The county commission shall consider and decide all proposed suspensions, revocations, or other potential disciplinary matters as to any license in an open meeting of the commission, with the exception of emergency suspensions done on a temporary basis, which may be done by the county manager, fire chief, building official or sheriff for public safety reasons under section 6-106(e)104 of this Code, until the commission is able to schedule a hearing on the matter for its consideration of the suspension.
 - (3) All applicants/licensees shall appear before the commission at the time of its consideration of any of the foregoing matters, either in person, or by the presence of a registered agent who is suitable to answer all questions which may arise concerning the action under consideration. Such appearance by someone other than the agent must be approved in advance by county staff. Failure to appear may result in such action as the county commission or its designee deems appropriate, including delay to allow re-scheduling, or denial of an application or change, or imposition of the proposed disciplinary action.
 - (4) Applications for license renewals; special event alcohol permits; transfer of ownership; issuance or disciplinary action as to employee permits; whether a license has been abandoned due to

non-use under section 6-9511 below; and all other administrative decisions not specifically committed to the discretion of the commission, shall be determined by the director or his or her designee, subject to right of the applicant or licensee or permit holder to appeal an adverse decision to the board of commissioners by filing a notice of appeal stating the grounds for appeal and relevant supporting facts. Notice of appeal must be filed with the director and must be received in the county's planning office within ten business days of the date of the director/designee decision from which complaint/appeal is made. In the event this chapter requires the director to issue a written notice of decision, then the appeal time shall commence on the date when the director's notice is received by the licensee/permittee.

(5) Notices of all kinds from the director/designee or the commission may be forwarded to licensee/permittee's address of record by hand delivery; or by certified or registered mail, return receipt requested; or by private express delivery with proof of delivery. Notices will be deemed to be received when actually received by licensee/permittee as evidenced by the return receipt signed by licensee/permittee or other person on behalf of licensee/permittee. If hand delivered, the delivery or refusal may be evidenced by the signed statement of the person who delivered or attempted to deliver the notice. If the notice is returned un-delivered because licensee/permittee refused to accept delivery, or failed to pick up a notice despite notice from the U.S. Postal Service or private express carrier as referred to above, or is returned marked "addressee unknown" or "forwarding order expired" then that will be deemed to constitute delivery to the addressee if the notice was addressed to the most current address of record. Refusal to accept shall be deemed delivery of the notice as of the date of refusal, and failure to pick up shall be deemed delivery as of the date of notice of attempted delivery (or the date of final notice if more than one notice of attempted delivery or notice to pick up is given by the U.S.P.S. or private carrier).

(l) The commission or its designee may table or delay further consideration of an application, disciplinary action, or other matter in order to obtain further information or for other reason if it or its designee deems such tabling or a delay appropriate.

Sec. 6-947. - Granting applications; provisional licenses; special terms and conditions.

(a) When licenses in accord with the terms hereof are initially issued, if more than one applicant seeks to obtain a license within an area where only one license can be issued, then the board of commissioners shall determine to whom the license shall be issued and may consider the following provisions in addition to the provisions set forth in section 6-939 hereof:

- (1) Whether the applicant owns the property where the licensed business will be located;
- (2) The experience of the applicant operating retail package stores; and
- (3) The distance from the proposed location to any church building, school building, day care facility or alcohol treatment facility with those locations being a greater distance from a church building, a school building, a day care facility or an alcohol treatment facility being given preference if the commission determines such preference to be appropriate.

(b) In deciding whether or not an application will be granted or denied, the commission may consider the qualifications of the applicant, the location of the business and its proximity to other enterprises. The commission may also consider:

- (1) The effect that the establishment would have on the neighborhood surrounding the establishment in terms of traffic congestion and the general character of the neighborhood, as

well as the effect the establishment would have on the value of properties surrounding the site;
and

- (2) The number of alcoholic beverage licenses already granted in the neighborhood.
- (c) Approval of an application for a license, renewal of a license, reinstatement of a license, or allowance to continue operation under a license in conjunction with adverse action such as suspension or probation, or in lieu of immediate revocation of proposed or imposed, may be conditioned upon the licensee's agreement to and compliance with conditions provided for by the commission, which may be modified during the course of the term of the license as the commission deems appropriate. Such conditions may include, but are not limited to: substitution of a different licensee, manager or agent; non-participation of a named individual in the ownership, operation or management of the licensed business; restriction of days or hours of operation; modification of the licensed premises or of the portion of the property upon which alcoholic beverages may be sold, served or consumed; changes as to staffing; posting of a bond with adequate security to guarantee compliance with state law and the provisions of this chapter as well as any conditions placed upon any license; conditions as to reporting or record keeping; conditions requiring licensee to clean up trash in the vicinity of the licensed premises on a regular basis; or other reasonable conditions, requirements or restrictions as may be prescribed by the commission.
- (d) Approval of a license may be provisional, that is, temporary and based upon conditions requiring or related to carrying out construction, renovation, alteration or improvement of the proposed licensed premises. Terms and conditions which are hereby imposed automatically on a provisional license are as follows: submittal of plans as required by the director, the building official, the fire department, the health department and any other such official or authority; obtaining all appropriate inspections; payment of all required fees; and securing of all necessary certifications and approvals. Any of the foregoing authorities may impose further reasonable conditions. The licensee may not keep or store alcoholic beverages on site, and may not commence operations, until all such conditions are met.

Sec. 6-~~92~~8. - Denial of an application.

- (a) The county commission shall provide written notice to any applicant whose application is denied under the provisions of this chapter. Such written notification shall set forth in reasonable detail the reasons for such denial and shall advise the applicant of the right to appeal under the provisions of this chapter.
- (b) In all instances in which an initial application is denied under the provisions of this chapter, the applicant may not reapply for a license for at least one year from the date of such denial.

Sec. 6-~~93~~9. - Qualifications of applicants, licensees and resident agents.

- (a) *Wholesale*. Wholesale licenses shall be issued only to those persons who are licensed by the State of Georgia to sell and distribute malt beverages, wines, or distilled spirits at wholesale.
- (b) *Retail package sales and consumption by the drink on the premises*. In order to qualify for the issuance of a retail license, the following provisions shall apply:
- (1) No license for the sale of alcoholic beverages shall be granted to any person who is not a citizen of the United States or an alien lawfully admitted for permanent residence. The applicant must submit all electronic and other verification forms and identification determined by the director to be applicable. The applicant must not be less than 21 years of age. Applicants may choose to employ or designate a qualified registered agent for the administration of the license, but the

agent is not permitted to make the application in place of the proposed licensee. ~~All individual applicants who do not reside in Dawson County, and all partnerships, limited partnerships, limited liability companies, and corporate applicants must designate a qualified registered agent, residing in Dawson County.~~

- (2) If the applicant is a partnership, limited partnership, limited liability company, or corporation, then the provisions of this section shall apply to all its partners, members, officers and majority stockholders. In the case of a corporation, the license shall be issued jointly to the corporation and the majority stockholder, if an individual. If the majority stockholder is not an individual, then the license shall be issued jointly to the corporation and its agent registered under the provisions of this chapter. **In the case of a partnership, the license will be issued to all the partners owning at least 20 percent of the partnership; or if no partner owns 20 percent of the partnership, then the general partner, managing partner or the partner with the greatest ownership shall be licensed.** In the case of a limited partnership the license shall be issued in the name of the general partner(s). In the case of a limited liability company the license shall be issued jointly in the name of the LLC and its managing member(s), or if there are no managing members, then jointly in the name of the LLC and the individual designated as manager by the LLC in current filings with the Secretary of State.
- (3) If the applicant is an unincorporated nonprofit club, then the managing agent may be an officer of the organization rather than a full-time employee if such managing agent is qualified in accord with this section.
- (4) **No** person shall be granted any alcoholic beverage license if, during the two years immediately preceding the application, the person has either been convicted of, pled guilty to, pled nolo contendere to, or been released from parole or probation for any of the following offences: any crime involving moral turpitude; illegal gambling; illegal possession or sale of controlled substances; illegal possession or sale of alcoholic beverages, including the sale or transfer of alcohol to minors in a manner contrary to law; keeping a place of prostitution; pandering; pimping; public indecency; prostitution; solicitation or sodomy; or any sexually related crime. At the time an application is submitted for any alcoholic beverage license, the applicant shall, by a duly sworn affidavit, certify that neither the applicant nor any of the owners of the establishment has been so convicted or released in the two years preceding the application. An applicant's first time conviction for illegal possession of alcohol as a misdemeanor, or a violation of a county ordinance shall not, alone, make an applicant ineligible for a license. If, after a license has been issued, any applicant, partner or officer used in the sale or dispensing of any alcoholic beverage, is convicted or pleads guilty or nolo contendere to any of the offenses enumerated herein, then the license shall be immediately revoked and cancelled.
- (5) No license for the sale of alcoholic beverages shall be granted to any person convicted under any federal, state or local law of any felony, within two years prior to the filing of application for such license.
- (6) It shall be unlawful for any county employee directly involved in the issuance of alcoholic beverage licenses under this chapter to have any whole, partial or beneficial interest in any license to sell alcoholic beverages in the county.
- (7) No license for the sale of alcoholic beverages shall be granted to any person who has had any license issued under the police powers of the county previously revoked within two years prior to the filing of the application.

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- (8) The county commission may decline to issue a license when any person having any ownership interest in the operation of such place of business or control over such place of business does not meet the same character requirements as set forth in this section for the licensee.
- (9) Any registered agent under this chapter must be an individual who ~~resides in Dawson County~~ and qualifies under the same terms as would an individual applicant for license (that is, all qualifications as to character, criminal and other personal history matters); must consent in writing to serve as resident agent; and must be approved as such by the director. In the event a registered agent ceases to qualify under the terms of this chapter, or the agency is revoked by the licensee, or the agent resigns or declines to continue to serve as agent, the licensee shall notify the director promptly in writing that the individual who has been serving will no longer be agent and shall name another qualified individual ~~residing in Dawson County~~ to serve, subject to the director's approval. As to any proposed initial or replacement agent the applicant/licensee shall be responsible for providing all information, records or data requested by the director for consideration in the approval process.
- (10) All applicants for any alcoholic beverage license must be of good character, and all operators, managers, clerks, or other employees shall be of like character. Corporate or firm applicants shall be of good business reputation.
- (11) A license application may be denied to any applicant for any alcoholic beverage license if the applicant lacks adequate financial participation in the proposed business to direct and manage its affairs, or if the application is intended to serve as a surrogate for a person or persons who would not otherwise qualify for a license for any reason whatsoever.
- (12) The county commission may, in its discretion, consider any extenuating circumstances that may reflect favorably or unfavorably on the applicant, application, agent or the proposed location of the business. If circumstances are such that granting of the license would not be in the best interest of the public health, safety, welfare, and morals, then such circumstances may be grounds for denying the application.
- (13) For purposes of this chapter, a conviction or plea of guilty or nolo contendere shall be ignored as to any offense for which the defendant was allowed to avail himself or herself of the Georgia First Offender Act (O.C.G.A. § 42-8-60 et seq.), as amended. Except, however, that any such offense shall not be ignored if the defendant violated any term of probation imposed by the court granting first offender treatment or committed another crime and the sentencing court entered an adjudication of guilt.

Sec. 6-~~94~~10. - Transferability of license/change in ownership.

- (a) *Individuals.* In the event of a change of ownership of a business for which an individual has been issued a license, the new owner, if desiring a license, must meet the qualifications specified in section 6-~~93~~9 and must file an application as provided in section 6-~~90~~6 and tender with the application the investigative and administrative fee as provided in section 6-~~26~~5 and any license fee that may be due.
- (b) *Partnerships or corporations.* In the event of a change of any ownership interest in a business which is owned or operated by a partnership, limited partnership, limited liability company, or corporation and for which a license has been issued, the licensee shall report such change to the county commission in writing within five days. "The term "change of ownership interest" as used herein includes, but is not limited to, any change in:
 - (1) Division of profits and/or losses;

- (2) Division of net gross or sales;
 - (3) Method of paying or amount of rent paid;
 - (4) Ownership of leased premises, or buildings or land used in the business;
 - (5) Members of a partnership;
 - (6) Stockholders of corporate stock; and
 - (7) Management.
- (c) If, as a result of any change of ownership interest, the licensee would not qualify under other provisions of this chapter for the issuance of a license, then the license issued to the licensee shall be subject to revocation and shall not be subject to renewal.
- (d) All applications for transfer of a license to a new licensee or new location shall be accompanied by the transfer fee, together with an investigative and administrative fee. If the transfer is not approved, then the transfer fee will be refunded, but the investigative and administrative fee will not be refunded. Ownership changes will be decided by the director, subject to right of appeal to the commission by a dissatisfied applicant, and changes of location shall be decided by the commission.
- (e) Upon the death of a licensee, the executor or administrator of the licensee's estate may continue to operate under the license for the balance of the calendar year without payment of any additional fee or may delegate the operation of the business to another person if the person operating under the license, whether the executor, administrator, or delegate, would otherwise be qualified as a licensee under the provisions of this chapter.
- (f) Any proposed change of location must be approved by the county commission after submission of all required transfer fees, administrative fees and investigative fees, and all information and data required by the director, which shall include, but not be limited to, all location data that would be required on an initial application under this chapter, such as the certified survey showing distances to specified properties, and the floor plan showing the areas designated for storage, preparation, service, display, sales and consumption of alcohol and the location of any bars. The director may also require full current information on the applicant and other persons as for an initial application. The transfer application shall be treated and considered in the same manner as an initial application except there shall be a renewal fee and not a new license fee if the change is to take effect after December 31 of the year the change application is submitted. There will be a transfer fee and no additional license fee if the change is to be effective during the current year. The normal renewal application and fees associated with renewal shall be due notwithstanding pendency of any transfer application under this article. The commission is authorized to consider any factors that might be considered in approving or disapproving an initial application. If the application is for sale of distilled spirits, any notice publication requirements as for new applications shall apply.

Sec. ~~6-95. Automatic license~~ 11. License forfeiture for nonuse; ~~conditional or provisional issuance.~~

- (a) A license issued pursuant to this chapter shall be valid only so long as the licensee is actually engaged in the permitted sale of alcoholic beverages. Any holder of any license under this chapter who shall for a period of 30 days after the license has been issued cease to operate the business and sale of the product or products authorized shall, after the 30-day period, automatically forfeit the license without the necessity of any further action by the county. The director shall cause a notice of forfeiture to be mailed or delivered to the address of record of the licensee, which shall notify the licensee of its right to appeal the decision of the director to the board of commissioners by submitting

Commented [R12]: A little short

a notice of appeal. The notice of appeal shall be delivered so as to be received by the director within ten business days of the date of the licensee's receipt of the notice of forfeiture. The notice of appeal shall set forth the grounds of appeal including any relevant facts in support of the appeal.

- (b) A license may be conditionally or provisionally issued for a location upon which the licensee intends to build an appropriate building or renovate an existing structure, and due to the construction or renovation, does not anticipate commencing operations within 90 days of issuance of the license. In the event a license is issued subject to such a condition, the licensee will be determined to have ceased doing business and thus forfeited the license if necessary permits are not obtained and substantial work completed within six months after the date the license is approved. If the licensee has not completed building/renovation, and obtained all required inspections and permits for occupancy, and obtained a business license, and commenced operation of the licensed business within one year following the date of issuance of the license, then the licensee will be deemed to have abandoned the license, which is then forfeited automatically by operation of this section. Provided, however, the holder of any license currently issued and existing as of the adoption of this amendment to the alcohol ordinance, but for which no operations under the license have been commenced, shall have a period of two years from the adoption of the amendment prior to such forfeiture in which to commence operations. ~~A renewal license shall not be granted for a premises that are not currently in operation pursuant to the license other than subject to the terms of this section. Forfeitures under this subsection shall be subject to a right of notice from the director and of appeal to the commission in the same manner and with the same time limitation as set forth in the preceding subsection. Any existing package sales license holder whose license has been renewed prior to adoption of this amended ordinance, but which has not commenced operations as of the adoption of this amendment shall not be considered for purposes of the one-mile minimum distance of separation rule set forth in section 6-108(b).~~

~~Sec. 6-96. — Licensees to maintain a copy of this chapter; employees to be familiar with terms; licensee responsible for violations; age requirements; employees and managers generally~~

~~(a) — Sec. 6-12. — Licensee requirements.~~

- (a) Each alcoholic beverage dealer licensed under this chapter shall keep a copy of this chapter upon the licensed premises and shall instruct any person working there with respect to the terms of this chapter; and each licensee, the licensee's agents, and the licensee's employees selling alcoholic beverages shall at all times be familiar with the terms of this chapter. The licensee is responsible for assuring such familiarity and is responsible for any violations committed by any employee or manager due to ignorance of the terms of this chapter or of State law.
- (b) The regulations in this section as to employees and managers shall apply to all establishments seeking and holding a license under this chapter unless specifically provided otherwise:
- (1) No person shall be employed in an establishment holding a license issued under this chapter unless said person meets the following minimum age requirements for issuance of an employee permit:
- a. —For employment in an establishment serving alcoholic beverages by the drink for consumption on-premises, a person must be at least 18 years of age.
 - b. —For employment in an establishment licensed for sale of distilled spirits by the package for off-premises consumption, a person must be at least 21 years of age. This requirement shall not apply to persons employed solely as a busboy, cook, dishwasher or janitor.

- c. —For employment in an establishment licensed for sale of beer, wine or beer and wine by the package for off-premise consumption, a person must be at least 18 years of age. This requirement shall not apply to employees of a grocery store or drug store.
- (2) No person shall be employed in any capacity at an establishment holding a license issued under this chapter until such person has been issued a permit by the director indicating that the person is eligible for such employment.
- (3) No permit shall be issued by the director to any person until such time as a signed application has been filed by such person with the director, and the appropriate fees have been paid, and a search of the criminal record of the applicant is completed. The application shall include, but not be limited to, the name, date of birth, address, citizenship status and prior arrest record of the person, though the fact of an arrest record shall be used for investigative purposes only and shall give rise to no presumption or inference of guilt. Due to the inclusion of arrest information, these applications shall be regarded as confidential and shall not be produced for public inspection without a court order. Applications must be accompanied by a valid government issued I.D. card (for example, a driver's license or state-issued I.D. card).
- (4) The director shall have the search made relative to any criminal record of the person. If there is no record of a disqualifying conviction or of a violation of this chapter, the director shall issue a permit to the person stating that the person is eligible for employment. If it is found that the person is not eligible for employment, the director shall notify the person in writing that the person is not eligible for employment, the cause for such denial, and that such individual has the right to appeal such decision to the board of commissioners.
- (5) No person shall be granted a permit unless it appears to the satisfaction of the director that such person has not been convicted or pled guilty or entered a plea of nolo contendere to any crime involving moral turpitude, illegal gambling or illegal possession or sale of controlled substances or the illegal sale or possession of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, solicitation of sodomy or any sexually related crime within a period of two years of the date of application and has been released from parole or probation. A person's first time conviction for illegal possession of alcohol as a misdemeanor or violation of a county ordinance shall not by itself make a person ineligible for a permit required by this chapter. No person shall be granted a permit required by this chapter who has been convicted, pled guilty or entered a plea of nolo contendere to any federal, state or local law for any felony within two years preceding, or any time subsequent to, the date of application and has not been released from parole or probation prior to the filing for application for such permit. For purposes of this chapter, a conviction or plea of guilt or nolo contendere shall be ignored as to any offense where the conviction or plea was entered pursuant to the Georgia First Offender Act (O.C.G.A. § 42-8-60 et seq.), as amended, so long as the first offender status has not been revoked.
- (6) The permit required by this chapter shall be issued for a period of one calendar year from the date of the original application. Employee permits are issued for work for the specific type of licensed establishment as indicated on the employee permit application and may not be used at another category of licensed establishment. The permit must be either on the premises or in the possession of the individual to whom it is issued while that individual is working at the licensed establishment. This permit must be available for inspection by members of the sheriff's office, the director's office or the county code enforcement staff.

Commented [R13]: Do we want to clarify or be more specific?

Commented [R14]: DUI's?

- (7) No person shall be issued a permit if it is determined that the person falsified, concealed or covered up any material fact by any device, trick or scheme while making application to the marshal's office for the permit required by this chapter. If it is determined that a person is in violation of this subsection and a permit is denied for this reason, then 30 calendar days must elapse from the date of notification per certified mailing before a new application and fee may be resubmitted.
- (8) All permits issued through administrative error can be terminated and seized by the marshal, his designee or by the county commission or its designee.
- (9) Replacement permits may be issued within 30 days of original date upon paying one-half of the fee charged for the original permit. After 30 days of the original application date, a new application and fee must be submitted.
- (10) All permits issued under this chapter remain the property of Dawson County and shall be produced for inspection upon the demand of any deputy or designee of the sheriff's office or employee of the marshal's office, or the county commission's staff.
- (11) No licensee shall allow any person required to hold an employee permit to work on the premises unless that person's current, valid permit is on the premises or the person has it in his or her possession. For new hires, a receipt issued by the Director may be used for a maximum of 30 days from the date of its issue. Licensees are required by this chapter to inspect and verify that each employee required to hold an employee permit by this chapter has a valid current permit at all times while on the premises of the licensed establishment.
- (12) It shall be the duty of all persons holding any license to sell distilled spirits, wine, malt beverage or any other alcoholic beverage as defined by this chapter to file with the marshal or his designee the name of the establishment, the license number and a list of all its employees, with their home addresses and home telephone numbers, twice annually during the months of June and December to be delivered to the marshal or his designee not later than the last day of each such month.
- (13) Any person or entity convicted of any violation of this section shall receive a minimum fine of \$500.00 per violation.

Commented [R15]: Do we want people other than the Marshal's seizing permits?

Commented [R16]: Same as above

Sec. 6-~~97~~13. - Display of license, ~~license certificate belongs to county.~~

~~The~~ A copy of the county alcoholic beverage license, together with a copy of ~~the business license,~~ shall at all times be kept plainly exposed to view to the public at front of the place of the business of the licensee. The certificate evidencing issuance of a license pursuant to this chapter shall remain the property of Dawson County and shall be surrendered by licensee upon demand by the sheriff or other county official charged with enforcement of this chapter.

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Sec. 6-~~98~~14. - Advertising.

- (a) Licensees may use window signs to advertise products for sale within the store, so long as said signs comply with the Dawson County Sign Ordinance.
- (b) Notwithstanding subsection (a) of this section, the licensee may display on the licensed premises one sign not to exceed 24 square feet in size, advertising distilled spirits, malt beverages, or wine. Such sign may be lighted, but in no event will it have any moving parts or flashing lights. The design and location of any such sign must comply with the Dawson County Sign Ordinance.

(c) Licensees may advertise, including products and prices, in newspapers and on the radio and on the internet.

Secs. ~~6-108~~15. - Locations and minimum distances.

- (a) No license shall be issued under this chapter for the retail sale of distilled spirits, malt beverages or wine for use at a location which is within 600 feet of a church building, day care, licensed alcohol treatment facility, school, educational building or college. The distance shall be measured in a straight line from the front door of the proposed licensed premise to the front door of the church, day care, or treatment facility, and from the front door of the proposed licensed premise to the nearest property line of the real property used for school, college or educational purposes.
- (b) No license shall be issued for sale of distilled spirits by the package at a location within one mile of any other business licensed to sell packaged liquor (distilled spirits) at retail. This distance shall be measured in a straight line from the front door of the proposed licensed facility to the front door of the other package liquor store. This restriction shall not apply to any location for which a new license is sought if the current licensee has not completed construction of a building or renovation of the licensed premises and is not open for business.
- (c) The minimum distance restrictions set forth in this chapter shall not apply if the retail sale of the same kind of beverage (that is, beer, wine and/or distilled spirits) in the same manner (by the package for off-premises consumption, or by the drink for on-premises consumption) was lawful at any time during the 12 months immediately preceding such application.
- (d) As to any location licensed under this chapter, if the distance requirements in this chapter are or were met at the time of issuance of any license, the subsequent opening and operation of a church building, school building, day care facility, alcohol treatment facility or housing authority property within the minimum distance prescribed in this chapter 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.
- (e) Nothing in this chapter shall authorize the sale of alcoholic beverages within 250 feet of a polling place during any election at such time as the polls are open.
- (f) No license for the sale of alcoholic beverages shall be issued under this chapter unless the proposed location is on a parcel zoned for commercial use in accordance with the Dawson County Land Use Resolution. A special event alcohol permit is subject to the terms of section ~~6-340~~66 as to approval of permit applications for commercial and non-commercial locations.
- (g) For purposes of this section of the chapter, notwithstanding any provision in this section to the contrary, minimum distance measurements shall be done in accordance with the method prescribed by Georgia law, and "straight line" measurement shall have the same meaning as provided for by state regulations, currently located at Department of Revenue Regulations for Alcohol and Tobacco, Rule 560-2-2-.12; provided, that renewal applications shall use the same measurements as required in the initial application.

Sec. 6-16. – Other General Provisions.

Alcohol may be sold at retail only in conformance with applicable zoning codes.

Commented [R17]: What does this mean?

Secs. ~~6-109~~—~~6-129~~17—6-19. - Reserved.

ARTICLE VI. ~~PACKAGE SALES OF~~ MALT BEVERAGES AND WINES

[Sec. 6-20. – General](#)

~~6-160. – Zoning district; package sales only; exceptions; no curbside delivery.~~

- (a) Licenses are permitted only for locations which are zoned commercial [and in any agricultural district where the specific use and the sale and service of alcohol is expressly permitted](#) in accord with the Land Use Resolution of Dawson County.
- (b) Licensees for package sales of malt beverages or wine may not sell alcoholic beverages for on-premises consumption at the same establishment except for ~~brewpubs and~~ farm wineries validly licensed to allow such on-premise consumption sales.

~~Hours of operation.~~

- ~~(b) No beer and/or wine shall be sold for consumption at any time in violation of any local ordinance or regulation or of any special order of the governing authority.~~

~~(c) Sec 6-161. Hours of operation.~~

- (a) The hours of operation of retail licenses for the sale of malt beverages and wines by the package shall be between the hours of:
 - 9:00 a.m.—11:45 p.m. — Monday—Saturday; and
 - 12:30 p.m. — 11:30 p.m. on Sunday.

The hours of operation of retail licenses for the sale of malt beverages and wines by the drink shall be between the hours of:

10:00 a.m.—12:00 midnight — Monday—Thursday;

Friday 10:00 a.m. through 1:00 a.m. on Saturday;

Saturday 10:00 a.m. through 1:00 a.m. on Sunday; and

12:30 p.m.—12:00 midnight on Sunday.

The hours of operation of wholesale licensees for the distribution of malt beverages and wines in Dawson County shall be between the hours of:

8:00 a.m.—8:00 p.m. — Monday—Saturday; and

12:30 p.m.—8:00 p.m. — Sunday.

- ~~(bd)~~ The wholesale and retail sale of wine and malt beverages shall be lawful during the polling hours of any election provided, however, nothing herein shall authorize the sale of alcoholic beverages within 250 feet of a polling place at such time as the polls are open.

~~(e) Sec 6-162. – Age of employees.~~

No licensee shall allow or require a person in his employment who is under the age of 18 years to dispense, serve, sell or take orders for any malt beverages or wines. This restriction does not apply to persons under the age of 18 years employed in grocery stores or drugstores who are selling said beverages.

~~Secs. 6-163 – 6-192. Reserved.~~

~~ARTICLE IX. MALT BEVERAGES AND WINE BY THE DRINK~~

Sec. 6-~~252~~21. - Type of retail establishment where permitted.

No beer or wine shall be sold for consumption on the premises pursuant to a malt beverage/wine license ~~where sold~~ except in sites in areas zoned commercial and which are being used as one of the following:

- (a) Are eating establishments regularly serving prepared food with a full service kitchen. A full service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the health and fire departments. Such eating establishment will regularly serve food every hour the eating establishment is open and shall derive at least 50 percent of the establishment's total annual gross sales from food;
- (b) Are indoor commercial recreation establishments regularly serving prepared food with a full service kitchen. A full service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the health and fire departments. Such establishment will regularly serve food every hour the eating establishment is open and shall derive at least 50 percent of its total annual gross revenue from the sale of prepared meals or food and recreation activities;
- (c) Are an indoor publicly owned civic and cultural center capable of serving prepared food, with a full service kitchen. A full service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the health and fire departments. The center must be prepared to serve food every hour they are open and derive at least 50 percent of its total annual gross sales from the sale of prepared meals or foods and recreation activities. When eating establishments are located in hotels or motels, every entrance to the establishment shall be from a public lobby, hallway, mall or other publicly used interior portion of the primary use structure; or
- (d) At a golf course that derives at least 50 percent of its annual gross revenue from the sale of prepared meals or food and recreation activities (i.e., golf). These eating establishments must be located in a zoning district which permits restaurants and drive-in restaurants as conforming uses or where these eating establishments are incidental to a hotel or motel.
- (e) Are a brewpub as that term is defined in ~~section 6-2~~Article XV hereinabove subject to the following provisions:
 - (1) A brewpub must be an eating establishment as defined in O.C.G.A. § 3-1-2(3) including compliance with the rule requiring 50 percent of its annual revenue to come from prepared meals or food;
 - (2) A brewpub licensee may sell beer and wine for on-premise consumption according to the rules set forth in O.C.G.A. § 3-5-36;

- (3) A brewpub licensee may also, by qualifying, paying the appropriate fees and upon approval by the commission, obtain a retail consumption dealer's license for sale of distilled liquor for on-premises consumption, or a retailer license for sale of beer, wine or distilled spirits for off-premises consumption;
- (4) A brewpub licensee may, if holding a State license for offering free tastings of its draft beer pursuant to O.C.G.A. § 3-5-38, permit free tastings of malt beverages produced by it on site, without any additional tasting license from the county.

Sec. ~~6-194~~22. - Employment of underage persons as entertainers prohibited; exceptions.

It is unlawful for any person under 18 years of age to work as an entertainer in any establishment licensed under this chapter without the consent of the person's legal guardian.

Sec. ~~6-195~~23. - Open area and patio sales.

- (a) Alcoholic beverage sales can be made by a licensed consumption on-premises establishment in a patio/open area type environment if the establishment has been approved to do so by the county commission.
- (b) The requirement for approval is that the patio/open area be enclosed by a fence, wall, or some other structure providing for public ingress/egress only through the main licensed premises. The purpose of this requirement is to prevent a customer from leaving the outside sales area with an open drink without the licensee's knowledge. A parking lot shall not qualify as such an open area.
- (c) The height of such structure shall be a minimum of three and one-half feet above the patio floor, but the structure does not have to be solid or restrict visibility into or out of the patio/open sales area. It must be permitted and approved by the county's building inspection department and the county's fire department as required by governing regulations or codes.
- (d) The only exit from this area is to be through the licensed establishment's main premises and through an approved fire exit, not for general public use unless an emergency exists. The fire exit should be of the type that sounds an alarm so that the establishment will be alerted in the event of unauthorized use when no emergency exists.
- (e) If a licensee desires a patio/open sales area at an existing licensed structure, plans will be reviewed and approved on an individual basis by the director with a right of appeal to the commission in the event of a denial. Interior type patio/open sales areas must also meet the requirements of the county's development and fire codes.
- (f) Nothing contained in this section shall prohibit a hotel or motel with a consumption on the premises license from making sales and allowing consumption of alcoholic beverages in ballrooms, meeting rooms, reception rooms, or patio areas of such hotel or motel, provided such functions are catered in connection with a meeting, conference, convention or similar type gathering at such hotel or motel. "Patio areas," as that term is used in this subsection, do not have to conform to the standards in this section.

Sec. ~~6-196~~24. - No consumption outside premises.

- (a) It is prohibited for customers to leave the approved portion of the premises with open alcoholic beverages except as expressly permitted ~~pursuant to sections 6-198 and 6-199 of~~in this chapter, and it is the licensee's responsibility to ensure that no open beverages are sold and carried out. However,

nothing in this section shall be construed to prohibit the carrying out of wine or malt beverages for consumption on a golf course or the sale of wine or malt beverages outside on a golf course to golfers. Customers may not consume alcoholic beverages, or carry open alcoholic beverage containers, in parking lots of the licensed premises.

- (b) It is prohibited for customers to gather outside an alcoholic beverage establishment and consume alcoholic beverages.
- (c) It is prohibited for the manager or any employee to allow persons to gather outside an alcoholic beverage establishment and consume alcoholic beverages.

Sec. ~~6-197~~25. - Partially consumed bottles of wine purchased with a meal.

- (a) Any restaurant which is licensed to sell alcoholic beverages for consumption on the premises may permit a patron to remove one unsealed bottle of wine per patron for consumption off premises if the patron has purchased a meal and consumed a portion of the bottle of wine which has been purchased on the premises with such meal on the restaurant's premises.
- (b) A partially consumed bottle of wine that is to be removed from the premises must be securely resealed by the licensee or its employees before removal from the premises.
- (c) The partially consumed bottle of wine shall be placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with and a dated receipt for the bottle of wine and meal shall be provided by the licensee and attached to the container.
- (d) If transporting in a motor vehicle, the container with the resealed bottle of wine shall be placed in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk.

Sec. ~~6-198~~. - ~~Bring your own bottle.~~ ~~6-26~~. - Brown bagging.

Brown-bagging is generally prohibited except as expressly permitted under Section 6-112.

~~Sec. (a) Licensed establishments may elect to allow patrons to bring in their own bottles ("brown bagging") of wine. Brown bagging of malt beverages and distilled spirits shall be prohibited. All regulations as to prohibited sales as defined in section 6-102 of this chapter shall apply to this section. Brown bagging shall not be permitted at any eating establishment which is not licensed for on-premises consumption sales. No alcoholic beverage of any kind may be sold or served on any licensed premises during any period of suspension and brown bagging is likewise prohibited during any suspension. Brown bagging is prohibited at any restaurant or other commercial establishment or business not licensed for on-premises alcohol sales under this chapter.~~

~~(b) Licensed establishments may charge a "corking" fee for bottles brought in by patrons. Fee amounts shall be the discretion of the establishment.~~

~~Sec-6-199~~.27 - Specification of premises.

No alcoholic beverage license shall be issued to any person unless the building in which the business will be located is complete and detailed plans of the building and outside premises are attached to the application or unless proposed plans and specifications and a building permit of a proposed building to be built are attached to the application. The completed building or the proposed building shall comply with ordinances of the county, regulations of the state revenue commissioner, and the state. The proposed building shall also be subject to final inspection and approval when completed by the building and fire

inspectors. Each building in which the business will be located shall contain sufficient lighting so that the building itself and the premises on all sides of the building are readily visible at all times from the front of the street on which the building is located so as to reveal all of the outside premises of such building. Each applicant for an alcoholic beverage license shall attach to the application evidence of ownership of the building or proposed building or a copy of the lease if the applicant is leasing the building. If the applicant is a franchisee, then such applicant shall attach a copy of the franchise agreement or contract with the application. All premises for which an alcoholic beverage license shall be issued shall afford therein adequate sanitary toilet facilities and shall be adequately illuminated so that all hallways, passage ways and open areas may be clearly seen by the customers and staff therein.

~~Sec. 6-200. — Solicitation prohibited.~~

~~No retail consumption dealers licensed under this chapter shall require, permit, suffer, encourage, or induce any employee or person to solicit in the licensed premises for herself/himself, or for any person other than the patron and guest of the patron, the purchase by the patron of any drink, whether alcoholic beverage or nonalcoholic beverage or money with which to purchase the beverage; nor shall any licensee pay a commission or any other compensation to any person frequenting the establishment or to an agent or employee or manager to solicit for herself/himself or for the others, the purchase by the patron of any drink, whether alcoholic beverage or nonalcoholic beverage, or money with which to purchase the beverage.~~

~~28~~ ~~Sec. 6-201.~~ - Prohibited noise from establishments.

It shall be unlawful for any establishment licensed under this chapter to make or cause to be made any loud, unnecessary or unusual sound or noise that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, or safety of others in the county and that is audible to a person of normal hearing ability from the nearest property line of the business in question. In no event, however, shall any such loud, unnecessary or unusual sound or noise, audible as described in this section, be made by an establishment licensed under this chapter after the hours of 10:00 p.m.

~~Sec. 6-202~~ ~~29.~~ - Audits of licenses.

- (a) The director may conduct an audit of the records and books of any licensee under this chapter, after notice to the licensee of the date, time and place of the audit. The licensee shall cooperate with the audit, or, in lieu thereof, shall forfeit any license(s) issued under this chapter.
- (b) All licensed establishments shall maintain the following records for a three-year period and make such records available for audit at the licensed premises:
 - (1) Monthly income or operating statements.
 - (2) Daily sales receipts showing liquor, beer, wine and food sales separately (this requirement does not apply to package beer and wine licensees).
 - (3) Daily cash register receipts such as Z tapes or guest tickets.
 - (4) Monthly State sales and use tax reports.
 - (5) Federal income tax return with all Form 1099s.
- (c) The county commission may waive all or some of the requirements of subsection (b) of this section upon a determination that no such records exist and that the licensee cannot practically maintain such records based on the net income of the licensed establishment.

~~Sec. 6-203~~ ~~30.~~ - Retail consumption dealers to store inventory only on premises.

No retail consumption dealer licensed under this chapter shall keep any beer or wine or other alcoholic beverages at any place except the licensed place of business. No retail consumption dealer shall be permitted to enter into any type of arrangement whereby distilled spirits ordered by a licensee are stored by a licensed wholesaler.

Sec. 6-~~204~~31. - Poured alcohol to be transported only by employees.

Poured alcoholic beverages shall be transported from point of dispensing to the customer by permitted employees only. Permitted employees are those who have applied for and received an employee pouring license authorizing such employees to take orders and transport alcoholic beverages to customers.

Sec. 6-~~206~~32 - Types of entertainment, attire and conduct prohibited.

(a) *Preamble and purpose.*

- (1) Based upon the experiences of other counties and municipalities, including, but not limited to, Atlanta and Fulton County, Georgia; DeKalb County, Georgia; Austin, Texas; Seattle and Renton, Washington; New York, New York; Los Angeles, California; and Ft. Lauderdale and Palm Beach, Florida, which experiences the board of commissioners believe are relevant to the problems faced by the county and based upon the evidence and testimony of the citizens and experts who have appeared before such bodies, as well as the testimony of citizens and experts received by this commission, the board of commissioners takes note of the notorious and self-evident conditions attendant to the commercial exploitation of human sexuality, which do not vary greatly among generally comparable communities within our country.
- (2) Moreover, it is the finding of the board of commissioners that public nudity and semi-nudity, under certain circumstances, particularly circumstances relating to the sale and consumption of alcoholic beverages in so-called "nude bars" or establishments offering so-called "nude entertainment" or "erotic entertainment," begets criminal behavior and tends to create undesirable community conditions. Among the acts of criminal behavior identified with nudity and alcohol are disorderly conduct, prostitution, and drug trafficking and use. Among the undesirable community conditions identified with nudity and alcohol are depression of property values in the surrounding neighborhoods, increased expenditure for and allocation of law enforcement personnel to preserve law and order, increased burden on the judicial system as a consequence of the criminal behavior herein described, and acceleration of community blight by the concentration of such establishments in particular areas. Therefore, the limitation of nude or semi-nude conduct in establishments licensed to sell alcohol for consumption on the premises is in the public welfare and is a matter of governmental interest and concern to prevent the occurrence of criminal behavior and undesirable community conditions normally associated with establishments that serve alcohol and also allow and/or encourage nudity or semi-nudity.

(b) *Prohibited activities.* Any establishment licensed under the provisions of this chapter is prohibited from permitting or engaging in the following activities:

- (1) The employment or use of any person in any capacity in the sale or service of alcoholic beverages while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals;
- (2) Live entertainment that provides or features nude or semi-nude or erotic dancing or the performance of obscene acts that simulate:

- a. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts that are prohibited by law;
 - b. The touching, caressing or fondling of the breast, buttock, anus or genitals; or
 - c. The display of the pubic hair, anus, vulva or genitals;
- (3) The showing of any film, still pictures, electronic reproduction or other visual reproductions depicting any of the acts described in subsection (b)(2) of this section which are obscene under state law; or
- (4) The holding, promotion or allowance of any contest, promotion, special night or any other activity where patrons of the licensed establishment are encouraged or allowed to engage in any of the above-prohibited conduct.
- (c) *Mainstream activity excluded.* Notwithstanding the prohibitions in subsection (b) of this section, nothing in this article shall be or is intended to apply to theatrical or motion picture performance houses, museums, or to restaurants or places set apart for traditional naturism where the consumption or service of alcohol is not a primary purpose or the mainstream activity of such establishment. The phrase "places set apart for traditional naturism" means places provided or set apart for traditional naturism including nudist parks, clubs, and resorts affiliated with the American Association for Nude Recreation, the Naturists Society or other naturist organization, and has been in operation as a naturist facility for at least 24 months prior to application for a license.

Sec.

~~(e) — 6-33. — Delivery and Online Curbside delivery Pickup of Malt Beverages and Wine.~~

(a) "Online Curbside Pickup" of malt beverages and wine as described in Rule 560-2-3-.3(2) of the Georgia Department of Revenue Alcohol and Tax Unit Rules, is ~~not permitted~~ prohibited in Dawson County. The commission has determined in its discretion that the practice is hereby disallowed by this chapter, an option provided for by said rule.

(b) Off-premises delivery of malt beverages and wine as described by O.C.G.A. § 3-3-10 is prohibited in Dawson County. The commission has determined in its discretion that the practice is hereby disallowed by this chapter, an option provided for by said statute.

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Secs. 6-34—6-40. - Reserved.

ARTICLE III. - DISTILLED SPIRITS

Sec. 6-41. - Distilled spirits by the package

~~Sec. 6-133. — Types of outlets/establishments where package sales are permitted; types of items which may be sold.~~

- (a) Distilled spirits by the package may be sold at retail only in the following outlets:
- (1) Outlets duly licensed to sell distilled spirits by the package; and
 - (2) Outlets that are devoted exclusively to the retail sale of distilled spirits, malt beverages and/or wine by the package with ingress and egress provided directly to and only to the exterior of the building and not to any other enclosed part of the building or adjoining building; and

establishments such as microbreweries licensed for such sale in accordance with state law and this chapter.

- (b) Other items which may be sold at said outlets are:
- (1) Mixers and other beverages which do not contain alcohol which are commonly used in the preparation and serving of distilled spirits.
 - (2) Tobacco products, lighters and matches, chewing gum and breath mints, single serve snacks, ice chests, cozies, packaged ice, gift bags for wine and lottery tickets issued by the Georgia Lottery Commission.
 - (3) Bar supplies, limited to corkscrews, openers, straws, swizzle stirrers, and bar-related containers and wares made of glass, plastic, metal or ceramic materials; cocktail olives, onions, cherries, lemons, limes, and sugars or salts produced and marketed specifically for preparation of alcohol beverage drinks; and alcohol drink recipe books, bar guides, and consumer-oriented beverage alcohol publications.
 - (4) Outlets may also provide check cashing and ATM service.
 - (5) The intention of this section is to allow the retail sale of distilled spirits by the package only in outlets devoted exclusively to the sale of distilled spirits, malt beverages and/or wine and to prohibit such sales in outlets that sell groceries, food, gasoline and other similar products.

Sec.

~~ARTICLE VIII, 6-42. – Distilled Spirits by the Drink. — DISTILLED SPIRITS BY THE DRINK~~

~~Sec. 6-227. — Zoning districts where permitted; eating establishment requirement.~~

No distilled spirits may be sold by the drink for consumption on the premises where sold except in sites zoned commercial and that:

- (a) Are eating establishments regularly serving prepared food with a full service kitchen. A full service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the health and fire departments. Such eating establishment will regularly serve food every hour the eating establishment is open and shall derive at least 50 percent of the establishment's total annual gross sales from food;
- (b) Are indoor commercial recreation establishments regularly serving prepared food with a full service kitchen. A full service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the health and fire departments. Such establishment will regularly serve food every hour the eating establishment is open and shall derive at least 50 percent of its total annual gross revenue from the sale of prepared meals or food and recreation activities; or
- (c) Are an indoor publicly owned civic and cultural center capable of serving prepared food, with a full service kitchen. A full service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the health and fire departments. The center must be prepared to serve food every hour they are open and derive at least 50 percent of its total annual gross sales from the sale of prepared meals or foods and recreation activities. When eating establishments are located in hotels or motels, every entrance to the establishment shall be from a public lobby, hallway, mall or other publicly used interior portion of the primary use structure.

~~Sec. 6-228. Hours and days of sale.~~

~~Sec. 6-134~~43. - Hours of sale.

- a) The sale of distilled spirits by the package shall occur only between the hours of: 9:00 a.m.—11:45 p.m. — Monday—Saturday; and 12:30 a.m.: Sunday — 11:30 p.m.: Sunday.
- b) No sale of distilled spirits by the package shall occur on Christmas Day. The sale of distilled spirits by the package is permitted on election days if the outlet is not located within 250 feet of a polling place.
- c) ~~(a)~~—Distilled spirits shall not be sold for consumption on the premises except between the hours of: 10:00 a.m.—midnight Monday—Thursday; 10:00 a.m. Friday — 1:00 a.m. Saturday; 10:00 a.m. — midnight Saturday; and 12:30 p.m. — midnight Sunday.
- d) ~~(b)~~—Distilled spirits shall not be sold for consumption at any time in violation of any local ordinance or regulation or of any special order of the governing authority.

Sec. 6-44. - Prohibited.

Except as expressly permitted by state law, it~~Sec. 6-135. Consumption on the premises prohibited.~~

It shall be unlawful for any person to:

- i. consume any alcoholic beverage on the premises licensed for the sale of distilled spirits by the package, and it shall be unlawful for any licensee authorized to sell distilled spirits by the package to open or break the package for a purchaser and/or permit the consumption of alcoholic beverages on such premises. To the extent permitted by state law and this chapter, farm wineries, brewpubs and distilleries may hold licenses for both on-premises and off-premises consumption at the same location.

~~Sec. 6-136. Prohibited sales.~~

No licensee shall do any of the following acts upon the licensed premises:

- ii. ~~(a)~~—Sell or offer to sell any distilled spirits, malt beverages, wine and/or any other alcoholic beverage to any person who is noticeably intoxicated, who is of unsound mind, or who is a habitual drunkard whose intemperate habits are known to the licensee;
 - iii. ~~(b)~~—Sell any distilled spirits, malt beverages, wine and/or any other alcoholic beverages upon the licensed premises or permit distilled spirits, malt beverages, wine and/or any other alcoholic beverages to be sold thereon on any day at any time when the sale is prohibited by law; or
 - iv. ~~(c)~~—Sell any distilled spirits, malt beverages, wine or any other beverage through a drive-through window or door.
 - v. ~~(d)~~—Sell or deliver any distilled spirits at any place other than inside the licensed premises.
- b) Persons holding a license to sell distilled spirits for consumption on the premises shall not be permitted to sell or distribute any distilled spirit by the package or bottle.

Sec. 6-45. – Other Restrictions.

The provisions of Sections 6-21 and 6-23 through 6-34 shall apply to sales of distilled spirits, and any references therein to malt beverages or wine shall be replaced with the term distilled spirits for purposes of this article.

Secs. 6-~~137~~46—6-~~159~~55. - Reserved.

ARTICLE ~~XIV~~. - PRIVATE CLUBS

Sec. 6-~~314~~56. - Definitions.

As used in this article:

Fixed salary means the amount of compensation paid any member, officer, agent, or employee of a bona fide private club as may be fixed for him by its members at a prior annual meeting or by the governing body out of the general revenue of the club and shall not include a commission on any profits from the sale of alcoholic beverages. For the purpose of this definition, tips or gratuities which are added to the bills under club regulation shall not be considered as profits from the sale of alcoholic beverages.

Private club means any nonprofit association organized under the laws of this state which:

- (1) Has been in existence at least one year prior to the filing of its application for a license to be issued pursuant to this article;
- (2) Has at least 75 regular dues paying members;
- (3) Owns, hires or leases a building or space within a building for the reasonable use of its members with:
 - a. A suitable kitchen and dining room space and equipment; and
 - b. A sufficient number of employees for cooking, preparing and serving meals for its members and guest;
- (4) Has no member, officer, agent or employee directly or indirectly receiving in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary.

Sports club means an association or corporation organized and existing under the laws of the State of Georgia, organized and operated primarily to provide a location for the patrons thereof to engage in sporting events. To qualify for an alcoholic beverage consumption dealer's license, a sports club must have been actively in operation within the county at least two years prior to an application for license hereunder; provided, however, the two-year operational requirement shall not apply to golf club associations or golf club corporations where the selling or the serving of alcoholic beverages is to take place on the golf course premises. A sports club organized or operated primarily for serving of alcoholic beverages shall not qualify for licensing under this article, and accordingly shall not be permitted to serve or sell alcoholic beverages at any time. Unless otherwise indicated, a sports club licensee shall comply with all other requirements imposed upon retail consumption dealers.

Sec. 6-~~315~~57. - Regulation or sale of alcoholic beverages.

A private club may seek a license for retail sales of alcoholic beverages for consumption on the premises in accord with this chapter. Licensed private clubs may sell and dispense alcoholic beverages by the drink for consumption on the premises upon compliance with all applicable ordinances and regulations of the county governing the sale of such beverages and upon payment of such license fees

and taxes as may be required by the existing ordinances, rules and regulations of the county. A licensed private club must have a kitchen as required under this article but shall not be subject to the requirement that 50 percent of its annual sales come from the sale of food and non-alcoholic beverages. A sports club is not subject to a kitchen or food sales requirement.

Sec. 6-~~316~~58. - Certain organizations exempt from food establishment requirements.

Veteran's organizations, fraternal organizations, and other nonprofit organizations currently having tax exempt status under either the United States Internal Revenue Code or the Georgia Income Tax Law shall not be required to operate a food establishment serving prepared food. However, any such organization selling or dispensing alcoholic beverages shall be subject to all ordinance regulations dealing with general licensing and consumption on the premises establishments.

Sec. 6-~~317~~59. - Hours and days of sale.

No alcoholic beverages shall be sold by a private club or sports club for consumption on the premises except between the hours of:

10:00 a.m.—midnight Monday—Thursday;

10:00 a.m. Friday — 1:00 a.m. Saturday;

10:00 a.m.—midnight Saturday; and

12:30 p.m.—midnight Sunday.

Sec. 6-60. – Other Restrictions.

The provisions of Sections 6-21 and 6-23 through 6-34 shall apply to sales in private clubs of malt beverages, wine, and distilled spirits, and any references therein to malt beverages or wine shall also include distilled spirits for purposes of this Article.

Secs. 6-~~318~~61—6-~~339~~65. - Reserved.

ARTICLE ~~XIV~~V. - SPECIAL EVENT PERMITS

~~Sec.~~ Sec. 6-34066. - Eligibility for a temporary special event alcohol permit.

(a) A temporary special event alcohol permit may be issued to any person, firm or corporation for an approved special event. The person, firm or corporation must make application and pay the fee that may be required by this article and shall be required to comply with all the general provisions of this chapter and the licensing and regulations for consumption on the premises establishment with the exception of the full service kitchen requirement.

~~(b) Special event alcohol permits shall be obtained for the following: Events catered pursuant to the regulations established in article X of this chapter.~~

~~(c)~~(b) The special event must meet the following criteria before the issuance of a permit to sell or distribute alcoholic beverages:

- (1) The special event must receive approval from the Dawson County Sheriff's Office on crowd control and security measures.
- (2) The special event must receive approval from the Dawson County Sheriff's Office on traffic control measures.
- (3) The premises at which the special event is to take place must be within a commercial zone and approved by the director; if the proposed location is not within a commercial zone, the approval must be obtained from the board of commissioners.
- (4) The premises where the special event shall occur shall meet the distance from certain uses requirements of this chapter.

(ec) Any employee or volunteer of the special event permit holder working the special event in any position dispensing, selling, serving, taking orders or mixing alcoholic beverages shall be required to obtain an employee permit for the special event. Employees or volunteers dispensing, selling, serving, taking orders or mixing alcoholic beverages must be 18 years of age or older. Employees of caterers must comply with the regulations established in [this](#) article ~~X~~ of this chapter and must be 21 years of age or older as pursuant to O.C.G.A. § 3-11-4.

(ed) The sheriff or fire chief, director or code enforcement official may immediately revoke any temporary permit for a special event if continued alcohol sales may endanger the health, welfare or safety of the public.

(ee) As a condition on the issuance of a temporary special event permit, the permit holder shall agree in writing to indemnify and hold Dawson County harmless from any claim, demand or cause of action that may arise from activities associated with the special event.

(ef) The director shall issue the temporary special event permit to the applicant upon compliance with the terms hereof.

(eg) In the event that a special event alcohol permit is denied by the director, the applicant may appeal the decision to the county commission.

Sec. 6-~~341~~[67](#). - Bona fide nonprofit civic organizations.

- (a) A bona fide nonprofit civic organization is one which is exempt from federal income tax pursuant to the provisions subsection (c), (d) or (e) of 26 USC section 501.
- (b) Upon the filing of an application and the payment of a special temporary event permit application fee, a bona fide nonprofit civic organization may obtain a permit authorizing the organization to sell or distribute alcoholic beverages for consumption on the premises or to sell wine at retail for off-premises consumption, or both, for a period not to exceed three days, subject to any law regulating the time for selling such beverages.
- (c) No more than 12 permits may be issued to such an organization in any one calendar year.
- (d) Permits are valid only for the location specified in the permit. No permit may be issued unless the sale of alcoholic beverages is lawful in the place for which the permit is issued. Said permit is subject to the restrictions set forth in section 6-~~340~~[66](#).

~~Secs.~~[Sec. 6-342](#)~~—68.~~ - [Other Restrictions.](#)

The provisions of Sections 6-21 and 6-23 through 6-34 shall apply to sales at special events of malt beverages, wine, and distilled spirits, and any references therein to malt beverages or wine shall also include distilled spirits for purposes of this Article.

Sec. ~~370~~6-69. - Reserved.

ARTICLE ~~XIII~~VI. - HOTEL IN-ROOM SERVICE

~~Sec.~~Sec. 6-~~371~~70. - License.

- (a) In-room service means the provision of a cabinet or other facility located in a hotel-motel guestroom that contains beer and/or wine only, which is provided upon written request of the guest and which is accessible by lock and key only to the guest and for which the sale of the beer and/or wine contained therein is final at the time requested except for a credit which may be given to the guest for any unused portion.
- (b) Any hotel-motel that acquires this in-room service must also obtain a consumption on the premises license and shall meet the requirements of this chapter.
- (c) No hotel-motel shall be authorized to provide in-room service until it has been issued a special license to do so. A license fee set forth in the Dawson County Alcohol Fees Schedule shall be imposed to provide only beer and/or wine by "in-room service." A license under this article shall not authorize delivery of alcoholic beverages (neither in package nor by the drink) by "room service" style delivery to the room.
- (d) The sale of beer and/or wine by in-room service shall be subject to all restrictions and limitations relative to the retail sale of any alcoholic beverages, except as provided otherwise in this chapter.

Secs. 6-~~372~~71—6-40072. - Reserved.

ARTICLE ~~XIV~~VII. - FARM WINERIES

Sec. 6-~~401~~73. - Definitions.

Farm winery means a domestic winery located on premises, a substantial portion of which is used for agricultural purposes, including the cultivation of grapes, berries, or fruits to be utilized in the manufacture or production of wine by the winery, or domestic winery that:

- (1) Makes at least 40 percent of its annual production from agricultural produce grown in this state;
- (2) Is owned and operated by persons who are engaged in the production of a substantial portion of the Georgia agricultural produce used in its annual production, and for this purpose, such production of a substantial portion of such Georgia agricultural produce shall be determined by the commissioner of Agriculture of the State of Georgia; and
- (3) Produces less than 100,000 gallons per year.

Tasting room means an outlet for the promotion of a farm winery's wine by providing samples of such wine to the public and for the sale of such wine at retail for consumption on the premises and for sale in closed packages for consumption off the premises. Samples of wine may be given complimentary or for a fee.

Sec. 6-~~402~~74. - Permitted sales.

A farm winery may sell its wine and the wine of any other Georgia farm winery licensee at retail in a tasting room or other facility on the premises of the winery for consumption on the premises and in closed packages for consumption off the premises and to sell its wine and the wine of any other Georgia farm winery licensee at retail for consumption on the premises and in closed packages for consumption off the premises in tasting rooms at a location within Dawson County that is one of the five additional locations in the State of Georgia authorized by O.C.G.A. § 3-6-21.1(b).

Sec. 6-~~403~~75. - Licensee qualifications.

The qualifications for the license for sale by farm winery tasting room shall be the same as set forth in section 6-~~404~~77.

Sec. 6-~~403~~76. - Applicable provisions.

The following provisions of this chapter regarding qualifications of the licensee and other matters shall apply to the issuance of the license for sale by a farm winery tasting room and the operation thereof:

~~Article I, definitions.~~

~~Article IV, general provisions; all licenses.~~

~~Article VI, package sales of malt beverages and wines.~~

~~Article VII, alcohol by the drink—general provisions.~~

Articles I, II, V, VIII, X through XV.

Sec. 6-~~404~~77. - License fees.

The applicant for a retail license for the sale of wine and operation of a farm winery tasting room shall pay the license fee as set forth in the fee schedule.

Sec. 6-~~405~~78. - Licensing limitations.

The license created in accord with this article shall be limited to farm winery tasting rooms licensed by the State of Georgia in accord with O.C.G.A. § 3-6-21.1 et seq., and the licensee shall be permitted to perform only acts allowed in accord with such statutes. No license is hereby created authorizing any other use.

Sec. 6-~~406~~79. - Sunday sales.

This article shall not be construed so as to authorize a farm winery to sell wine on Sunday on premises that are not located on the property where such farm wine is produced. A farm winery located on the premises where the farm wine is produced that is licensed to sell wine in a tasting room or other licensed farm winery facility within Dawson County for consumption on the premises or in closed packages for consumption off the premises shall be authorized in accord with the terms hereof to sell its wine on Sundays from 12:30 p.m. until 12:00 midnight in the tasting room or other licensed farm winery facility to the same extent as any other license issued in accord with the terms hereof would otherwise permit.

Sec. 6-~~407~~80. - Hours of sale.

Wine may be sold or distributed in a tasting room or other licensed farm winery facility between the hours of 10:00 a.m. and 12:00 midnight Monday through Thursday; Friday 10:00 a.m. through 1:00 a.m. on Saturday and on Sundays ~~in accord with section 6-407 herein.~~

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~~Sec. 6-408~~ 81. – Other Restrictions.

The provisions of Sections 6-21 and 6-23 through 6-34 shall apply to sales of alcohol at farm wineries.

Sec. 4506-82. - Reserved.

ARTICLE ~~X~~ VIII – CATERING

Sec. 6-83. – Catering License~~Sec. 6-286.~~ Requirements.

Requirements for a "licensed alcoholic beverage caterer" license:

- ~~(1) Eating establishments and indoor commercial recreation establishments located in unincorporated Dawson County and that hold an alcohol by the drink license in accordance with articles VII, VIII, and IX of this chapter are the only establishments authorized to cater in the unincorporated areas of Dawson County. Such restaurants and indoor commercial recreation establishments must also comply with all provisions of this article.~~
- ~~(2)~~ (1) The applicant shall hold a valid state license to sell malt beverages, wine, distilled spirits or some combination thereof by the drink ~~for consumption on or by~~ the premises package.
- ~~(3)~~ (2) The applicant shall hold a valid local county license to sell malt beverages, wine, distilled spirits, or some combination thereof, by the drink ~~for consumption on or by~~ the premises package.
- ~~(4)~~ (3) The applicant must be a licensed alcoholic beverage caterer pursuant to O.C.G.A. § 3-11-1-~~et seq.~~ (2).
- ~~(5)~~ (4) The applicant must hold all required food service permits required by the county environmental health office.

~~Sec. 6-287~~ 84. – Catering License Application.

- (a) An applicant for a licensed alcoholic beverage caterer license must:
 - (1) Submit a completed application provided by the county.
 - (2) Pay the required application and license fees.
- (b) Alcoholic beverage caterer licenses are valid for up to one calendar year, expiring at midnight on December 31 of each year. They are issued and must be renewed in the same manner as their corresponding retail licenses.

~~Sec. 6-288~~ 85. – Catering Permitted activities.

Only a licensed alcoholic beverage caterer is authorized to sell alcoholic beverages off premises. Licensed alcoholic beverage caterers are authorized to engage in, carry on or conduct the sale or distribution of alcoholic beverages off premises under the following conditions:

- ~~(a)~~ (1) An event catering permit is obtained by the licensed caterer from the County in accordance with Section 6-86.
- ~~(b)~~ (2) The distribution of alcoholic beverages is in connection with an "authorized ~~catered~~ special event" for which a special event alcohol permit has been granted to the sponsor of the event

authorizing said event. The requirements for special event alcohol permits are detailed in ~~article XII~~ [Article V](#) of this chapter.

- (2) ~~c~~. A licensed alcoholic beverage caterer may sell only that type of alcoholic beverage authorized by the caterer's local alcoholic beverage license.
- (3) ~~d~~. The licensed alcoholic beverage caterer shall not employ any person under 21 years of age to dispense, serve, sell or handle alcoholic beverages in accordance with O.C.G.A. § 3-11-4 et seq.
- (4) ~~e~~. If the licensed alcoholic beverage caterer desires to provide alcohol on a Sunday, it distributes only those beverages which may be sold on Sundays in the county, [at the times when Sunday sales by the drink are permitted](#).
- (5) ~~f~~. The licensed alcoholic beverage caterer complies with the requirements of O.C.G.A. § 3-11-1 et seq.

~~Sec. 6~~ [The 86. – Event Catering Permits.](#)

[\(a\) It shall be prohibited for any licensed caterer to sell alcoholic beverages in connection with a catered event or function without first having obtained an event catering permit as provided herein.](#)

[\(b\) A licensed alcoholic beverage caterer ~~complies with~~ shall file an application for an event catering permit with County. The application shall include the requirements contained in articles II through IV application fee \(if any\), the name of this chapter the caterer, the name, date, address and sections 6-193 time of the event, the caterer's state and 6-195 local license numbers and expiration dates, the quantity and type of alcoholic beverages to be transported and any other information the County deems necessary to review a request for such approval.](#)

~~Sec. 6-289~~ [87. - Restaurants.](#)

Eating establishments which hold an alcohol by the drink license ~~in accordance with articles VII, VIII and/or IX of this chapter~~ may cater events within the unincorporated areas of Dawson County so long as said establishments comply with this article.

[Secs. 6-88-89. - Reserved.](#)

[ARTICLE IX – AGRIBUSINESS SALE OF MALT BEVERAGES AND WINE BY THE DRINK](#)

~~Sec. 6-290. – Exceptions.~~

~~For events 6-90. - Type of Agribusiness establishment where alcoholic permitted.~~

[\(a\) Description: An agribusiness alcohol sales license allows an agribusiness to sell malt beverages ~~are furnished without charge~~ and wine for consumption by the host, which ~~are~~ drink on the premises. A facility with such a license does not ~~open~~ need to obtain a separate consumption on the premises license.](#)

[\(b\) Definition: For purposes of this article, an “agribusiness” that may qualify for an agribusiness alcohol license is any holder of a Dawson County Business License that:](#)

- (1) Is in an area zoned within the R-A zoning class; and
- (2) Is a venue that is held out to the public and at which no admittance fee, door charge, cover charge, cup fee, bracelet for social, celebratory or stamp fee entertainment purposes; and
 - (a) May be rented for a fee for such social, celebratory, or entertainment purposes; or
 - (b) Ordinarily engages in agricultural activity and sells agricultural products during such social, celebratory, or entertainment activity.

Sec. 6-91. - Restrictions on Sale of Alcohol

- (a) Except as expressly stated in this article, Agribusiness licensees shall be subject to all of the general restrictions that apply to holders of licenses for sales by the drink fee is required, the event holder the drink for consumption on the premises of the alcohol type (malt beverages, wine, distilled spirits) that is proposed to be sold, (other than the minimum qualifications for applying for such licenses).
- (b) Agribusiness licensees shall be exempt from the any requirement to derive at least 50 percent of the establishment's total annual gross sales from food.
- (c) All buildings are subject to Building and Fire Department inspections and requirements of this Additional site plans or a designated areas map may be required by either the County Planning Department or Fire Department
- (d) "Brown Bag" events are allowed in accordance with Section 6-112.
- (e) All Caterers must hold a Dawson County Caterers License and Event Catering Permit as defined in this chapter. However, if
- (f) Poured alcoholic beverages shall be transported from point of dispensing to the consumer by permitted employees only. Permitted employees are those who have applied for and received an employee pouring license authorizing such employees to take orders and transport alcoholic beverages are to be provided at such an customers.
- (g) Any event outside of the normal business location defined on business license for that location must obtain separate special event by a licensed alcoholic beverage caterer, then the requirements of this chapter must be met. permit.

Sec. 6-91. - Hours and days of sale.

- (a) Beer and/or wine shall not be sold or distributed for consumption on the premises except between the hours of 10:00 a.m.—12:00 midnight Monday through Thursday; Friday 10:00 a.m. through 1:00 a.m. on Saturday; Saturday 10:00 a.m. through 1:00 a.m. on Sunday; and Sunday 12:30 p.m. until 12:00 midnight.
- (b) No beer and/or wine shall be sold for consumption at any time in violation of any local ordinance or regulation or of any special order of the governing authority.

Secs. 6-92—6-93. - Reserved.

ARTICLE ~~III~~X. - EXCISE TAX

Sec. 6-5694. - Wholesale.

- (a) There is hereby levied an excise tax computed at the rate of \$0.22 per liter that shall be paid to the governing authority on all distilled spirits and wine sold by wholesalers to retailers in Dawson County. Such tax shall be paid to the director by the wholesale distributors on all distilled spirits and wine sold to the licensees for the sale of distilled spirits and wine in Dawson County as follows: Each wholesaler selling, shipping, or in any way delivering distilled spirits or wine to any licensees hereunder, shall collect the excise tax at the time of delivery and shall remit the same together with a summary of all deliveries to each licensee on or before the tenth day of the month following the delivery. Excise taxes received after the 20th day of the month shall be charged a ten percent penalty. The \$0.22 per liter shall be prorated so that all containers of distilled spirits and wine shall be taxed on the basis of \$0.22 per liter. It shall be unlawful and a violation of this chapter for any wholesaler to sell, ship or deliver in any manner any distilled spirits or wine to a retail dealer without collecting said tax. It shall be unlawful and a violation of this chapter for any retail dealer to possess, own, hold, store, display or sell any distilled spirits or wine on which such tax has not been paid. Each wholesaler shall be paid three percent of the amount of taxes collected as reimbursement for collection of said tax.
- (b) There is hereby levied an excise tax on all beer and malt beverages sold by wholesalers to retailers in Dawson County at the rate of \$0.22 per liter and \$6.00 for each container of tap or draft beer or malt beverage of 15½ gallons and in similar proportion for bottles, cans and containers of various sizes as follows:

Size Of Container	Tax Per Container
7 ounces	\$0.0291
8 ounces	0.0333
12 ounces	0.0500
14 ounces	0.0583
16 ounces	0.0666
32 ounces	0.1333
½ barrel (15½ gallons)	6.00
1 barrel (31 gallons)	12.00

All provisions as to excise tax in this section shall apply to this tax on beer and malt beverages except the tax rate which is set out in this subsection and the reimbursement of three percent of the taxes collected which shall not apply to beer and malt beverage wholesalers.

Sec. 6-~~57~~95. - Distilled spirits by the drink.

- (a) Every purchaser of distilled spirits by the drink shall be liable for a tax thereon at the rate of three percent of the retail price or charge for such drink. Such taxes shall be collected by the licensee licensed under this chapter, and such licensee shall remit the same to the director on or before the tenth day of the succeeding month along with a summary of the licensee's gross sales derived from the sale of distilled spirits by the drink, excluding malt beverages. Gross sales shall include all credit card sales and shall be reported and taxes collected thereon shall be submitted to the director to the same extent as required of cash sales. Each licensee shall be allowed a deduction equal to that rate authorized for deductions from State tax under part V of the Georgia Retailer's and Consumer's Sales and Use Tax Act, O.C.G.A. § 48-8-50, as now written or hereafter amended provided that the tax is not delinquent at the time of payment. It shall be the duty of every such licensee required to make a report and pay any tax levied pursuant to this article, to keep and preserve suitable records of the sales taxable pursuant to this article, and such other books or accounts as may be necessary to determine the amount of tax due. It shall be the duty of every licensee to keep and preserve such records for a period of three years.
- (b) Excise taxes received in the alcohol licensing department after the 20th day of the month shall be charged a ten percent penalty.
- (c) If the director deems it necessary to conduct an audit of the records and books of the licensee, he/she will notify the licensee of the date, time and place of the audit.
- (d) Any licensee who violates any provision of this article may, upon conviction, be punished by a fine of not less than \$300.00, and the license of such location may be suspended or revoked.

Sec. 6-~~58~~96. - Farm wineries.

Farm winery licensees shall pay an excise tax at a rate of \$0.22 per liter according to the process detailed in section 6-~~56~~94 (wine and distilled spirits).

Secs. 6-~~59~~97—6-~~89~~98. - Reserved.

ARTICLE XI. - ENFORCEMENT

Sec. 6-~~205~~99. - Inspections.

Sworn officers of the sheriff's office, or staff of the fire department, or the building official, or employees of the director's office shall have the authority to inspect establishments licensed under the alcoholic beverages ordinances of the county during the hours in which the premises are open for business. These inspections shall be made for the purpose of verifying compliance with the requirements of this chapter and state law. This section is not intended to limit the authority of any other county officer to conduct inspections authorized by other provisions of this chapter or by state law.

Commented [R110]: Add Marshal?

Sec. 6-100. - Penalties for violation of chapter.

Any person who violates any provision of this chapter, upon conviction, shall be guilty of a misdemeanor and shall be punished by a fine and/or imprisonment in accord with the limits established in O.C.G.A. § 36-1-20.

Sec. 6-~~105~~-1101. - Progressive discipline; acceptance of discipline; final action.

(a) ~~There~~(a) In addition to the penalties set forth in Section 6-100, there is available to the director and commission a range of potential disciplinary options concerning actions, misconduct, violations of this chapter or other laws, and failures to take required action on the part of licensees, their agents and employees, and permit holders. The range is generally as follows:

- (1) Written reprimand.
 - (2) Probation, or posting a monetary bond, subject to specified conditions.
 - (3) Suspension for period of days.
 - (4) Suspension for period of weeks.
 - (5) Suspension for period of months.
 - (6) Suspension for indefinite period until specified conditions are met.
 - (7) Suspension for remainder of current term of license/permit.
 - (8) Revocation or non-renewal of license or permit.
- (b) The steps outlined above exemplify the steps which may be taken as disciplinary action but the commission retains the authority to vary the severity of the disciplinary action and thus may skip from a lighter discipline to a more severe level as may appear appropriate given the circumstances. The same applies to disciplinary actions which may be taken by the director as to employee permit holders. Factors which may be considered as to licensees or employee permit holders include any factors set forth in this chapter as to mitigating or aggravating violations of this chapter or any other rules, regulations or laws, including, but not limited to, the following: number and severity of offenses, whether there have been other offenses of a similar nature, whether there have been other offenses of any kind within the preceding three years, whether the problem, condition or violation has been remedied or corrected, whether the licensee took appropriate steps prior to the violation to assure that staff and employees were aware of the requirements of the law, whether the violation was committed by the licensee or manager as opposed to by a non-managerial employee, whether the licensee or permit holder recognizes and acknowledges his or her misconduct or actions leading to disciplinary action, and whether a greater or lesser severity of discipline is likely to prevent future violations.

- (c) A licensee or permit holder under this chapter who is notified of proposed disciplinary action may accept the discipline as proposed by executing a written acceptance which waives any right the licensee/permit holder might otherwise have to a hearing.
- (d) Disciplinary action shall be deemed final under this chapter when a written acceptance and waiver is executed as provided for in this section, or, if none is executed, at the time a written notice of decision is mailed to or hand delivered to the disciplined licensee or permit holder.

Sec. ~~6-106~~102. - Suspension of license.

- (a) The following shall be grounds, in addition to any other grounds set forth in the preceding section, for the suspension of a license issued under this chapter for such period of time as the board of commissioners shall, in its sole discretion, determine appropriate:
 - (1) A violation, as demonstrated by evidence or by any adjudication of guilt as described in subsection ~~6-105103(b)(3)-above~~ by the licensee (or any officer, owner, manager, agent or employee of licensee) of any state or federal law or regulation, or any provision of this chapter or the regulations promulgated under its authority;
 - (2) The failure of the licensee and employees or agents of the licensee to promptly report to the sheriff's office any violation of law/breach of peace, disturbance, or altercation occurring on or near the licensee's premises;
 - (3) The violation of any law, regulation or ordinance pertaining to alcoholic beverages, distilled spirits, malt beverages and wines, by any employee or agent of the licensee in connection with the operation of the business of the licensee;
 - (4) Operation of the business of the licensee in such a manner as to create a public nuisance, or in a manner contrary to public welfare, safety, health or morals;
 - (5) Failure to furnish the board of commissioners on request any information or records that would be necessary for use in determining the licensee's compliance and qualifications under this chapter;
 - (6) To knowingly sell malt beverages, wines or distilled spirits to any person while such person is in an intoxicated condition; or
 - (7) To knowingly sell or offer to sell malt beverages or wines or distilled spirits to any person under the age of 21 years. In any case where a reasonable person could reasonably be in doubt as to whether or not the person seeking to obtain an alcoholic beverage is actually 21 years of age or older, it shall be the duty of the person selling or otherwise furnishing said malt beverages or wine to request and be furnished with proper identification in order to verify the age of such person. Failure to make such a request and to verify the purchaser's age may be considered by the trier of fact in determining whether any sale to an underage person was made knowingly. The term "proper identification" means any document issued by a governmental agency containing a description of the person, such person's photograph, or both, and giving such person's date of birth. The term "proper identification" includes, but is not limited to, a passport, military identification card, driver's license, or a state issued identification card.
 - (8) Violation of any provision of the Dawson County Code of Ordinances which deal with non-traditional tobacco paraphernalia, e-cigarettes, and alternative nicotine products.

- (b) Whenever this chapter permits the commission to suspend any license issued under this chapter but does not mandate the period of such suspension, such discretion shall be exercised within the guidelines of this subsection.
- (1) No suspension shall be for a period of time longer than the time remaining on such license;
 - (2) The following factors shall be considered on any suspension as set out above:
 - a. Consistency of penalties mandated by this chapter and those set by the county commission.
 - b. Likelihood of deterring future wrongdoing.
 - c. Impact of the offense on the community.
 - d. Any mitigating circumstances or remedial or corrective steps taken by licensee.
 - e. Any aggravating circumstances or failure by the licensee to take remedial or corrective steps.
 - f. The licensee's history of compliance or noncompliance with applicable alcohol related laws and regulations.
 - g. Whether the licensee established practices and procedures to prevent the violation from occurring and established procedures to properly train and supervise employees to prevent the violation from occurring.
 - h. The board, or director in circumstances where the director may have authority to impose adverse action on a license, permit, licensee or permit holder, may do so upon a progressive discipline basis, such that, for example, first, second and third violations result in successively more severe action. The board or director shall be authorized to utilize a more severe adverse action without intervening violations or intervening steps dependent upon the factors which may otherwise be considered under this section, as provided for in section 6-405.4101 herein.
- (c) Any license suspension for greater than 30 days shall require the licensee to remove all alcoholic beverages from the licensed premises. For any suspension of 30 days or less the board may in its discretion require removal of all alcohol from the premises; in the absence of such condition being mandated, the licensee shall secure with lock and chain all refrigeration units containing alcoholic beverages, and remove non-refrigerated alcoholic beverages to an on-premise locked storage area out of view of the public. No sales or service of alcoholic beverages (neither for on-premises nor off-premises consumption) is allowed upon any licensed premises during any period of suspension, nor is "bring your own bottle" practice or brown bagging permitted during suspension.
- (d) Whenever this chapter permits the board of commissioners to suspend or revoke a license, then the Sheriff of Dawson County, or the fire chief, the building official or the county manager may, on a temporary emergency basis suspend the license and order the licensee to cease operations until the matter may be scheduled for hearing before the board of commissioners. This may be done only upon a finding by the said official that temporary suspension as in the best interest of the public for safety, health and/or public welfare reasons. If any of the said officials shall exercise this suspension authority the decision to do so, the reasons for the emergency suspension, and the anticipated duration of the suspension, shall be provided to the licensee or its agent in written form as promptly as practicable. The duration of any such emergency suspension shall not exceed a period of ten days, although the board of commissioners may extend the period of emergency suspension at an open meeting after giving the licensee an opportunity to be heard as to the emergency temporary

suspension. The county manager, sheriff, building official, fire chief or board of commissioners may lift an emergency temporary suspension at any time.

- (e) Whenever a period of suspension is imposed under this chapter, the commission may determine in its discretion that at the end of the suspension the licensee may only renew operations in accordance with reasonable conditions imposed by the commission either permanently or during a probationary period set by the commission.
- (f) Whenever the commission would be authorized in its discretion to revoke or suspend a license, then it may instead impose a period of probation during which the licensee must operate under such conditions, limitations or restrictions, and subject to such monitoring, as the commission deems appropriate.

Sec. ~~6-105~~[103](#). - Revocation or nonrenewal of license.

- (a) The county commission shall revoke the license or permit of any licensee or permit holder:
 - (1) Whose license or permit has been suspended three or more times in any consecutive 12-month period (which suspensions may take place over two separate calendar years; the date of the decision to suspend is the date which counts in determining whether the suspensions have occurred within a consecutive 12-month period);
 - (2) For any premises where alcoholic beverages have been sold or distributed during a period of suspension;
 - (3) Who is convicted of a felony or any crime involving moral turpitude.
- (b) The county commission may revoke, suspend or otherwise discipline any license or permit issued under this chapter, or refuse to issue or renew the same, if the licensee, or applicant for renewal or any owner, operator, manager, or other agent or employee of the licensee/applicant:
 - (1) Makes any false statement of a material fact on the application for license or renewal thereof, or on any document required to be filed with the director or county;
 - (2) Fails to timely give written notice of any change of ownership interest as required in section ~~6-94~~[10](#);
 - (3) Violates, as demonstrated by evidence at a hearing before the commission or by conviction or guilty plea entered in court, or by other adjudication of guilt, any provisions of this chapter or any rules or regulations promulgated by the commission under this chapter, of which the licensee has reasonable notice (licensees are directed to and agree, as a condition of all licenses issued pursuant to this chapter, to be familiar with this chapter and to stay current in their familiarity with any future amendments to this chapter, and thus will be deemed to be familiar with all amendments and changes which are adopted by the commission in a public meeting);
 - (4) Becomes disqualified under this chapter to hold a license;
 - (5) Whenever it can be shown that a licensee under this chapter no longer maintains adequate financial responsibility upon which issuance of the license was conditioned, or whenever the licensee has defaulted in any obligation of any kind whatsoever, lawfully owing to the county;
 - (6) Has received a license conditioned upon the construction or renovation of the facility and has not obtained necessary permits and completed construction within the periods specified in this article following the date said license was approved;

- (7) Violates, as demonstrated by evidence or by any adjudication of guilt in the manner described in subsection (b)(3), above, any state law or regulation related to the sale of beer, wine, or distilled spirits, including but not limited to sales to underage persons or sales to visibly intoxicated persons; or
 - (8) Operates the licensed premises in such a manner as to constitute a public nuisance.
 - (9) Has its vape shop license for the premises revoked or suspended for cause.
- (c) The factors the commission may consider in deciding whether to suspend or revoke a license include, but are not limited to, the nature and severity of the offense, whether the violation has been remediated/corrected, whether there have been other offenses, who committed the violation (an owner, licensee, manager, or lower level employee) and whether imposition of probation, special conditions or restrictions, and/or posting of a monetary bond is sufficient to assure future compliance by the licensee, and any other circumstances or factors listed in this article. The commission may also consider any additional factors that ~~be~~are set forth ~~is~~in subsection ~~6-406(b)(2)-below~~102 above.

Sec. ~~6-107~~104. - Hearings-

- (a) No adverse action other than an emergency suspension pursuant to the provisions of section ~~6-406~~102, above, shall be taken against a license or licensee without affording the licensee the opportunity for a hearing as provided in this section.
- (b) The county commission shall provide written notice to the applicant or licensee that it is considering adverse action as to the licensee. Such written notification shall be hand delivered or sent by certified mail to the licensee at the address shown on the application (or updated address of record as provided to the director), and the licensee shall be directed to show cause, if any there be, why the proposed action should not be taken by the county commission. The notice shall:
 - (1) Advise of the time and place specified for the hearing, which hearing shall be held not less than five days (if the notice is mailed) or three days (if the notice is hand delivered), but not more than 30 days from the date of the service of the notice;
 - (2) Set forth in reasonable detail the grounds for such action and the factual basis supporting those grounds;
 - (3) Advise the licensee of the right to present evidence, witnesses or arguments and to be represented by counsel at the hearing; and
 - (4) Advise the licensee that failure to appear at the scheduled hearing will result in the intended action being taken by the county commission.
- (c) After the hearing, a written decision shall be entered and provided to the licensee. In the event disciplinary action is taken against the licensee, notice of the fact that such action was taken shall be transmitted by the director to the state in such a manner as is required by state statutes or administrative regulations; such notification shall be given within 45 days of the action becoming final.

Secs. 6-105—6-111. - Reserved.

ARTICLE XII. – PROHIBITED SALES, PURCHASES, AND POSSESSION

Sec. ~~6-111~~112. – Brown Bagging

(a) Brown bagging as defined in this chapter means possession of an open glass bottle, can, or other container containing an alcoholic beverage, or consumption of an alcoholic beverage:

1. On premises for which a county business license has been issued; and
2. Which occurs at a location different from where said alcoholic beverage was purchased.

(b) Subject to the exception contained in subsection c of this Section, it shall be unlawful for any owner or person in possession of any business establishment for which a Dawson County Business License has been issued to permit any person to engage in brown bagging on the premises.

(c) The prohibitions and restrictions in subsection b shall not apply to private functions in which attendance is by invitation only and during which alcohol is served if all the following provisions apply:

- 1.) All alcoholic beverages served at the private function shall be provided by the person renting the venue or otherwise having the right of temporary possession of the venue;
- 2.) The cost of the alcoholic beverages served at the private function shall be paid by the person renting the venue or otherwise having the right of temporary possession of the venue;
- 3.) No merchandise shall be bought or sold on the premises during the private function;
- 4.) There shall be no cost to attend the private function either by donations or any other means and
- 5.) Where distilled spirits are being dispensed or consumed, the person renting the venue or otherwise having the right of temporary possession of the venue shall employ a bartender with appropriate training and experience to ensure the safety of all persons attending the private function.

Sec. 6-~~102~~113. - Prohibited sales.

- (a) No holder or employee of the holder of a license authorizing the sale of alcoholic beverages shall do any of the following upon the licensed premises:
- (1) Knowingly sell or offer to sell distilled spirits, malt beverages or wines to any person under the age of 21 years. In any case where a reasonable person could reasonably be in doubt as to whether or not the person seeking to obtain distilled spirits, malt beverages or wines is actually 21 years of age or older, it shall be the duty of the person selling or otherwise furnishing said alcoholic beverages to request and be furnished with proper identification in order to verify the age of such person. Failure to make such a request and to verify the purchaser's age may be considered by the trier of fact in determining whether any sale to an underage person was made knowingly. The term "proper identification" means any document issued by a governmental agency containing a description of the person, such person's photograph, or both, and giving such person's date of birth. The term "proper identification" includes, but is not limited to, a passport, military identification card, driver's license, or a State issued identification card.
 - (2) Sell or offer to sell any alcoholic beverages to any person who is noticeably intoxicated, who is of unsound mind, or who is a habitual drunkard whose intemperate habits are known to the licensee or his employees.

- (3) Sell alcoholic beverages upon the licensed premises or permit alcoholic beverages to be consumed thereon, on any day or at any time when the sale or consumption is prohibited by law.
- (4) Sell any alcoholic beverage to an adult with knowledge or reason to know that the adult is purchasing the alcoholic beverage for a minor.
- (b) Individual employees who violate this section shall be subject to the penalties set forth in section 6-100 as well as to loss of their employee license/permit. Penalties for license holders shall be determined by the county commission in accordance with the provisions of this chapter, including, in addition to any criminal penalties, possible suspension, probation, revocation or non-renewal of the license or imposition or conditions to or restrictions upon operations.
- (c) As to the penalties in subsection (b) of this section, if there is a change in a majority of the licensed establishments' owners, partners or shareholders, the violations under the old ownership shall not count against the new owners; however, a different corporation, partnership or other association will be charged with the violations of its predecessor(s) if a majority of the owners, partners or shareholders are the same.

Sec. 6-~~99~~114. - Sale or possession for sale of alcoholic beverages without license or beyond boundaries of premises covered by license; penalties.

It shall be unlawful for any person to sell, distribute, or possess for the purpose of sale any alcoholic beverage if the person does not have a license granted by the county to sell, distribute, or possess for sale the alcoholic beverages. It shall be unlawful for any licensee, manager or employee to sell or to make deliveries of any alcoholic beverage beyond the boundaries of the premises covered by the license. It shall be unlawful for any licensee, manager or employee of an on premise consumption license to knowingly permit any customer to take any alcoholic beverage away from the licensed portion of the premises.

Sec. 6-~~101~~115. - Failure to require and properly check identification.

In any case where a reasonable person could reasonably be in doubt as to whether or not the person seeking to obtain alcoholic beverages is actually 21 years of age or older, it shall be the duty of the person selling or otherwise furnishing said alcoholic beverages or wine to request and be furnished with proper identification in order to verify the age of such person. Failure to make such a request and to verify the purchaser's age may be considered by the trier of fact in determining whether any sale to an underage person was made knowingly. The term "proper identification" means any document issued by a governmental agency containing a description of the person, such person's photograph, or both, and giving such person's date of birth. The term "proper identification" includes, but is not limited to, a passport, military identification card, driver's license, or a state issued identification card.

Sec. 6-~~103~~116. - Purchase or possession of alcoholic beverages by underage persons.

- (a) No person under 21 years of age shall purchase or possess any alcoholic beverage, personally or through a surrogate.
- (b) No person under 21 years of age shall attempt to purchase any alcoholic beverage personally or through a surrogate, nor misrepresent his/her age in any manner whatever for the purpose of obtaining alcoholic beverages.
- (c) No person shall purchase any alcoholic beverage for a minor or otherwise assist a minor in the purchase of any alcoholic beverage.

Secs. 6-117—6-118. - Reserved.

ARTICLE ~~XV.~~ XIII. - SOCIAL HOSTING AND CONSUMPTION OF ALCOHOLIC BEVERAGES BY MINORS

Sec. 6-451. - ~~Definitions.~~

- (a) ~~An "alcoholic beverage" means alcohol, distilled spirits, liquor, beer, malt beverage, wine and fortified wine.~~
- (b) ~~A "gathering" is defined as the assembly of five or more individuals at one location that includes at least one individual who is underage and who is not the child of the person responsible for the property.~~
- (c) ~~A "social host" is a person who:~~
- ~~(1) Knows or reasonably should know that a gathering will occur on property owned or controlled by that person;~~
 - ~~(2) Knows or reasonably should know that alcoholic beverages will be at the gathering; and~~
 - ~~(3) Knows or reasonably should know that one or more underage person will be present at the gathering.~~
- (d) ~~An "underage person" is any person under the age of 21 years.~~ 119

~~Sec.~~ 6-452. - Prohibited activities and duties of social host.

- (a) ~~(a)~~—No social host shall allow a gathering to occur or continue if an underage person at the gathering obtains, possesses, or consumes any alcoholic beverage and the social host knows or reasonably should know that an underage person has obtained, possesses, or is consuming alcoholic beverages at the gathering.
- (b) ~~(b)~~—Every social host shall take reasonable steps to prevent the consumption of alcoholic beverages by any underage person at the gathering. Reasonable steps include, but are not limited to (i) controlling access to alcoholic beverages, (ii) prohibiting and preventing access to alcoholic beverages by any underage person, (iii) verifying the age of persons at the gathering, (iv) supervising the activities of underage persons at the event, and (v) remaining on the property during the gathering.
- (c) ~~(c)~~—If a social host determines or has reason to believe that an underage person has consumed an alcoholic beverage before or during the gathering, then the social host shall make reasonable efforts to terminate the gathering including, but not limited to, contacting law enforcement to report the suspected underage consumption.

Sec. 6-~~453~~ 120. - Penalties.

- (a) ~~(a)~~—Any person who violates this ~~chapter~~ article shall be punished by a fine of up to \$1,000.00 and shall be required to perform not less than 24 hours of community service for the first offense.
- (b) ~~(b)~~—Any person who violates this ~~chapter~~ article a second time within one year shall be punished by a fine of at least \$500.00 and up to \$1,000.00 and shall be required to perform not less than 48 hours of community service.

(c) ~~(e)~~—Any person who violates this ~~chapter~~[article](#) a third or subsequent time within two years shall be punished by a fine of \$1,000.00 and shall be required to perform not less than 100 hours of community service.

Sec. 6-~~454~~[121](#). - Exceptions.

(a) ~~(a)~~—This article shall not apply to conduct solely between an underage person and his or her parent while present in the parent's household.

(b) ~~(b)~~—This article shall not apply to any situation for which state or federal law establishes an exception or exemption.

Secs. 6-122—6-125. - Reserved.

ARTICLE XIV VARIANCES

Sec. 6-~~126~~. – Purpose

The purpose of a variance is to provide relief when a strict application of the requirements would impose unusual practical difficulties or unnecessary hardships on the applicant, and the benefits of allowing the variance would outweigh the negative impact on the community.

Sec. 6-127. Criteria for Granting Variances

(a) No variance will be granted that is in conflict with state or federal law. All proposed variances shall be reviewed and approved by the County Attorney or his/her designee before being presented to the Board of Commissioners for approval. Proposed variances that cannot be accommodated in compliance with state and federal law will be rejected.

(b) Variances may be granted in the sole discretion of the Board of Commissioners.

(c) Criteria that will be considered as part of granting a variance:

(1) Whether a strict or literal interpretation and enforcement of the specified standard or requirement would result in practical difficulty or unnecessary hardship that outweighs the benefit from allowing alcohol sales at variance with the standard or requirement; and

(2) Whether there are exceptional or extraordinary circumstances or conditions applicable to the business involved that do not apply generally to other businesses selling alcohol; and

(3) Whether the granting of the variance will be detrimental to the public health, safety, or welfare or materially injurious to the community, giving consideration to the surrounding land uses; and

(4) Whether there is concern that the granting of the variance would be in violation of any state laws or requirements.

Sec. 6-128 Variance Procedures

- (a) The applicant shall prepare and submit an application setting forth the specific variance sought and the reasons, with supporting data, why variance should be granted, along with any County-adopted fee for such submittal. The Planning Department, in consultation with the County Attorney's Office, shall review the application and make a recommendation for approval or denial, along with any recommended conditions.
- (b) A public hearing shall be held to consider the variance at a regularly scheduled meeting of the Board of Commissioners. The Planning Department may require the applicant to provide notice of the hearing to any properties potentially impacted by the variance.
- (c) The Board of Commissioners shall review the application and the recommendations of the Planning Department at the public hearing.
- (d) A decision on the variance request shall be the responsibility of the Board of Commissioners, shall be made at the public hearing, and the decision shall be final.
- (e) Variances may be granted with conditions. The variance shall not be effective if fewer than all such conditions are met by the applicant.
- (f) If a variance is granted, the Planning Department shall record the exact nature of the variance and the conditions (if any) attached, which variance and conditions shall be included as a written addendum to the applicable license.

Secs. 26-129—6-130. - Reserved.

ARTICLE XV. - Definitions-

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

Abandon means to voluntarily give up a license or permit hereunder, or to automatically forfeit a license, permit or application under the terms of this chapter as, for example, by non-use.

Address of record means the address provided by an applicant or licensee or permit holder to the planning department for purposes of administration of this chapter. The applicant, licensee or permittee shall at all times be responsible for keeping the planning department notified in writing of the current address for sending notices or other communications, and delivery or mailing via U.S. Postal Service or private express delivery carrier shall be deemed to be properly addressed if it is sent to the most current address of record.

Administrative fee or application fee means the non-refundable fee which is required by the county to accompany an application for a license, permit, or change under this chapter. Such fees may include administrative, investigative, advertising or other components, which may be, but are not required by this chapter to be broken out separately.

Adverse action means disciplinary, regulatory or administrative action taken or proposed with respect to a license, permit, licensee or permit holder due to violation of this chapter or other law or regulation, or due to any other event that would disqualify a licensee or permit holder, or due to other

change in status or circumstances that might make such action appropriate in the discretion of the commission. Adverse action as used herein is action under this chapter which is apart from and may be in addition to any applicable criminal penalties. Adverse action encompasses, but is not limited to, disciplinary action.

Alcohol means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

Alcohol treatment facility means any alcoholic treatment center owned and operated by the state or the county government.

Alcoholic beverage means and includes all forms of alcohol that can be used for beverage purposes, including distilled spirits, beer, malt beverages, wine or fortified wine.

~~*Alcoholic beverage caterer* means an eating establishment or indoor commercial recreation establishment which holds an alcohol by the drink license issued pursuant to articles VII and VIII, VII and IX, or VII, VIII and IX of this Code, holds valid food service permits from the Dawson County Health Department, and holds an alcoholic beverage catering license issued pursuant to article X of this Code.~~ *Alcoholic beverage caterer* means a licensed caterer pursuant to this ordinance.

Applicant means a person who has completed and submitted an application form, together with all required documents, and information, along with all required fees, seeking a license or permit under this chapter, or a renewal, transfer or modification thereof.

Bar means the station designated for mixing, pouring and dispensing alcoholic beverages within an establishment licensed for by-the-drink consumption on premises. It may have or not have a seating area for counter service to customers. The seating capacity for counter service may not exceed ten percent of the total seating capacity for the entire licensed premises. The licensee must obtain approval for each bar within the establishment and each must be shown on the site plan/floor plan of the premises at the time of any application, renewal or change. The diagram shall indicate whether the bar is intended to allow counter service. Any bar which is on wheels or similarly equipped so as to render it mobile must be so designated in the application and diagram/floor plan.

Beer (or "malt beverage") means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water containing not more than 14 percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer. Also included are beverages known as "nonalcoholic" beer, which is made by fermentation of any infusion or decoction of barley, malt, hops or other products, and containing less than three percent, but more than 0.1 percent alcohol by volume. The term "malt beverage" does not include sake, known as Japanese rice wine. Hard cider, as defined herein, shall be treated as a malt beverage under this chapter.

Beverage ticket means a printed ticket sold to be used for the purpose of exchanging the ticket or tickets for an alcoholic beverage (even if it may also be used for acquiring other beverages or food rather than alcoholic beverages).

Bona fide non-profit civic organization means an organization which is exempt from federal income taxation pursuant to the provisions of 26 USC § 501(c) or (d) or (e).

Bracelet fee means any charge for a bracelet, pass, ink stamp, badge, armband, receipt or other indication that the bearer may be served alcoholic beverages at a venue, event or licensed premises.

Brewpub means an eating establishment within the meaning of that term as defined in O.C.G.A. § 3-1-2 in which beer or malt beverages are manufactured or brewed, subject to the barrel production

limitation and other limitations prescribed in O.C.G.A. § 3-5-36 as amended for retail consumption on the premises. May be referred to as a "micro-brewery." A brewpub must have Dawson County licenses for sale of the type of beverages it offers and for the manner of sale (for on the premises or off the premises consumption or both).

~~*Brown-bag* means the act or practice of bringing an alcoholic beverage to a licensed premises or other business establishment for consumption, or the act of consuming such alcoholic beverage on the licensed, or non-licensed, premises, when the said beverage is not purchased at that premises or location. The term refers to any form of "bring-your-own-bottle" kind of activity, regardless of whether the business or licensee charges for allowing the beverage to be brought in, and regardless of whether the business or licensee charges for some other service or goods, such as providing mixers, other beverages or food, or entertainment. Brown bagging is prohibited in licensed premises during any period of suspension.~~

Building official means the person designated as such by the director of planning and development, by the county manager or by the board of commissioners, or other person authorized by the county to exercise the powers and duties of building plan review, building inspection, building code enforcement or related duties. The term may include, but is not limited to, the director, county marshal, building inspector, or other acting in any of the foregoing capacities on an interim, acting or temporary basis.

By-the-drink means sales of alcoholic beverages for consumption on-the-premises, sold and served by the individual drink, either poured or in an opened container.

Chapter means this alcoholic beverage code, that is, the Dawson County Alcoholic Beverage Ordinance, which is Chapter 6 of the Dawson County Code of Ordinances.

Church building means the main structure used by any religious organization as a permanent place for worship.

Code means the Dawson County Alcoholic Beverage Code (Chapter 6 of the Dawson County Code of Ordinances), unless the context makes other usage appropriate.

Code enforcement official means any person authorized by law or designated by the county, the director, or the county manager to exercise licensing, inspection, permitting, taxing, enforcement, regulatory or other powers related in any way to this chapter, or to any related ordinances and regulations of the county, state or federal governments, including, but not limited to, staff of the planning and development, fire, building, sheriff, health, finance and other departments and offices of Dawson County.

Convenience store means a business carrying on retail sales of groceries, household supplies, over-the-counter medications, soft drinks, tobacco products, packaged or prepared foods, magazines, newspapers, gasoline and other consumer goods. The term convenience store shall not include any business for which an adult entertainment license has been issued or for which one is required.

County means Dawson County, Georgia, or as the context may indicate, its governing authority or designated staff.

County commission means the Board of Commissioners of Dawson County, Georgia, or such person as it may designate from time to time to exercise its authority or otherwise act on its behalf under this chapter. May also be referred to as "board," "board of commissioners," "county," "commission" or "governing authority."

County manager means the County Manager of Dawson County, Georgia, or such person as he or she may designate from time to time to exercise authority or act on his/her behalf under this chapter.

Day care means any place operated by a person, society, agency, corporation, institution, or group wherein are received for pay for group care for less than 24 hours per day, without transfer of legal

custody, children under 18 years of age, and is not accredited as a public or private school (except that centers offering state funded pre-K programs are still considered day cares).

Director (may be referred to as "*administrator*") means the county staff member named to administer the rules set forth in this alcoholic beverage ordinance and to develop forms, regulations and policies as may be appropriate to implement and enforce the provisions of this chapter or as the commission may otherwise direct. The director of planning and development shall serve as administrator/director. The staff member to serve as director may be changed by the board of commissioners from time to time by vote in open meeting. The administrator/director may designate another staff member or members to manage the general affairs of alcoholic beverage licensing to the extent the director determines appropriate and is authorized to direct the activities of staff responsible for enforcing the terms of this chapter.

Disciplinary action means adverse action taken or proposed action by the county against a license, permit, licensee or permit holder due to failure to comply with terms or requirements imposed by or pursuant to this chapter, state law or federal law, or for other reasons set forth in this chapter. Examples are suspension, revocation, imposition of special conditions or restrictions (regardless of whether or not termed as a period of probation), posting of bond, denial of renewal or transfer request or other sanctions as imposed by the county.

Distance refers to the minimum distance allowed between an establishment licensed under this ordinance and another licensed premise, or between a proposed licensed premise and some other facility or use, such as a church, a school, a daycare facility, a college, or an alcohol treatment facility. Unless otherwise provided, distance shall be measured as provided for by O.C.G.A. § 3-3-21(c) and Georgia Department of Revenue Regulations [currently found at 560-2-2-.12(1)(b)].

Distilled spirits or liquor means any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume including, but not limited to, all fortified wines.

Distiller means a manufacturer of distilled spirits. A distiller may engage in on-premises or off-premises sales if qualified and licensed as required by applicable State statutes and regulations provided that such distiller must qualify for and obtain licenses from Dawson County for such sales in the same manner and according to the same terms as required for other licensees for sale of distilled spirits under this chapter.

Drug store means any store which sells primarily health care products and which has a pharmacy that supplies prescription medications.

Eating establishment means any public place, including a place available for rental by the public, selling prepared food for consumption by the public on the premises with a full service kitchen. A full service kitchen shall consist of a three-compartment pot sink, a stove or grill permanently installed, and refrigerator, all of which must be approved by the health and fire departments. An eating establishment shall be prepared to serve food every hour the establishment is open and shall derive at least 50 percent of the gross receipts annually from the sale of prepared meals or food.

Establishment means a business or place of business. It may refer to the business entity, its operations or the location thereof as the context makes appropriate.

Employee permit means an authorization granted by the county to employees of a licensed retail consumption dealer to dispense, sell, serve, take orders, or mix alcoholic beverages in establishments licensed as a retail consumption dealer, and to employees of a retail package dealer (liquor store, package store, convenience store) to sell alcoholic beverages in that establishment. An employee permit is not required for employees of licensed grocery stores or drug stores, nor for licensees to work in their own

business. An employee permit is also required of any employee or volunteer working at a special event in a capacity described in section 6-340(a)66 of this Code. A single employee permit shall authorize the employee to sell, serve or dispense alcoholic beverages at retail licensees for on-premises consumption, or at retail package dealer licensees, or at licensed special events or a combination of the foregoing, as may be designated on the permit.

Fee means a charge payable to the county in relation to obtaining, renewing, reinstating, transferring or changing a license or permit under this chapter as well as any other fees and charges, such as occupational, inspection, or zoning fees, which are payable but not a part of the fees charged under this chapter. The fees which are charged under the terms of this chapter shall be as set forth in the alcoholic beverage licensing fee schedule. They may include, but are not limited to, license fees, renewal fees, application fees, investigatory fees, criminal background check fees, advertising/publication fees, license modification fees, and transfer fees.

Fortified wine means any alcoholic beverage containing more than 21 percent alcohol by volume made from fruits, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added. Fortified wine includes, but is not limited to, brandy.

Front door means the primary doorway used by the public (that is, by customers in the case of a business, students in the case of a school or college, members in the case of a church, club or civic organization, or other similar users, and not merely by employees) as an entrance to a structure or building as determined by the director.

Gathering means the assembly of five or more individuals at one location that includes at least one individual who is underage and who is not the child of the person responsible for the property.

Governing authority means the Board of Commissioners of Dawson County, Georgia, or its designee.

Grocery store means a store which sells primarily food, and which has a produce department and a meat department; sometimes referred to as a "supermarket."

Growler means a glass, ceramic, or stainless steel jug or container with a capacity of 32 to 64 fluid ounces having a screw-on or hinged cap which can be sealed, and which is used for purchasing and transporting malt beverages.

Hard cider means an alcoholic beverage obtained by the fermentation of the juice of apples, containing not more than six per cent alcohol by volume, including, but not limited to, flavored or carbonated cider. For purposes of this chapter, hard cider shall be deemed a malt beverage.

Hotel means any building or other structure providing sleeping accommodations for hire to the general public transient, permanent or residential. Such businesses shall have one or more public dining rooms with an adequate kitchen. Motels meeting the qualifications set out in this definition for hotels shall be classified in the same category as hotels. Hotels shall have the privilege of granting franchises for the operation of any licensed establishment described in this chapter, and the holder of such franchise shall be included in the definition of a hotel pursuant to this definition.

Housing authority means any property containing 300 housing units or fewer owned or operated by a housing authority created under the State housing ~~authorities~~authorities law.

Individual means a natural person.

Indoor commercial recreational establishment means and is limited to an establishment that:

- (1) Regularly serves prepared food with a full service kitchen (a full service kitchen shall consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of

which must be approved by the health and fire departments) prepared to serve food every hour the establishment is open and deriving at least 50 percent of its total annual gross sales from the sale of prepared meals or food and recreation activities; and

- (2) Wherein the sale of food and alcoholic beverages is incidental to its primary enterprise and activity on the premises. The primary activity on the premises of the indoor commercial recreational establishment shall be family-oriented in nature, generally meaning a use that attracts a range of individuals from all age groups. Uses may specifically include, but are not limited to, dinner theaters, bowling centers, and other similar uses. Outdoor commercial recreation is not included, nor shall concession sales of alcoholic beverages be permitted in an outdoor commercial recreational establishment. Bingo parlors, dancehalls, nightclubs, taverns, billiard parlors, video arcades, adult entertainment and/or sexually related entertainment activities, and similar uses are specifically excluded from this definition of indoor commercial recreational establishments.

Investigative fee means the fee established to defray the costs of investigating and examining the qualifications and background of applicants for licenses and permits under this ordinance and for review of the proposed location of any licensed premises. This fee may be included in the administrative fee or charged separately. In addition to the fees for the applicant, there may be charged a separate fee for criminal history checks on individuals such as officers, agents, partners, managers and other employees.

License means any license or permit applied for, required or issued pursuant to this chapter. It may also refer to the document which evidences such license or permit, as the context indicates.

License fee means the initial license fee and the fee for any renewal or reinstatement of a license as may be determined from time to time by the county commission as a prerequisite to the privilege of holding an alcohol license under this chapter. May be referred to as the "annual fee." In the event an application for issuance, renewal or reinstatement is denied, the license fee is refundable but the application fee is not to be refunded.

Licensed alcoholic beverage caterer means any holder of a license issued under this chapter for the retail sale of beer, wine, and/or distilled spirits by the drink, who is a licensed caterer, who is otherwise qualified under the provisions of O.C.G.A. § 3-11-1 et seq., and who obtains a license pursuant to this ordinance to sell alcoholic beverages at authorized special events.

Licensed premises means the area within a parcel of real property where a licensee under this chapter is authorized to operate the licensed business, that is, the portion of the premises where alcoholic beverages may be stored, displayed, sold and, in the case of on-premises consumption licenses, served and consumed. In the case of a special event alcohol permit, the specific area approved for service and consumption of alcoholic beverages.

Licensee means the person to whom a license for the sale or distribution of distilled spirits, malt beverages, or wine is issued under this chapter. In the case of a partnership or corporation, all partners, officers, and directors of the partnership or corporation are licensees. In the case of a limited partnership the managing partner is a licensee, and in the case of a limited liability company the manager and the chief executive officer are licensees. The term may be used to refer to a person to whom a license has been issued and whose license is suspended, revoked, abandoned, or declared void and when so used shall not confer or imply that such person holds or is entitled to a valid license.

Mead, honey mead or mead wine means a fermented alcoholic beverage made from honey that may not contain an alcoholic content of more than 14 percent by volume or total solids content that exceeds

35 degrees Brix. For purposes of this chapter the sale, manufacture, distribution and transport of mead shall be treated in the same manner as wine.

O.C.G.A. means the Official Code of Georgia Annotated.

Off-premises sales refers to sale of alcoholic beverages in sealed containers, for consumption off the licensed premises only. This type of operation may sometimes be referred to as package sales.

On-premises sales refers to sale of alcoholic for consumption only on the licensed premises, in unsealed containers or in the form of poured individual drinks, or, in the case of malt beverages, by the pitcher as may be otherwise allowed under this chapter. This type of operation may sometimes be referred to as "by-the-drink" sales.

Ordinance means this alcoholic beverage ordinance, chapter 6 of the Dawson County Code of Ordinances, unless the context clearly refers to a different or additional ordinance or ordinances.

Package means a bottle, can, keg, barrel, growler, or other original consumer container, including a wine "box" type container for consumer use.

Person means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other group or combination acting as a unit, body politic, or political subdivision, whether public, private, or quasi-public.

Premises means the parcel of real property upon which a licensee under this chapter operates the licensed business. It includes both the area authorized for preparation, display, sales, storage, service, possession or consumption of alcoholic beverages ("licensed premises") and the area on the same parcel where such beverages may not be stored, displayed, served, prepared, consumed or possessed. The area outside the designated licensed premises, but on the same parcel, may be referred to in this ordinance as "approaches," which may include parking areas, walkways and any other areas which have not been specifically designated as licensed premises. Use of an address on a license or application is not an indication that the entire parcel or property at such address is approved as licensed premises.

Private club means any club which fits the definition of a private club under ~~article XI~~[the articles](#) of this Code.

Probation means a period during which a licensee may be monitored for compliance with laws, ordinances and, in addition, any conditions specified by the commission, and during which infraction may lead to immediate disciplinary action against the license up to and including suspension or revocation. It may follow or be imposed in addition to or in lieu of a period of suspension or in lieu of revocation. The length/duration or other terms of a probationary period may be extended or modified by the commission.

Provisional approval or conditional approval means approval of a license application subject to financing, zoning status, or other plans or requirement that the licensee construct, renovate, or remodel the licensed premises prior to commencing licensed operations. Such conditional/provisional approval is temporary and not subject to renewal unless the licensee complies with the terms of section 6-947 and section 6-9511 of this chapter and all conditions which may be placed upon the license. A provisional license is issued to allow an applicant to ascertain whether a license may be had, subject to the requirements, conditions and qualifications which may apply, but does not allow operations to commence until such conditions are met, including issuance of any necessary state license.

Registered agent or agent means a qualified individual residing in Dawson County who has been named as, and has qualified and consented to be, the local registered agent of a licensee pursuant to this chapter.

Retail consumption dealer means a person or entity licensed under this chapter to sell alcoholic beverages by the drink for consumption on the licensed premises. May be licensed for sale of beer/malt beverages, or distilled spirits, or wine, or a combination of the foregoing.

Retail dealer means persons other than wholesale dealers who sell distilled spirits, malt beverages, or wines irrespective of the quantities sold. It is specifically intended to refer to establishments licensed to sell alcoholic beverages directly to the retail consumer and not for resale.

Retail package dealer means a person or entity licensed under this chapter to sell alcoholic beverages in packaged form at retail for consumption other than on the licensed premises. May be licensed for sale of distilled spirits, or beer/malt beverages, or wine, or a combination of the foregoing.

Revocation means the termination, forfeiture or withdrawal by the county of the privileges afforded by this chapter to a licensee or holder of a permit issued under this chapter.

Sale of alcohol means provision of alcohol beverages in exchange for monetary value in the form of cash, credit card, debit card, check or other form of monetary exchange, or in return for all or part of an admission fee, ticket of any kind, cover charge, door charge, token, coin, per drink fee, or other medium of exchange.

School building or school grounds shall apply only to state, county, city or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of this State and which are public schools or private schools.

Social host means a person who: (1) Knows or reasonably should know that a gathering will occur on property owned or controlled by that person; (2) Knows or reasonably should know that alcoholic beverages will be at the gathering; and (3) Knows or reasonably should know that one or more underage person will be present at the gathering.

Special event alcohol permit means a temporary permit issued pursuant to ~~article XII~~ articles of this Code.

Suspension means the temporary (either for a definite or indefinite period) prohibition of operation under an alcoholic beverage license or permit issued by the county pursuant to this chapter.

Underage person means any person under the age of 21 years.

Wholesale dealer means persons other than brewers who sell malt beverages, wines or distilled spirits to retail dealers for purposes of resale only.

Wine means any alcoholic beverage containing not more than 21 percent alcohol made from fruits, berries, grapes, or honey (mead wine is subject to the alcohol content and solids content limits set forth elsewhere in this chapter) either by natural fermentation or by natural fermentation with brandy added. Wine includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, honey mead wine and like products. The term "wine" does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at the point in the manufacturing process when it conforms to the definition of wine contained in this section.

~~Secs. 6-254 – 6-285. Reserved.~~

~~Sec. 6-104. Regulations.~~

~~The county commission shall have the authority to supplement or amend any section of this chapter from time to time and reserves the right to promulgate appropriate written regulations for implementation of the chapter. Any such supplementation, amendment, regulation or implementation may be done by the commission at any public meeting thereof in compliance with the Open Meetings Act. Likewise, the fee schedule may be amended at any public meeting by vote of the commission. Authorization or designation of any county staff member or entity to carry out any action on behalf of the county pursuant to this chapter~~

may also be done by the county commission at any public meeting. In no event shall any of the foregoing actions or designations by the commission require more than one meeting or "reading" before adoption by the commission.

ARTICLE V. PACKAGE SALES OF DISTILLED SPIRITS

Sec. 6-130. Zoning district.

No license shall be issued under this chapter unless the applicant's place of business is located upon a tract or parcel within unincorporated Dawson County which is zoned Highway Business-Commercial (C-HB) or Commercial Planned Comprehensive Development (CPCD).

Sec. 6-131. Posting of license number.

Every licensee shall have legibly posted on the front of the licensed premises the name of the licensee together with the following inscription: "County Retail Package Sales of Distilled Spirits License No. _____."

Sec. 6-132. Listing of prices.

Licensees for sale of distilled spirits shall indicate plainly by tag or labels on the bottles or containers or on the shelf immediately below where the bottles or containers are placed the prices of all distilled spirits exposed for sale.

ARTICLE VII. ALCOHOL BY THE DRINK; GENERAL PROVISIONS

~~Sec 6-193. Zoning District.~~

~~Licenses shall be issued only for locations in areas zoned commercial and in any agricultural district where the specific use and the sale and service of alcohol is expressly permitted.~~

~~Sec 6-207. Happy hour promotions and sales.~~

- (a) ~~No licensee or employee or agent of a licensee, in connection with the sale or other disposition of alcoholic beverages for consumption on the premises, shall:~~
- ~~(1) Offer or deliver any free alcoholic beverage to any person or group of persons;~~
 - ~~(2) Deliver more than one alcoholic beverage to one person at a time;~~
 - ~~(3) Sell, offer to sell, or deliver to any person or group of persons any alcoholic beverage at price less than the price regularly charged for such alcoholic beverage during the same calendar week, except at private functions not opened to the public;~~
 - ~~(4) Sell, offer to sell, or deliver to any person or group of persons an unlimited number of alcoholic beverages during any set period of time for a fixed price, except at private functions not open to the public;~~
 - ~~(5) Sell, offer to sell, or deliver alcoholic beverages to any person or group of persons on any one day at prices less than those charged the general public on that day, except at private functions not opened to the public;~~
 - ~~(6) Sell, offer to sell, or deliver alcoholic beverages, including malt beverages, in any container which holds more than 32 fluid ounces (0.947 liters), except to two or more persons at any one time;~~
 - ~~(7) Increase the volume of alcohol contained in a drink without increasing proportionately the price regularly charged for such alcoholic beverage during the same calendar week; or~~
 - ~~(8) Encourage or permit on the licensed premises any game or contest which involves the drinking of alcoholic beverages or the awarding of alcoholic beverages as a prize.~~
- (b) ~~Each licensee shall maintain a schedule of the price charged for all alcoholic beverages to be served and consumed on the licensed premises or in any room or part thereof. The licensee shall not vary the schedule of prices from day to day or from hour to hour within a single day. The schedule of prices shall be posted in a conspicuous manner so as to be in view of the paying public, and the schedule shall be effective for not less than one calendar week.~~
- (c) ~~No licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under subsection (a) of this section.~~
- (d) ~~No provision of this section shall be construed to prohibit licensees from offering free food or entertainment at any time, to prohibit licensees from including an alcoholic beverage as part of a meal package, or to prohibit the sale or delivery of wine by the bottle or carafe when sold with meals or to more than one person.~~
- (e) ~~It is the intent of this section to prohibit activities typically associated with promotions referred to as happy hour or similarly designated promotions.~~
- (f) ~~The sheriff's office or marshal's office shall have responsibility for the enforcement of this article.~~
- (g) ~~No licensee may require the purchase of any alcoholic beverage as a part of or prerequisite to the purchase of any other product or service. If alcoholic beverages are included as part of a package of other goods and/or services, the alcoholic beverages must be priced separately, and all customers must be allowed to purchase the remaining goods and services without the alcoholic beverages at a price from which the full price of the alcoholic beverages has been deducted.~~
- (h) ~~Any person deemed guilty of violating this section may be punished by a fine not to exceed \$1,000.00 and/or by imprisonment not to exceed 30 days in the common jail of the county. Licensees may further be subject to revocation proceedings.~~

Secs. 6-208—6-226. Reserved.

Sec. 6-229. Consumption sales only.

Secs. 6-230—6-251. Reserved.