

**DAWSON COUNTY PLANNING COMMISSION**  
**MEETING Agenda – Tuesday, December 20, 2022**  
**DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM**  
**25 JUSTICE WAY, DAWSONVILLE GEORGIA 30534**  
**6:00 PM**

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**A. MEETING CALLED TO ORDER**

**B. INVOCATION**

**C. PLEDGE OF ALLEGIANCE**

**D. ROLL CALL**

**E. ANNOUNCEMENTS:**

There will be a Planning Commission on February 21<sup>st</sup>, 2023

**F. APPROVAL OF MINUTES:**

November 15, 2022

**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 22-27 Miles, Hansford & Tallant, LLC obo Darsit Patel

**J. NEW BUSINESS:**

**Application for Rezoning:**

1. Presentation of ZA 22-28 Daniel Vargas-Hernandez

**K. PUBLIC HEARINGS:**

1. Presentation of Updates to the Land Use Resolution

**L. UPDATES BY PLANNING & DEVELOPMENT:**

**M. 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*



## ZA 22-27

### Miles, Hansford & Tallant, LLC. o/b/o Darsit Patel

Planning Commission Meeting November 15, 2022

Board of Commission Hearing December 15, 2022

#### Applicant Proposal

The applicant is seeking to zone the property from RSR (Residential Sub-Rural) to C-RB (Commercial Rural Business) for the purpose of developing a 2,400 retail space with gas pumps.

<b>Applicant</b>	Miles, Hansford & Tallant, LLC o/b/o Darsit Patel
<b>Amendment #</b>	ZA 22-27
<b>Request</b>	Rezone Property from RSR to C-RB
<b>Proposed Use</b>	Gas Pumps with a retail space approximately 2400 sq. ft. in size
<b>Current Zoning</b>	RSR
<b>Future Land Use</b>	Sub-Rural Residential
<b>Acreage</b>	2.24
<b>Location</b>	1072 Hwy 53 East
<b>Commercial Square footage</b>	2400 square feet
<b>Road Classification</b>	State Highway
<b>Tax Parcel</b>	093-034
<b>Dawson Trail Segment</b>	n/a
<b>Commission District</b>	2
<b>DRI</b>	No
<b>Planning Commission Recommendation</b>	

Direction	Existing Zoning	Existing Use
North	RSR	Board of Education/DCHS
South	RSR	Residential
East	RSR	Residential
West	RSR	Residential

**According to the Comprehensive Plan and accompanying Future Land Use Plan**, the subject property is identified as Sub-Rural Residential. The primary area of unincorporated Dawson County designed as Sub-Rural Residential is bounded by the forest belt and Dawson Forest on the west, Lumpkin County line on the north, and the agricultural belt to the south and east. In the southern part of this area, there is extensive residential development, but the northern part of this area is mostly undeveloped.

Though this area may receive new development at gross densities of up to 0.67 unit per acre (1.0 acre with public water), it is not targeted for major development. Public water service may be extended into much of this area, particularly the southern half, during the planning horizon (year 2028). It is desirable that conservation subdivision principles be followed in this area in order to encourage the permanent protections of open space or retention of farm and forest lands.

There is a second **area designated as Sub-rural Residential by the future land use plan map**, east of Georgia 400 and lakefront residential uses along Lake Lanier. Development in this area must be sensitive to the Lake Lanier watershed, and as a result, densities are proposed to be kept low (0.67 unit per acre) in this area. The desired development pattern should seek to:

- Permit rural cluster or conservation subdivision design that incorporates significant amount of open space
- Limit extension of public utilities in these areas
- Limit parking in front of properties
- Connect to regional network of greenspace and trails, available to pedestrians, bicyclists, and equestrians for both tourism and recreational purposes
- Consider the use of drainage swales on paved roads in lieu of curb and gutter
- Ensure safe and direct access to major thoroughfares
- Provide at least one access point from a county road for a minimum number of homes
- Allow unpaved roads and shared driveways that provide access for up to six residences
- Support and encourage agricultural industries

**County Agency Comments:**

Environmental Health Department: “For a convenience store, the estimated gallons per day of wastewater generated will be categorized by 400 gallons/restroom, or 100 gallons/commode or urinal, whichever one is larger. Any system with an estimated wastewater flow of 2,000 gal/day or greater will require a design submittal by a professional engineer that is licensed in the State of Georgia.”

Emergency Services: No comments returned as of 11.2.2022

Etowah Water & Sewer Authority: “If water main is impacted, relocation, upgrades, etc. must be designed and installed per EWSA specifications

Planning and Development: As Dawson County experiences development pressures from the expanding Metro Atlanta area, it seeks to protect the scenic and local amenities of the area while allowing for desired growth. Minimum standards for site development, pedestrian access, open space, exterior architectural design, landscaping, lighting, and signage should create a cohesive aesthetic relating the commercial gateways to the valued natural amenities of the County.

The Planning Department recommends the following stipulations:

1. Permitted Uses.
  - a. All uses allowed in the underlying zoning districts as established by the Land Use Resolution, except for those listed below, are permitted:
    1. Temporary buildings except construction trailers
    2. Electronic message boards/changeable copy signs
    3. Self-service car wash facilities
    4. Drive In services
    5. Auto Sales or Storage
2. Architectural Building Materials.
  - a. Exterior building materials from the right-of-way shall consist of a minimum of 70 percent per vertical wall plane of brick, natural or pre-cast stone, stucco, pre-finished colored architectural masonry with a rough-hewn texture, and glass.
  - b. Accent wall materials shall not exceed 30 percent per vertical wall plane. Accent building materials include, but are not limited to, stucco, thin brick, and durable and cement based wood products. Smooth faced or painted concrete masonry units, EFIS, aluminum siding, vinyl siding, and corrugated steel are prohibited.
3. Design Standards.
  - a. Minimum landscaped open space: 25%



- b. Minimum yard landscape strip paralleling road frontage along Hwy 53: 20 feet
- c. Minimum yard landscape strip paralleling road frontage along Acorn Rd: 10 feet
- d. Landscape buffers a minimum of 20 feet in width along property lines abutting residentially zoned properties.
- e. Service, refuse collection and dumpsters. Service areas, storage areas, and refuse enclosures shall be oriented away from view from the right-of-way and screened from public areas. Service areas and loading areas shall be separated from the primary vehicular and pedestrian circulation areas. All refuse enclosures shall be enclosed on three sides by a brick, masonry, or cement wall. Chain link fencing is prohibited.
- f. Canopies. The canopy over the pump stations shall be painted a neutral color. The overall height of canopies shall not exceed 22 feet.
- g. Lighting. Freestanding pole-mounted light utilizing LED fixtures shall not exceed 20 feet in height and shall have a black metal finish.
- h. Automobile screening. All parking areas shall be screened from public view with evergreen shrubs. Shrubs shall be no less than three feet in height as measured from the top of curb of the parking area.
- i. Accessory uses of parking lots and loading areas. Parking and loading areas shall not be used for the sale, storage or repair or dismantling of any equipment, materials or supplies. Semi-tractor trailers may not be used for on-site sales.
- j. Pedestrian access via sidewalks shall be provided along SR 53 and all streets.
- k. Bicycle parking. Accessory off-street parking for bicycles that provide racks or equivalent structures in or upon which the bicycle may be locked by the user are required. A minimum number of bicycle parking spaces shall be provided, equal to two and one-half percent of the total number of automobile parking spaces provided, no less than two spaces and no more than 10 spaces. Bicycle parking facilities shall be located no further than 70 feet away from a building entrance. Bicycle facilities shall not be located in places that impede pedestrian or automobile traffic flow.

Public Works Department: Please see the attached comments.

**THE PLANNING COMMISSION SHALL MAKE ITS RECOMMENDATIONS BASED ON THE FOLLOWING CRITERIA:**

- (1) The existing uses and classification of nearby property;

- (2) The extent to which property values are diminished by the particular land use classification;
- (3) The extent to which the destruction of property values of the applicant promotes the health, safety, morals, or general welfare of the public;
- (4) The relative gain to the public, as compared to the hardship imposed upon the individual property owner;
- (5) The suitability of the subject property for the proposed land use classification;
- (6) 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; and
- (7) The specific, unusual, or unique facts of each case, which give rise to special hardships, incurred by the applicant and/or surrounding property owners.

Photo of Property:



# Engineering Services Dawson County

**Case #:** ZA 22-27 Miles Hansford Tallant Redacted **Owner:** Alice Brown **Applicant:** Miles Hansford & Tallant, LLC – J. Ethan Underwood on behalf of Darsit Patel

**Subject Property(s):** 1072 Hwy 53 E, PID: 093 034, LD 486 LD 13 N

**Present Zoning:** RSR

**Proposed Zoning:** C-RB

## TRAFFIC ISSUES:

County road(s) providing access: Acorn Road

Nearest major thoroughfare: Hwy 53 E.

Width of road at property: 24'-feet of pvmt. with 60'-foot row; and 15'-feet of gravel with 30'-foot row

Distance to major thoroughfare: Approx. 30'-feet to eop

Description of access road(s): Two-way, Two-lane State Highway and Two-way, Two lane county road

1. Is the proposed access to the development adequate? Yes for paved Hwy and No for gravel road
2. What is the current condition of this road? (traffic flow, geometry, etc.): Hwy is in good condition, Road is substandard.
3. If current conditions are inadequate, please answer the following:
  - a. Are improvements planned? (see Traffic improvement plan): Only connections as shown on conceptual at this time
  - b. Estimated time frame? Unknown at this time
  - c. Estimated cost? Unknown at this time
4. Will these improvements create a safe condition for the proposed development? Construction/LDP plans will be needed in order to make that determination.

If not, what additional improvements will be required? (i.e., traffic light study, additional right-of-way, etc.): Additional right-of-way and the paving of Acorn may be required.

**ADDITIONAL REMARKS:** GDOT and Dawson County permits will be required for work in perspective right-of-ways. Full plans for the development of the subject property will need to be submitted for review and permitting.

## WATERSHED/EROSION ISSUES:

Is the property in a floodplain or wetland? Per submitted survey FEMA Note, the site is not located within the 100-year flood prone area.

In what watershed is the project located? Coosa-North Georgia

What streams are likely to be affected? None known of Is it a trout stream? N/A

Any additional remarks? No additional remarks at this time

Signature of personnel completing form: *Jeffery L. Hahn*

Public Works Director



**PROJECT INFORMATION:**  
 SITE ADDRESS: 1072 HIGHWAY 53 EAST, DAWSONVILLE, GA 30534  
 PARCEL ID: 093 034

TOTAL AREA= 2.24 ACRES  
 ZONING: RESIDENTIAL SUB-RURAL (RSR)

DESIGN STANDARDS:  
 EXISTING SETBACK REQUIREMENTS:  
 FRONT BSL: 60'  
 SIDE BSL: 5'  
 REAR BSL: 10'

PROPOSED ZONING: RURAL BUSINESS DISTRICT (C-RB)

DESIGN STANDARDS:  
 SETBACK REQUIREMENTS:  
 FRONT BSL: 60'  
 SIDE BSL: 25'  
 REAR BSL: 25'  
 MINIMUM LOT SIZE: 43,560 SQ FT (1 ACRE)  
 MAXIMUM BUILDING HEIGHT: .35'  
 PARKING REQUIREMENTS:  
 ONE SPACE PER 200 SQ FT GROSS FLOOR  
 2400 SQ FT BUILDING= 12 SPACES REQUIRED ( 1 HANDICAP)  
 PROVIDE SPACES= 24 SPACES (2 HANDICAP)

**REFERENCES:**  
 PROPERTY BOUNDARY INFORMATION FROM A SURVEY FOR 1072 HIGHWAY 53 EAST COMPLETED ON 9/1/2022 BY DAVIS ENGINEERING & SURVEYING, LLC.  
 TOPOGRAPHY INFORMATION FROM DAWSON COUNTY GIS DEPARTMENT.

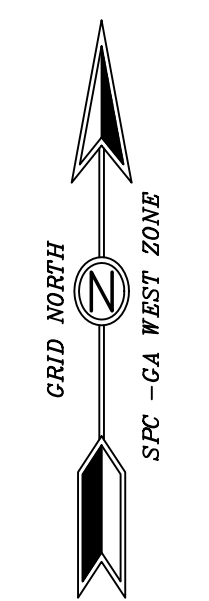
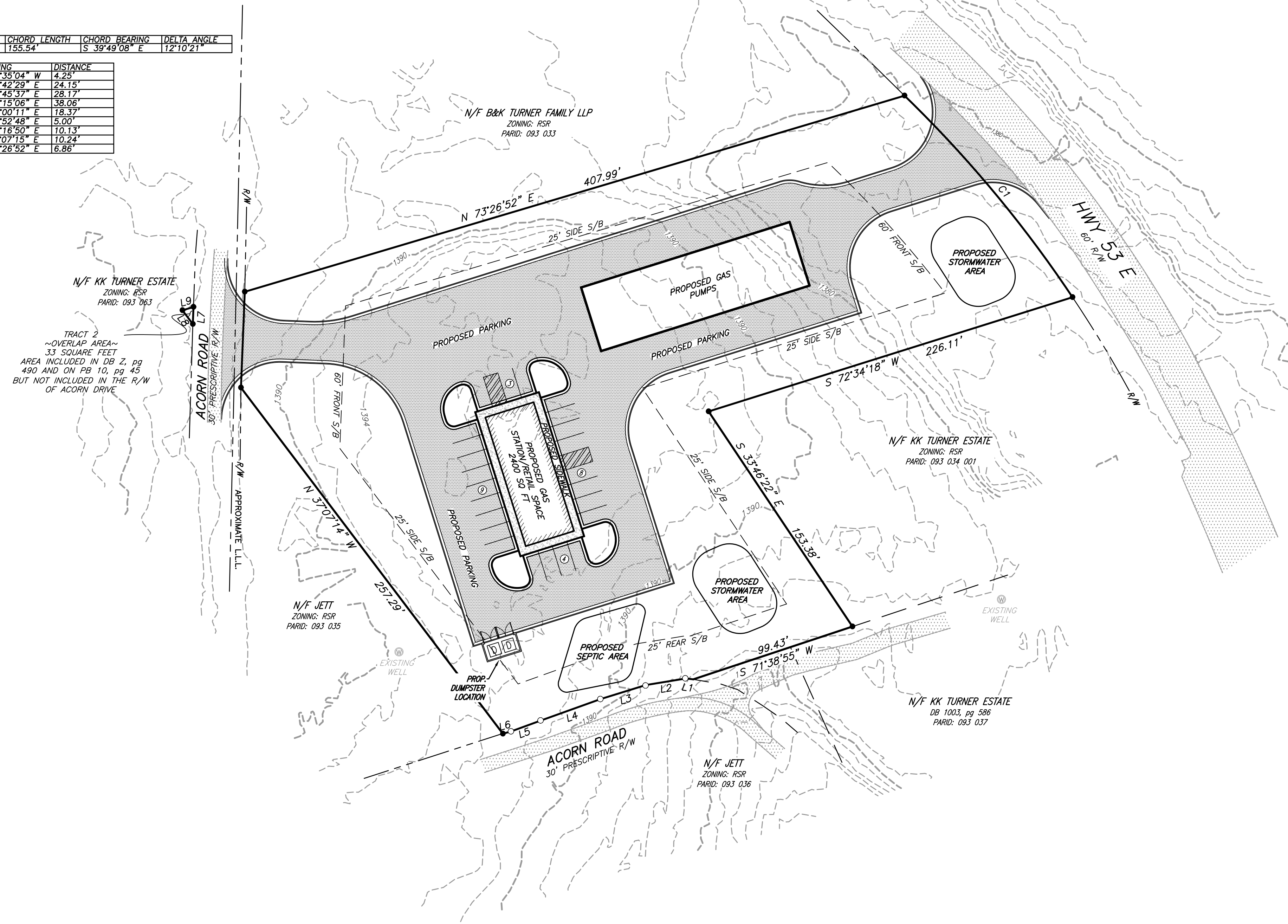
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	733.49'	155.83'	155.54'	S 39°49'08" E	12°10'21"

LINE	BEARING	DISTANCE
L1	N 82°35'04" W	4.25'
L2	N 80°42'29" E	24.15'
L3	N 77°43'57" E	28.17'
L4	N 70°13'06" E	38.06'
L5	N 70°00'11" E	18.37'
L6	N 73°52'48" E	5.00'
L7	N 02°18'50" E	10.13'
L8	S 37°07'15" E	10.24'
L9	N 73°26'52" E	6.86'

CONTOUR INTERVAL=2'

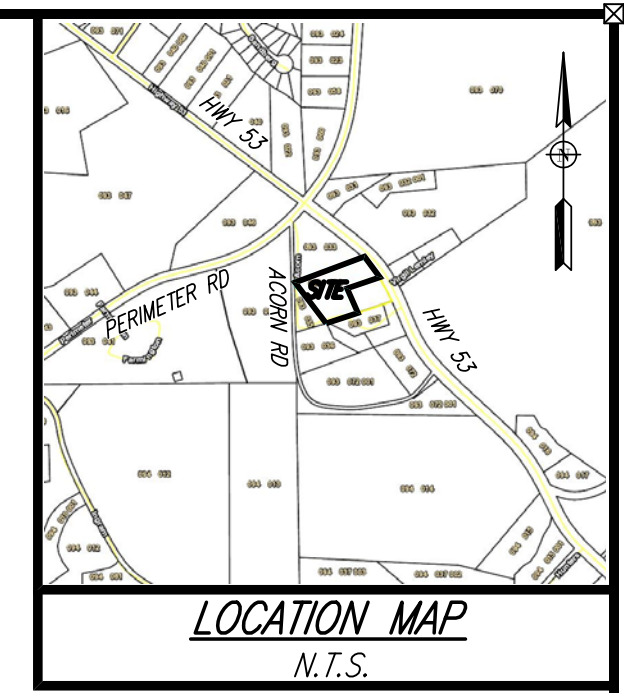
FLOOD NOTE:  
 NO PORTION OF THIS SITE IS LOCATED WITHIN THE 100-YEAR FLOOD PRONE AREA AS PER FLOOD INSURANCE RATE MAP NO. 1187C02650, DATED 4/4/2018.

TRACT 2  
 ~OVERLAP AREA~  
 33 SQUARE FEET  
 AREA INCLUDED IN DB Z, pg 450 AND ON pg 10, pg 45  
 BUT NOT INCLUDED IN THE R/W OF ACORN DRIVE



**LEGEND**

○ UTILITY POLE (UP)	C&G CURB AND GUTTER
HP HIGH POINT	IP IRON PIN
DI DROP INLET	P/L PROPERTY LINE
JB JUNCTION BOX	F.E.S.S. FLARED END SAFETY SECTION
OCS OUTLET CONTROL STRUCTURE	PT POINT OF TANGENT
DWCB DOUBLE WING CATCH BASIN	PC POINT OF CURVATURE
HW HEADWALL	OCS OUTLET CONTROL STRUCTURE
RCP REINFORCED CONCRETE PIPE	ELEV. ELEVATION
CMP CORRUGATED METAL PIPE	N/F NOW OR FORMERLY
HDPE HIGH DENSITY POLYETHYLENE	R/W RIGHT OF WAY
UGD UNDERGROUND DETENTION	LLL LAND LOT LINE
TBM TEMPORARY BENCHMARK	CONC. CONCRETE
EX EXISTING	INV INVERT
PROP. PROPOSED	EDP EDGE OF PAVEMENT
FH FIRE HYDRANT	TYR. TYPICAL
WM WATER METER	— FENCE
LF LINEAR FEET	— SILT FENCE
DIP DUCTILE IRON PIPE	— OVERHEAD ELECTRIC
PVC POLYVINYL CHLORIDE	— SOILS
R RADIUS	— EXISTING TREELINE
SF SQUARE FEET	— BUILDING SETBACK LINE
FFE FINISH FLOOR ELEVATION	— VEGETATIVE BUFFER
	— 2" WATERLINE
	— 3" WATERLINE



**24-HOUR CONTACT**  
 BRIJESH PATEL  
 706-973-857  
 BRIJESH56@GMAIL.COM

IF ANY CONFLICTS, DISCREPANCIES, OR ANY OTHER UNSATISFACTORY CONDITIONS ARE DISCOVERED, EITHER ON THE CONSTRUCTION DOCUMENTS OR FIELD CONDITIONS, THE CONTRACTOR MUST NOTIFY THE ENGINEER IMMEDIATELY AND SHALL NOT COMMENCE FURTHER OPERATION UNTIL THE CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE RESOLVED

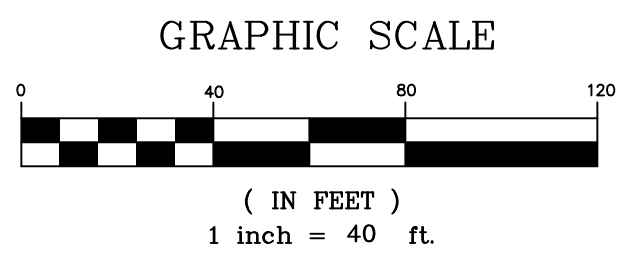


PREPARED BY  
**DES DAVIS**  
 ENGINEERING & SURVEYING  
 24 DAWSON VILLAGE  
 WAY SOUTH  
 DAWSONVILLE, GA 30534  
 PHONE: (706) 265-1234  
 DAVISENGINEERS.COM

REVISION	DATE	DESCRIPTION

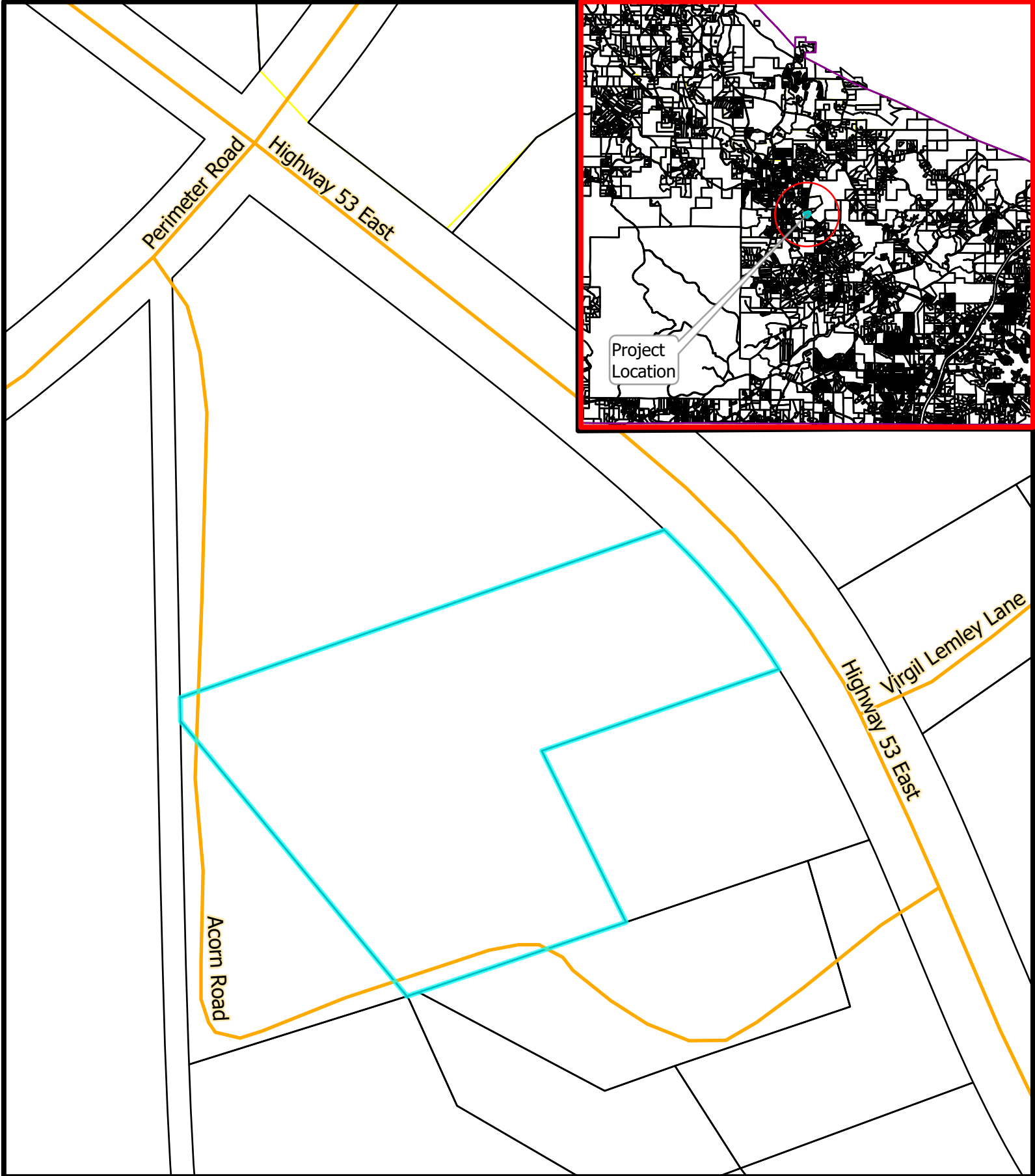
**REZONING CONCEPT PLAN**  
 1072 HIGHWAY 53 EAST  
 LAND LOT 486  
 13th DISTRICT  
 DAWSON COUNTY, GEORGIA

DRAWING BY: MAP  
 CHECKED BY: JKD  
 LAND LOT: 486  
 DISTRICT: 13th  
 SECTION: -  
 CITY: -  
 COUNTY: DAWSON  
 DATE: 10/14/2022



SHEET NO.  
 1 OF 1  
 PROJECT NO.  
 22-194





DAWSON COUNTY  
DISCLAIMS ANY  
RESPONSIBILITIES,  
LIABILITIES OR  
DAMAGES FROM THE USE  
OF THIS MAP. THIS MAP  
IS ONLY FOR DISPLAY  
PURPOSES.

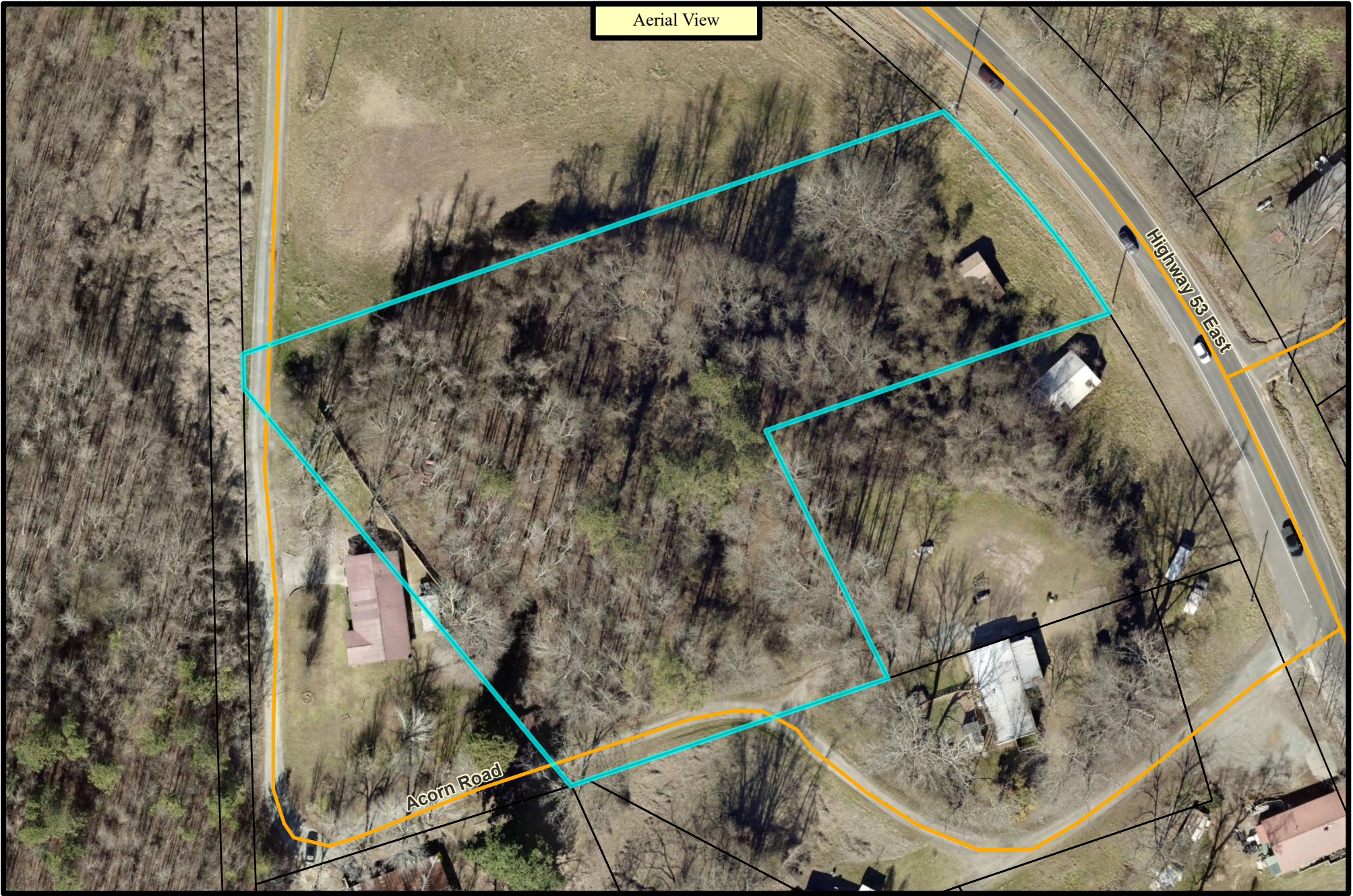


Dawson County  
Planning and Development  
9  
Staff Report: Exhibit

Parcel #: 093-034  
Current Zoning: RSR  
FLU: SRR  
Application #: ZA 22-27



Aerial View



Acorn Road

Highway 53 East



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N



Scale: 1:1,116

Dawson County

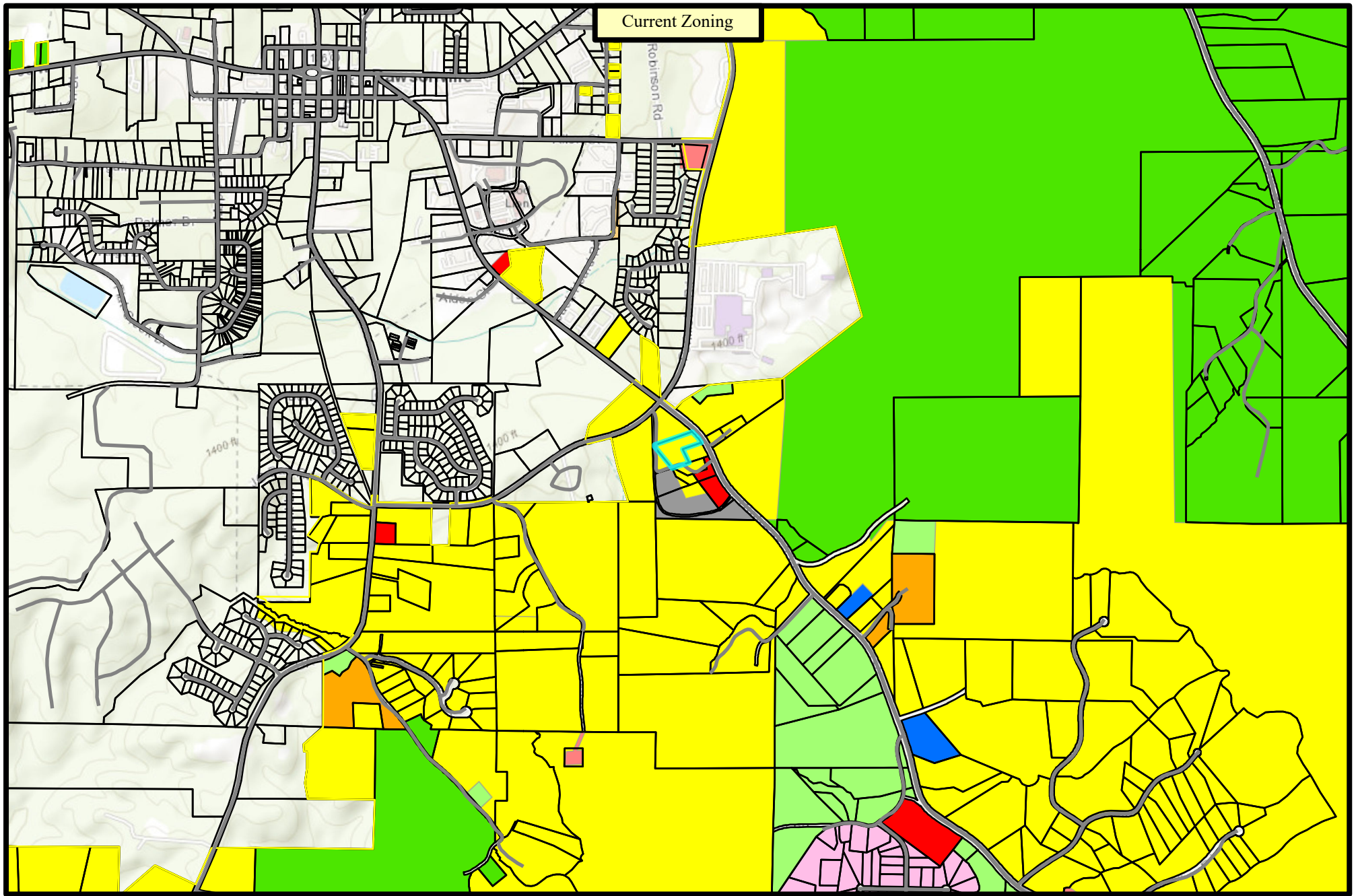
Planning and Development

10

Site Report


Parcel #: 093-034  
Current Zoning: RSR  
FLU: SRR  
Application #: ZA 22-27



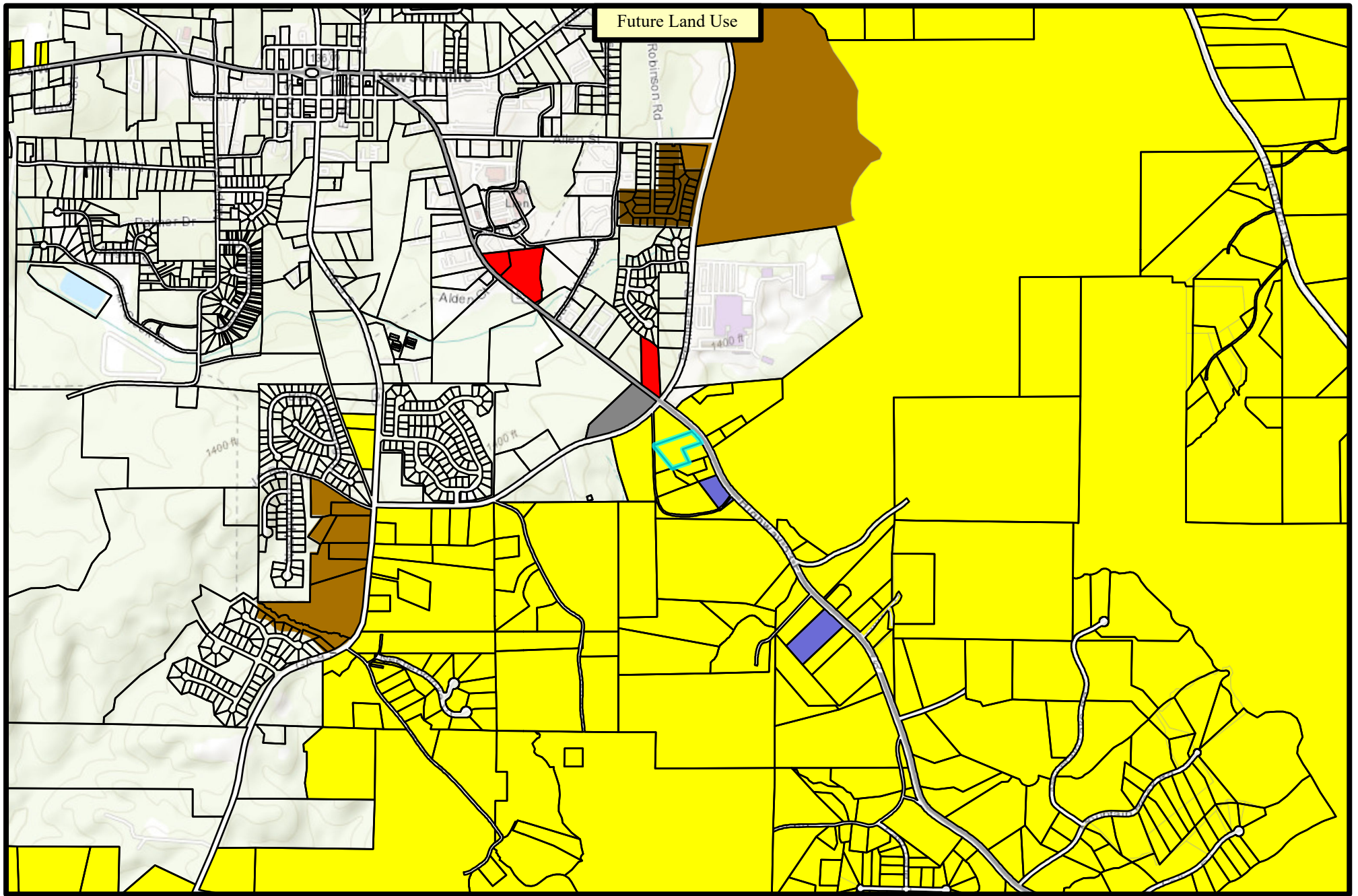


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 Scale: 1:20,637


Dawson County  
 Planning and Development  
  
 Staff Report

Parcel #: 093-034  
 Current Zoning: RSR  
 FLU: SRR  
 Application #: ZA 22-27



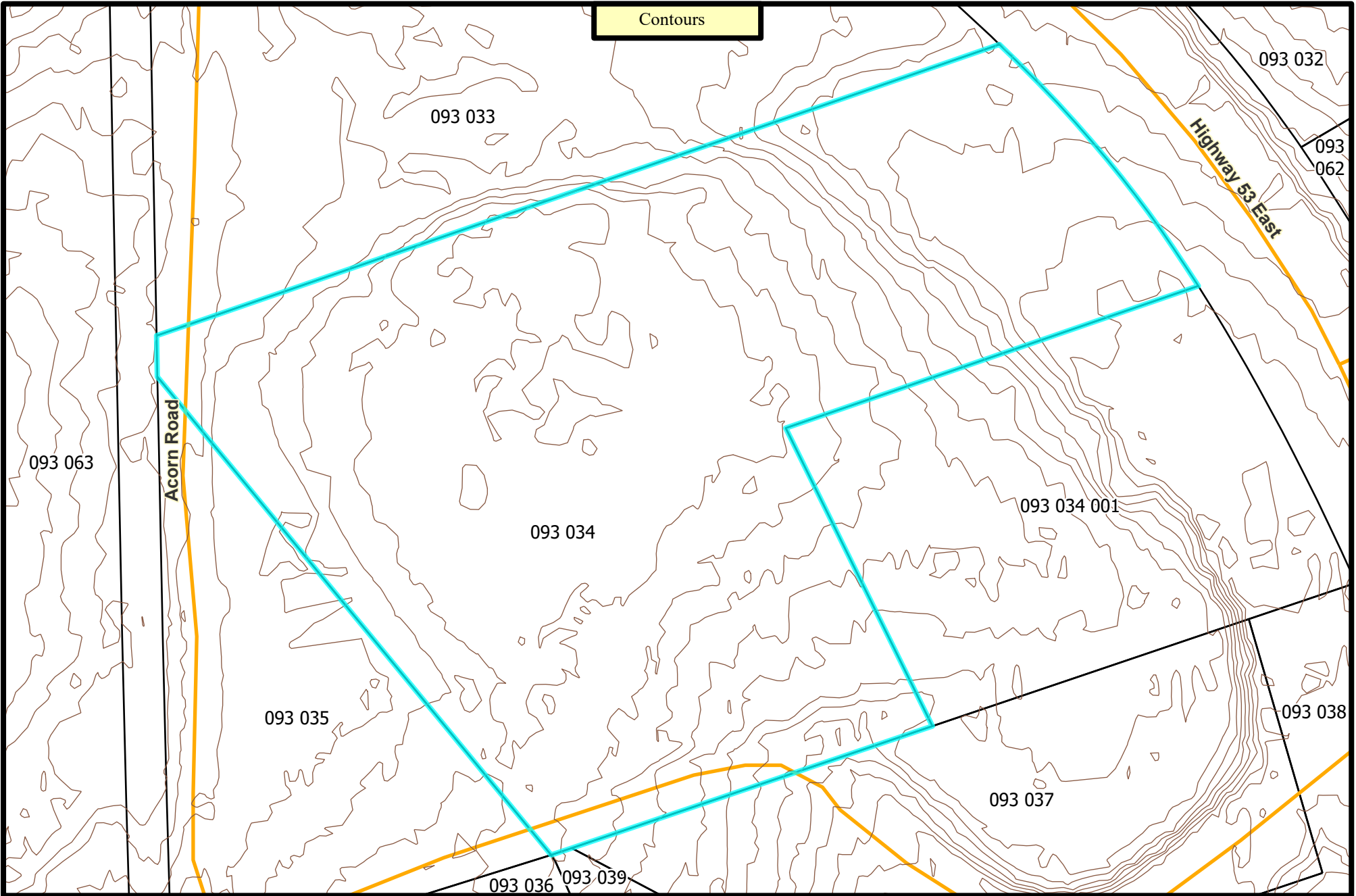
DAWSON COUNTY DISCLAIMS ANY RESPONSIBILITIES, LIABILITIES OR DAMAGES FROM THE USE OF THIS MAP. THIS MAP IS ONLY FOR DISPLAY PURPOSES.

N  
  
 Scale: 1:20,637

Dawson County  
 Planning and Development  
  
 Staff Report

Parcel #: 093-034  
 Current Zoning: RSR  
 FLU: SRR  
 Application #: ZA 22-27





Contours



DAWSON COUNTY DISCLAIMS ANY RESPONSIBILITIES, LIABILITIES OR DAMAGES FROM THE USE OF THIS MAP. THIS MAP IS ONLY FOR DISPLAY PURPOSES.

N  
  
 Scale: 1:930

Dawson County  
 Planning and Development  
 13  
 Staff Report

Parcel #: 093-034  
 Current Zoning: RSR  
 FLU: SRR  
 Application #: ZA 22-27

Dawson County  
Rezoning Application  
(AMENDMENT TO DISTRICT MAP)

FOR STAFF USE ONLY  
DATE & TIME STAMP

**APPLICANT INFORMATION (or Authorized Representative)**

If applicant is other than owner, the Property Owner Authorization form must be completed.

Printed Name: Miles Hansford & Tallant, LLC - J. Ethan Underwood on behalf of Darsit Patel

Address: \_\_\_\_\_

Phone (Listed/Unlisted): 7 \_\_\_\_\_

Email (Business/Personal): \_\_\_\_\_

Status:  Owner  Authorized Agent  Lessee  Option to purchase

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: Ethan Underwood

**REQUESTED ACTION & DETAILS OF PROPOSED USE**

Rezoning to: C-RB  Special Use Permit for: \_\_\_\_\_

Proposed Use: Gasoline Station with Convenience Store

Existing Utilities:  Water  Sewer  Gas  Electric

Proposed Utilities:  Water  Sewer  Gas  Electric

**RESIDENTIAL**

No. of Lots: \_\_\_\_\_ Minimum Lot Size: \_\_\_\_\_ (acres) No. of Units: \_\_\_\_\_

Minimum Heated Floor Area: \_\_\_\_\_ sq. ft. Density/Acre: \_\_\_\_\_

Type:  Apartments  Condominiums  Townhomes  Single-family  Other

Is an Amenity Area proposed: \_\_\_\_\_; if yes, what? \_\_\_\_\_

**COMMERCIAL & INDUSTRIAL**

Building area: 2,400 sq. ft. No. of Parking Spaces: 24

# Property Owner/ Property Information

Name: Alice Brown

Street Address of Property being rezoned: 1072 Hwy 53 E, Dawsonville, GA 30534

Rezoning from: RSR to: C-RB Total acreage being rezoned: 2.24 Acres

Directions to Property (if no address):

Subdivision Name (if applicable): N/A Lot(s) #: \_\_\_\_\_

Current Use of Property: Existing Shed

**Does this proposal reach DRI thresholds?** No If yes, the application will require transportation study and additional review by the Georgia Mountains Regional Planning Commission. This adds several weeks to the review and processing.

**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? No (yes/no)

If yes, what section?  North  South

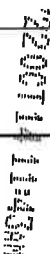
### SURROUNDING PROPERTY ZONING CLASSIFICATION:

North RSR South RSR & C-IR East RSR West RSR

Future Land Use Map Designation: SRR - Sub-Rural Residential

Access to the development will be provided from:

Road Name: Hwy 53 East Type of Surface: Asphalt



# Applicant Certification

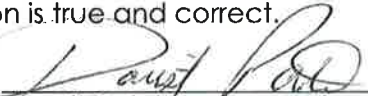

I hereby request the action contained within this application relative to the property shown on the attached plats and site plan and further request that this item be placed on both the Planning Commission and Board of Commissioners agenda(s) for a public hearing.

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 or a land use professional 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 10/7/22  
Witness  Date 10/7/22

# 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 whom campaign contribution was made:

N/A

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 \$ 0 Date: \_\_\_\_\_

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

N/A



Signature of Applicant/Representative of Applicant,  
Darsit Patel

10/07/2022

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.

# 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: *Darsit Patel*

Applicant Printed Name: Darsit Patel

Application Number: \_\_\_\_\_

Date Signed: 10.7.2022

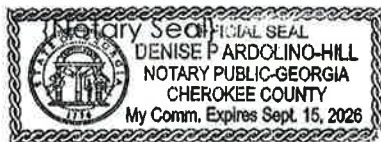
Sworn and subscribed before me

this 7<sup>th</sup> day of October, 2022.

*Denise Pardolino Hill*

Notary Public

My Commission Expires: September 15, 2026





# Property Owner Authorization

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

Street Address of Property being rezoned: 1072 Hwy 53 E, Dawsonville, GA 30534

TMP#: 093 034

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: Darsit Patel

Signature of applicant or agent: *Darsit Patel* Date: 10/7/22

Printed Name of Owner(s): Roger Lewis Brown, Executor for Alice Brown

Signature of Owner(s): *Roger Brown* Date: 10-10-22

Mailing address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone (Listed/Unlisted): \_\_\_\_\_

Sworn and subscribed before me this 10 day of October, 2022.

*Jen King*  
Notary Public

My Commission Expires: 05/26/2025



{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.)

2022-10-07 10:07:22







J. Ethan Underwood

**CAMPAIGN DISCLOSURE**

<b>Applicant:</b>	<b>Darsit Patel</b>
<b>Subject Property:</b>	<b>Approximately 2.24 Acres Designated as Dawson County Tax Parcel(s): 093-034</b>
<b>Current Zoning:</b>	<b>RSR – Residential Sub-Rural District</b>
<b>Proposed Zoning:</b>	<b>C-RB – Rural Business District</b>
<b>Proposed Use:</b>	<b>Gasoline Station with Convenience Store</b>
<b>Application:</b>	<b>Rezoning</b>
<b>ROW Access:</b>	<b>Hwy 53 &amp; Acorn Drive</b>
<b>Governing Jurisdiction:</b>	<b>Dawson County</b>

Pursuant to O.C.G.A § 36-67A-1, *et seq.*, please be advised that Miles, Hansford & Tallant, LLC, has not given campaign contributions and/or sponsorships to any local officials of the Governing Jurisdiction.

This letter constitutes the disclosure of campaign contributions with respect to the above-referenced application.

Sincerely,

Ethan Underwood  
Attorney for Applicant

20241124

J. Ethan Underwood

**RESERVATION OF CONSTITUTIONAL AND OTHER LEGAL RIGHTS**

<b>Applicant:</b>	<b>Darsit Patel</b>
<b>Subject Property:</b>	<b>Approximately 2.24 Acres Designated as Dawson County Tax Parcel(s): 093-034</b>
<b>Current Zoning:</b>	<b>RSR – Residential Sub-Rural District</b>
<b>Proposed Zoning:</b>	<b>C-RB – Rural Business District</b>
<b>Proposed Use:</b>	<b>Gasoline Station with Convenience Store</b>
<b>Application:</b>	<b>Rezoning</b>
<b>ROW Access:</b>	<b>Hwy 53 &amp; Acorn Drive</b>
<b>Governing Jurisdiction:</b>	<b>Dawson County</b>

This Reservation of Constitutional and Other Legal Rights (“the Reservation”) is intended to supplement and form a part of the land use application (including any request for zoning, conditional use permit, site plan approval, and variances) (collectively, the “Application”) of the Applicant and the owners of the Subject Property and to put the Governing Jurisdiction on notice of the Applicant’s assertion of its constitutional and legal rights.

The Applicant has filed a timely application, has provided all required information and has submitted the appropriate application fees. The Application meets all judicial and statutory requirements for approval.

The Applicant objects to the standing of any opponents who are not owners of land adjoining the Subject Property and to the consideration by the Governing Jurisdiction of testimony or evidence presented by any party without standing in making its decision regarding the Application. The Applicant also objects to the consideration of testimony or evidence that is hearsay, violates any applicable rules of procedure or evidence, or that is presented by any party who fails to comply with notice and campaign disclosure requirements.

The Current Zoning (and/or zoning conditions) of the Subject Property is unconstitutional and deprives the Subject Property and all viable economic use thereof. The Proposed Use is the only viable economic use of the Subject Property, and the Governing Jurisdiction has deemed this Application necessary to allow the Proposed Use. As such, the Applicant and owners file this Application for the purpose of changing the Current Zoning (and/or zoning conditions) to facilitate the Proposed Use, and to exhaust administrative remedies in the event the Application is denied. The Applicant and owners reserve the right to challenge the Current Zoning and any zoning conditions and other restrictions affecting the Subject Property.

Denial of the Application or approval of the Application in any form that is different than as requested by the Applicant will impose a disproportionate hardship on the Applicant and Owners of the Subject Property without benefiting any surrounding property owners. There is no reasonable use of the Subject

Property other than as proposed by the Application and no resulting benefit to the public from denial of or modification to the Application.

Any provisions in the applicable land use, subdivision, and /or zoning ordinances (collectively the “Zoning Ordinance”) that classify, or may classify, the Subject Property into any of the non-requested zoning or use classifications, including the Proposed Zoning District and Proposed Use at a density or intensity less than that requested by the Applicant, are unconstitutional in that they constitute a taking of the Applicant’s and Owner’s property rights without first paying fair, adequate, and just compensation for such rights in violation of Article I, Section III, Paragraph I of the Georgia Constitution of 1983, as amended and the Fifth and Fourteenth Amendments to the Constitution of the United States.

The Subject Property is suitable for development as proposed in the Application and it is not suitable for development under any other zoning classification, use, or at a density or intensity less than that requested by the Applicant. Failure to approve the Application as requested by the Applicant would be an unreasonable application of local land use authority, which bears no relationship to the public health, safety, morality or general welfare of the public and would constitute an arbitrary and capricious abuse of discretion in violation of Article I, Section I, Paragraph I of the Georgia Constitution of 1983, as amended and the Due Process Clause of the Fifth and Fourteenth Amendments to the Constitution of the United States.

A refusal by the Governing Jurisdiction to approve the Application as requested by the Applicant will prohibit the only viable economic use of the Subject Property, will be unconstitutional and will discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and Owner and the owners of similarly situated properties in violation of Article I, Section I, Paragraph II of the Georgia Constitution of 1983, as amended, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Governing Jurisdiction to approve the Application as requested by the Applicant without the consent of persons elected to the governing body of the Governing Jurisdiction will amount to an unlawful delegation of the Governing Jurisdiction’s authority, in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution of 1983, as amended.

Furthermore, the Governing Jurisdiction cannot lawfully impose more restrictive standards on the Subject Property’s development than are presently set forth in the Zoning Ordinance. Any conditions or other restrictions imposed on the Subject Property without the consent of the Applicant and Owner that do not serve to reasonably ameliorate the negative impacts of the development are invalid and void. The imposition of improvements or design requirements unnecessary to facilitate the proposed development constitute an illegal impact fee, an unconstitutional condemnation, or both. As such, the Applicant and Owner reserve the right to challenge any such conditions, restrictions, or design requirements.

Finally, the Applicant and Owner assert that the Zoning Ordinance, Character Area Map, Future Development Map and Comprehensive Plan were not adopted in compliance with the laws or constitutions of the State of Georgia or of the United States, and a denial of the Applicant’s request based upon provisions illegally adopted will deprive the Applicant and Owners of due process under the law.

This Reservation constitutes an Ante Litem Notice pursuant to O.C.G.A. § 36-11-1, which places the Governing Jurisdiction and all other agents of the Governing Jurisdiction, in their official and individual capacities, on notice of the Applicant's and owners' intent to seek monetary damages and attorney's fees against the Governing Jurisdiction for any rezoning action, zoning condition, illegal impact fee, and any other unlawful restrictions and exactions that are imposed upon the Subject Property, the Applicant, or the owners.

By filing this Reservation, the Applicant reserves all rights and remedies available to it under the United States Constitution, the Georgia Constitution, all applicable federal, state, and local laws and ordinances, and in equity.

The Applicant and Owners respectfully request that the Application be approved as requested by the Applicant and in the manner shown on the Application, which is incorporated herein by reference. This Reservation forms an integral part of the Application, and we ask that this Reservation be included with the Applicant's other Application materials. The Applicant and owners reserve the right to amend and supplement this Reservation at any time.

Sincerely,



Ethan Underwood  
Attorney for Applicant

2021 11 11 AM

J. Ethan Underwood

**LETTER OF INTENT REGARDING LAND USE APPLICATION**

<b>Applicant:</b>	<b>Darsit Patel</b>
<b>Subject Property:</b>	<b>Approximately 2.24 Acres Designated as Dawson County Tax Parcel(s): 093-034</b>
<b>Current Zoning:</b>	<b>RSR – Residential Sub-Rural District</b>
<b>Proposed Zoning:</b>	<b>C-RB – Rural Business District</b>
<b>Proposed Use:</b>	<b>Gasoline Station with Convenience Store</b>
<b>Application:</b>	<b>Rezoning</b>
<b>ROW Access:</b>	<b>Hwy 53 &amp; Acorn Drive</b>
<b>Governing Jurisdiction:</b>	<b>Dawson County</b>

This statement is intended to comply with the application procedures established by the Land Use Resolution of Dawson County (the “Zoning Ordinance”), Dawson County Application for Rezoning, Use Permit, & Concurrent Variances, and other Dawson County Ordinances and Standards. The Applicant incorporates all statements made in the Application for Rezoning, Use Permit, & Concurrent Variances by the Applicant (the “Application”) as its letter of intent required by Dawson County.

The Applicant intends to develop the Subject Property for the Proposed Use, as more fully described in the Application, incorporated herein by this reference. Any zoning request, conditional use permit, and variance applications submitted concurrently with the Application are also incorporated herein by this reference. The zoning request, conditional use permit, and/or variance applications, along with all supplemental plans and documents are collectively referred to as the “Applicant’s Proposal.”

**Specifically, the Applicant requests the following:**

- 1. Rezone the Subject Property from Residential Sub-Rural District (RSR) to Rural Business District (C-RB).**

**PROPOSED USE**

The Applicant proposes to develop approximately 2,400 square feet of retail space with gas pumps on the Subject Property. The Proposed Use will include 24 parking spaces.

The Proposed Use is a low intensity use to provide nearby residents with retail and other conveniences.

**COMPREHENSIVE PLAN**

The Dawson County Comprehensive Plan and the Future Development Map incorporated therein designates the Subject Property as located within the Sub-Rural Residential (SRR) Character Area. The Proposed Use conforms to the Comprehensive Plan in that it will provide services to the nearby residents



**Legal Description**

All that tract or parcel of land lying and being in Land Lot 486 of the 13th Land District. Dawson County, Georgia containing approximately 2.24 acres, more or less, according to a plat of survey dated September 1, 2022, prepared for 1072 Highway 53 East by Davis Engineering and Surveying, certified by Dusty Lowman, Georgia Registered Land Surveyor No. 3216 and, according to such plat of survey being more particularly described as follows:

To find the True Point of Beginning commence from an iron pin set located at the intersection at the intersection of the boundary line of the property identified in Deed Book 996, Page 185 and the southeasterly right-of-way of highway 53 East (a 60' R/W); run

Thence South 72 degrees 34 minutes 18 seconds West a distance of 226.11 feet to an iron pin found; run

Thence South 33 degrees 46 minutes 22 seconds East a distance of 153.38 feet to an iron pin found; run

Thence South 71 degrees 38 minutes 55 seconds West a distance of 99.43 feet to an iron pin found; run

Thence North 82 degrees 35 minutes 04 seconds West a distance of 4.25 feet to a point; run

Thence South 80 degrees 42 minutes 29 seconds West a distance of 24.15 feet to a point; run

Thence South 72 degrees 45 minutes 37 seconds West a distance of 28.17 feet to a point; run

Thence south 70 degrees 15 minutes 06 seconds West a distance of 38.06 feet to a point; run

Thence South 70 degrees 00 minutes 11 seconds West a distance of 18.37 feet to a point; run

Thence South 73 degrees 52 minutes 48 seconds West a distance of 5.00 feet to an iron pin found; run

Thence North 37 degrees 07 minutes 14 seconds West a distance of 257.29 feet to an iron pin found; run

Thence North 02 degrees 16 minutes 50 seconds East a distance of 56.88 feet to an iron pin found; run

North 73 degrees 26 minutes 52 seconds East a distance of 407.99 feet to an iron pin found (1 ¼" OTP); run

Thence with a curve to the right having a radius of 733.49 feet, an arc length of 155.83 feet, and a chord bearing of South 39 degrees 49 minutes 08 seconds East a distance of 155.84 feet to an iron pin set and the True Point of Beginning.







Good afternoon Bill,

Our firm is working on a rezoning application that is proposing use of septic. I have attached a copy of the draft concept plan. Would you mind confirming that this subject property and the proposed use meets the minimum requirements needed in order to utilize septic? We plan to file the application by the next submittal date of Friday 10/14/22. Let us know if you have any questions.

*Tracy Fisher*

Land Use Practice Manager



202 Tribble Gap Road | Suite 200 | Cumming, Georgia 30040

178 S Main Street | Suite 310 | Alpharetta, Georgia 30009

Phone: 770-781-4100 | Fax: 770-781-9191

[www.mhtlegal.com](http://www.mhtlegal.com)

LEGAL DISCLAIMER

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2022 OCT 14 10:22 AM

Printed: 10/3/2022 4:04:26 PM



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
2021 - 1772	093 034 / 1 LD 486 LD 13 N FMV: 56400	\$510.42	\$0.00 Fees: \$0.00 \$0.00	\$0.00	\$510.42	\$0.00
<b>Totals:</b>		<b>\$510.42</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$510.42</b>	<b>\$0.00</b>

Paid Date: 11/1/2021

Charge Amount: \$510.42

BROWN ALICE MRS  
PO BOX 756

DAWSONVILLE, GA 30534



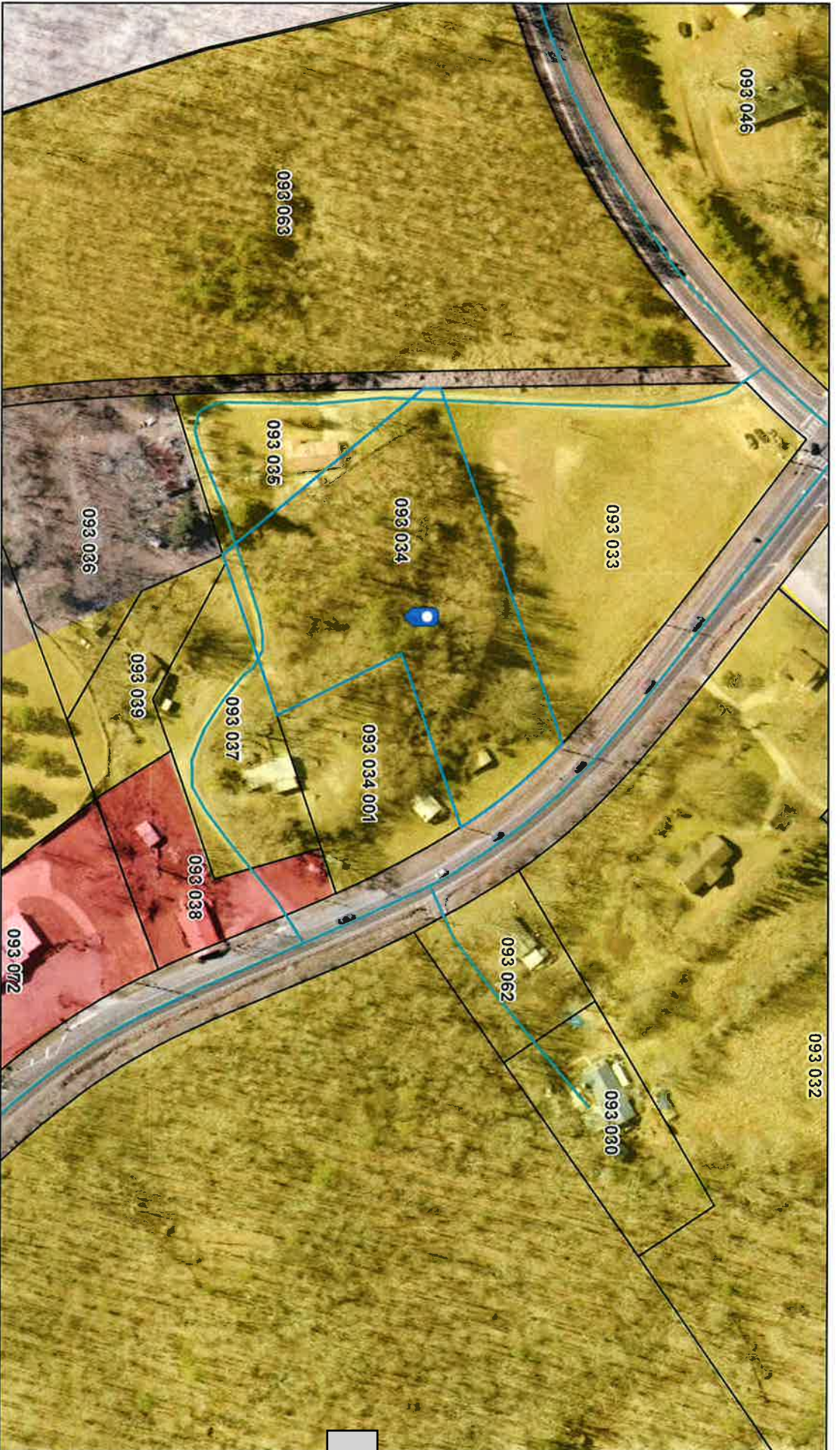
Scan this code with your mobile phone to view this bill

30534



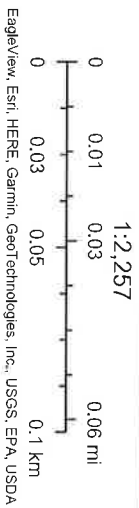


# ZONING MAP - 093 034



10/3/2022, 3:25:08 PM

- Dawson County Roads Zoning
- Parcels
- Dawsonville City Limits
- RSR
- C-HB
- RSRMM
- C-1R

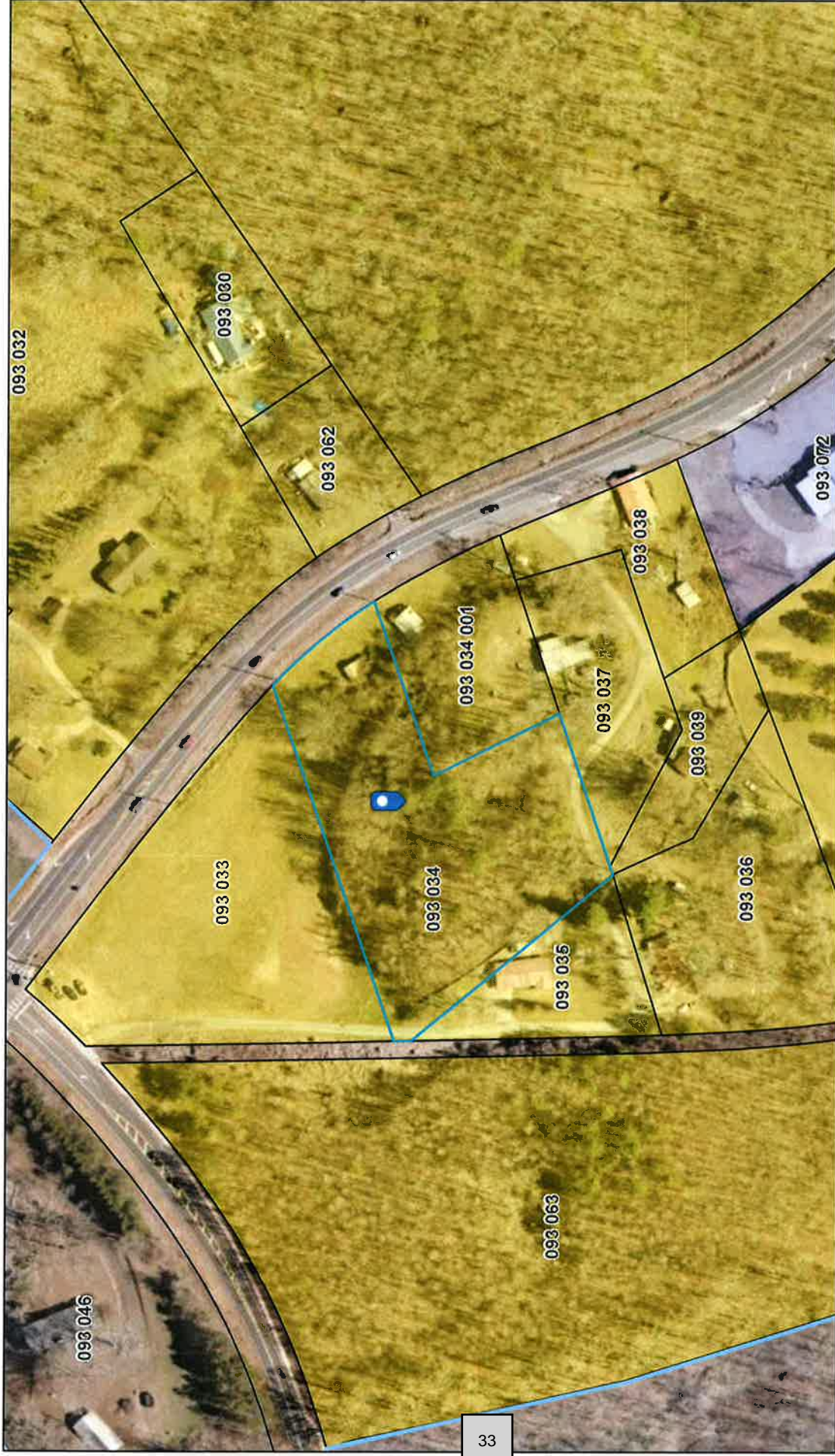


22 OCT 14 11:44 AM



11/11/2022 11:44 AM

# FUTURE LAND USE MAP - 093 034



10/3/2022, 3:25:04 PM

Dawsonville City Limits FLU

LI-Light Industrial

Parcels

SRR-Sub-Rural Residential

PI-Public/Institutional

1:2,257



EagleView, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA









## ZA 22-28

Planning Commission Meeting December 20, 2022  
Board of Commission Hearing January 19, 2023

### Applicant Proposal

The applicant is seeking to zone the property from C-HB (Commercial Highway Business) to C-HI (Commercial Highway Intensive) for the purpose of relocating his landscaping and roll off dumpster business.

<b>Applicant</b>	Daniel V. Hernandez
<b>Amendment #</b>	ZA 22 - 28
<b>Request</b>	Rezone Property from C-HB to C-HI Commercial Highway Intensive.
<b>Proposed Use</b>	Landscape Contractor; Roll off dumpster business
<b>Current Zoning</b>	C-HB
<b>Existing Land Use</b>	Residential
<b>Future Land Use</b>	Sub-Rural Residential
<b>Acreage</b>	2.68 (2020 survey)
<b>Location</b>	Clifton Drive (residential street) and Hugh Stowers Road
<b>Commercial Square footage</b>	1800
<b>Road Classification</b>	Local residential
<b>Tax Parcel</b>	095 146
<b>Dawson Trail Segment</b>	n/a
<b>Commission District</b>	2
<b>DRI</b>	No
<b>Planning Commission Recommendation</b>	



Direction	Existing Zoning	Existing Use
North	RSRMM	Residential
South	RSRMM	Residential
East	C-IR (ZA 90-06)	Residential
West	RSR	Residential

**According to the Comprehensive Plan and accompanying Future Land Use Plan**, the subject property is identified as **Sub-Rural Residential**. The primary area of unincorporated Dawson County designed as Sub-Rural Residential is bounded by the forest belt and Dawson Forest on the west, Lumpkin County line on the north, and the agricultural belt to the south and east. In the southern part of this area, there is extensive residential development, but the northern part of this area is mostly undeveloped. Though this area may receive new development at gross densities of up to 0.67 unit per acre (1.0 acre with public water), it is not targeted for major development. Public water service may be extended into much of this area, particularly the southern half, during the planning horizon (year 2028). It is desirable that conservation subdivision principles be followed in this area in order to encourage the permanent protections of open space or retention of farm and forest lands.

The desired development pattern should seek to:

- Permit rural cluster or conservation subdivision design that incorporates significant amount of open space
- Limit extension of public utilities in these areas
- Limit parking in front of properties
- Connect to regional network of greenspace and trails, available to pedestrians, bicyclists, and equestrians for both tourism and recreational purposes
- Consider the use of drainage swales on paved roads in lieu of curb and gutter
- Ensure safe and direct access to major thoroughfares
- Provide at least one access point from a county road for a minimum number of homes
- Allow unpaved roads and shared driveways that provide access for up to six residences
- Support and encourage agricultural industries

**CLIFTON DRIVE ZONING APPLICATIONS:**

ZA86-01	1987	HARDER	095-146	R2 - CHB	APPROVED w/Stipulations
ZA87-04	4/5/1987	STEWART	095-096	CONDITIONAL USE	APPROVED w/Stipulations
ZA87-07	4/6/1987	LYNN	095-167	R2-CONDITIONAL USE	APPROVED w/Stipulations
ZA90-06	6/4/1990	REECE	095-145	R2 - CIR	APPROVED w/Stipulations
ZA94-07	7/27/1994	STEWART	095-096	R2-RMHT	APPROVED
ZA 14-03	3/12/2014	REITENBACHI	095-144	RSRMM - R-A	DENIED

**County Agency Comments:**

Environmental Health Department: No comments returned as of 12.12.2022

Emergency Services: No comments returned as of 12.12.2022

**Etowah Water & Sewer Authority:** “Contact EWSA regarding placement of commercial drive, owner/developer responsible for relocation if necessary. Septic only at this location.”

**Planning and Development:** The current designation of C-HB, as well as the request to zone to C-HI is not consistent with the Future Land Use designation of Suburban Residential. The zoning approval to C-HB in 1986 included stipulations that ought to be factored into zoning map updates. Although the property has a designation of commercial it is doubtful the intent of policy makers was to introduce commercial or industrial activities into the neighborhood. Since that time, there have been investments within the neighborhood and that the parcel has been taxed residential. The adjacent property (095-145) was zoned to C-IR in 1990 – the application was request to construct a home cabinet shop. Staff is supportive of the parcel being zoned consistent with the Future Land Use designation, Residential Sub-Rural. The applicant was not aware of this chronology at the time of application.

Public Works Department: No comments returned as of 12.12.22

**THE PLANNING COMMISSION SHALL MAKE ITS RECOMMENDATIONS BASED ON THE FOLLOWING CRITERIA:**

- (1) The existing uses and classification of nearby property;
- (2) The extent to which property values are diminished by the particular land use classification;
- (3) The extent to which the destruction of property values of the applicant promotes the health, safety, morals, or general welfare of the public;
- (4) The relative gain to the public, as compared to the hardship imposed upon the individual property owner;
- (5) The suitability of the subject property for the proposed land use classification;
- (6) 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; and
- (7) The specific, unusual, or unique facts of each case, which give rise to special hardships, incurred by the applicant and/or surrounding property owners.



*Dawson County Municipal Planning Commission*

*Post Office Box 192*

*Dawsonville, Georgia 30534*

*Phone (404) 265-6749*

*Phone (404) 265-3906*

July 1, 1986

Mr. & Mrs. Robert Harder  
3282 David Road  
Atlanta, GA 30341

Dear Mr. & Mrs. Harder:

As you have been previously advised, Commissioner Cox approved your request to change Tax Map Parcel 13-2-61 from Single Family Residential to Highway Business Commercial for an "Antique Shop" but not for restaurant, conditionally upon the following stipulations.

1. The entrance and parking area shall be at the rear (west) part of the lot and access from Clifton Road within 60 feet of the southwest corner; for safety reasons concerning a double intersection in front of of the lot.
2. The structure shall resemble a residence in design rather than a commercial building in order to preserve the residential character of the area.
3. The Construction shall begin within one year and completed within one year of starting date.
4. The ownership does not change for a period of two years. The amendment is for the specific purpose requested (Antique Shop) and is not amending the classification for speculative purposes.

Water systems not available and serious questions on disposal systems if developed as Restaurant.

If we can be of further assistance, please call us.

Sincerely,

A handwritten signature in cursive script that reads "Jack Parker".

J. H. "Jack" Parker  
Planning Director

JHP/am

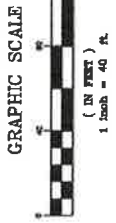
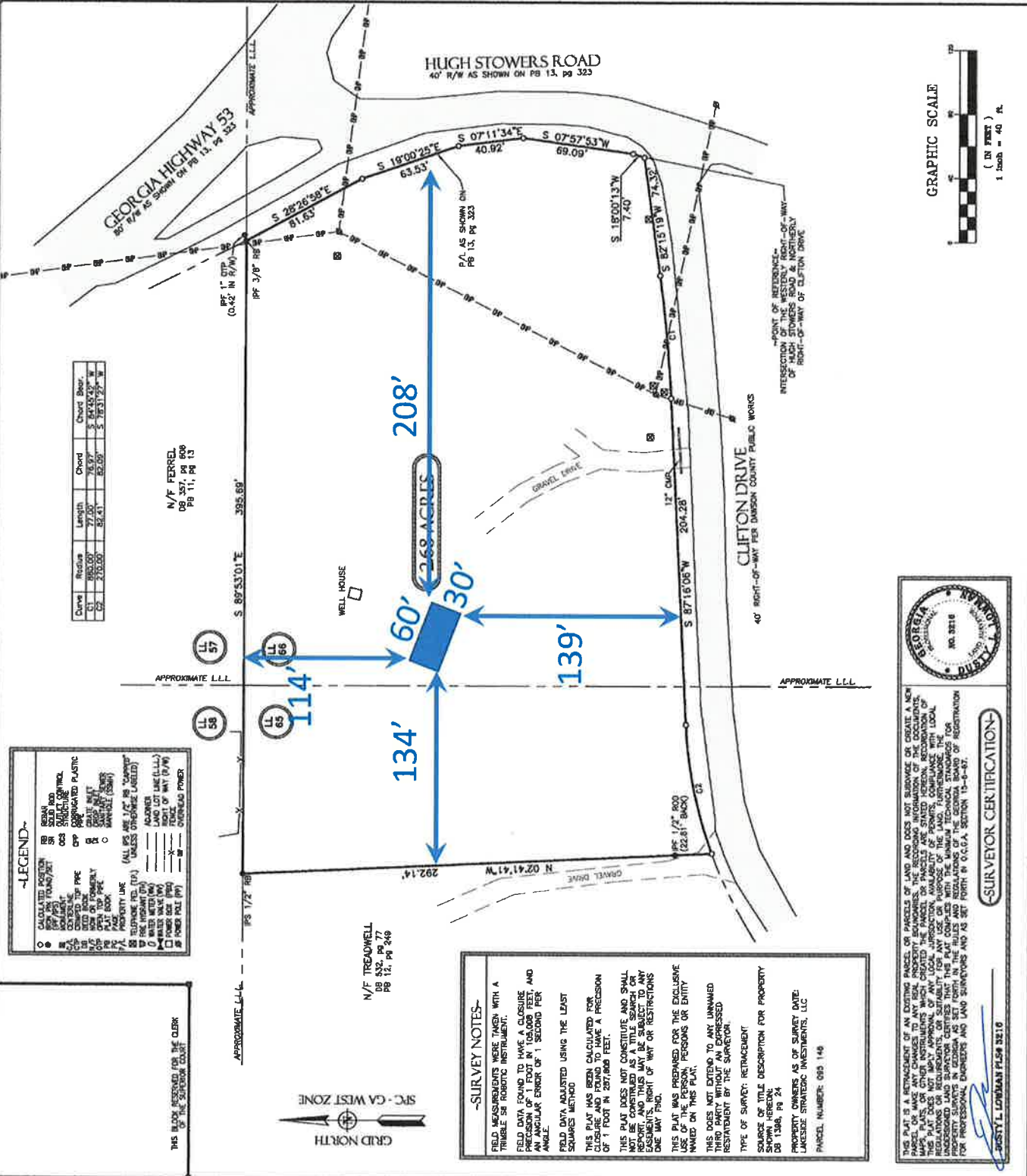


DES DAVIS ENGINEERING & SURVEYING  
 133 PROMINENCE COURT  
 SUITE 210  
 DAWSONVILLE, GA 30534  
 PHONE: (706) 265-1234  
 DAVISENGINEERS.COM

SURVEY FOR:  
 DANIEL YARGAS HERNANDEZ  
 LAND LOTS 65 & 66  
 13th DISTRICT (SOUTH HALF), 1st SECTION  
 DAWSON COUNTY, GEORGIA

REV: 10/31/2022  
 DRAWN BY: DL  
 FIELD CREW: CC/AMK  
 PLAT DATE: 4/23/2020  
 FIELD DATE: 4/16/2020

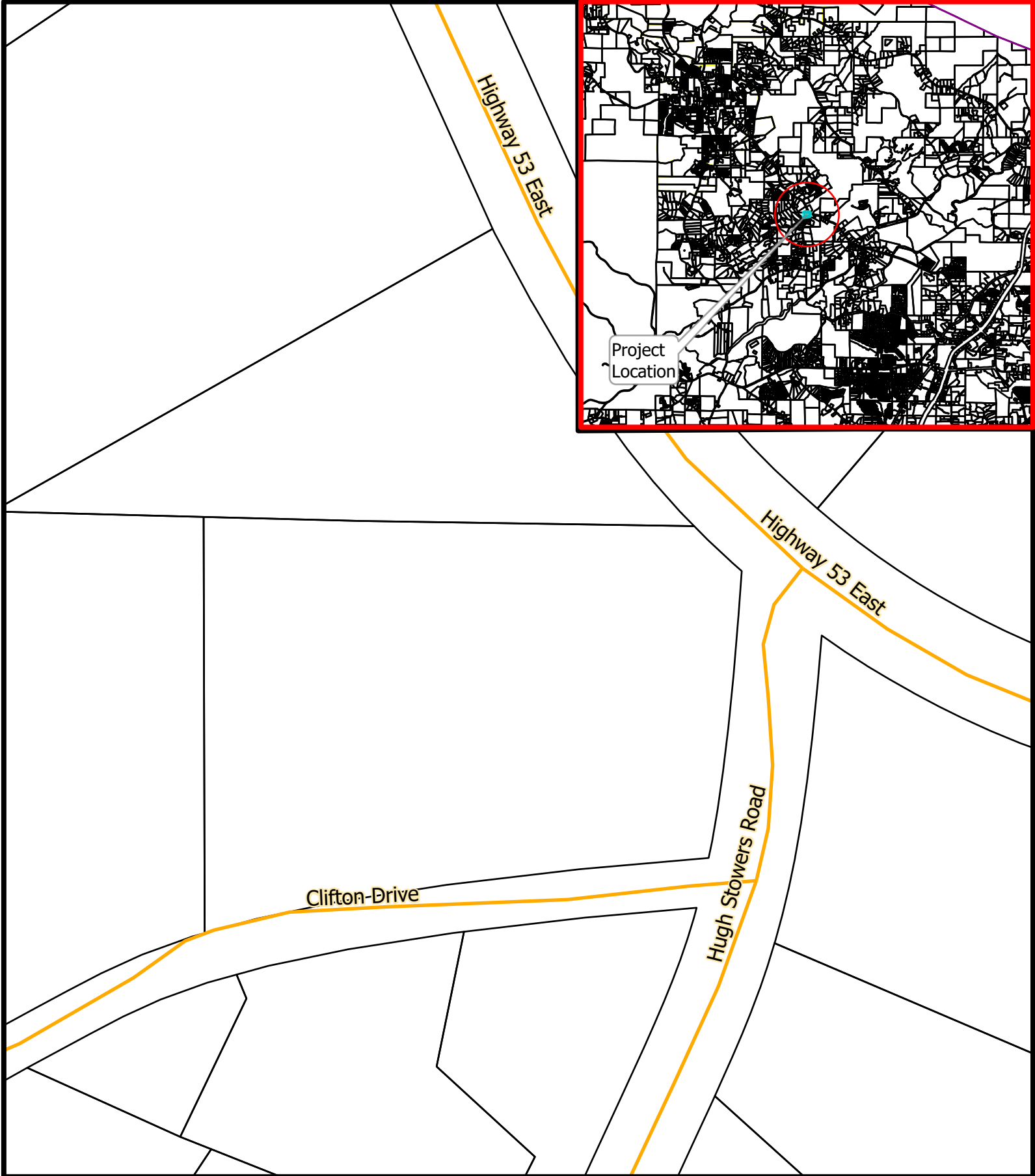
SHEET NO.  
 1 of 1  
 PROJECT NO.  
 20-100



SURVEYOR CERTIFICATION

JUSTIN L. LOWMAN PL#2818





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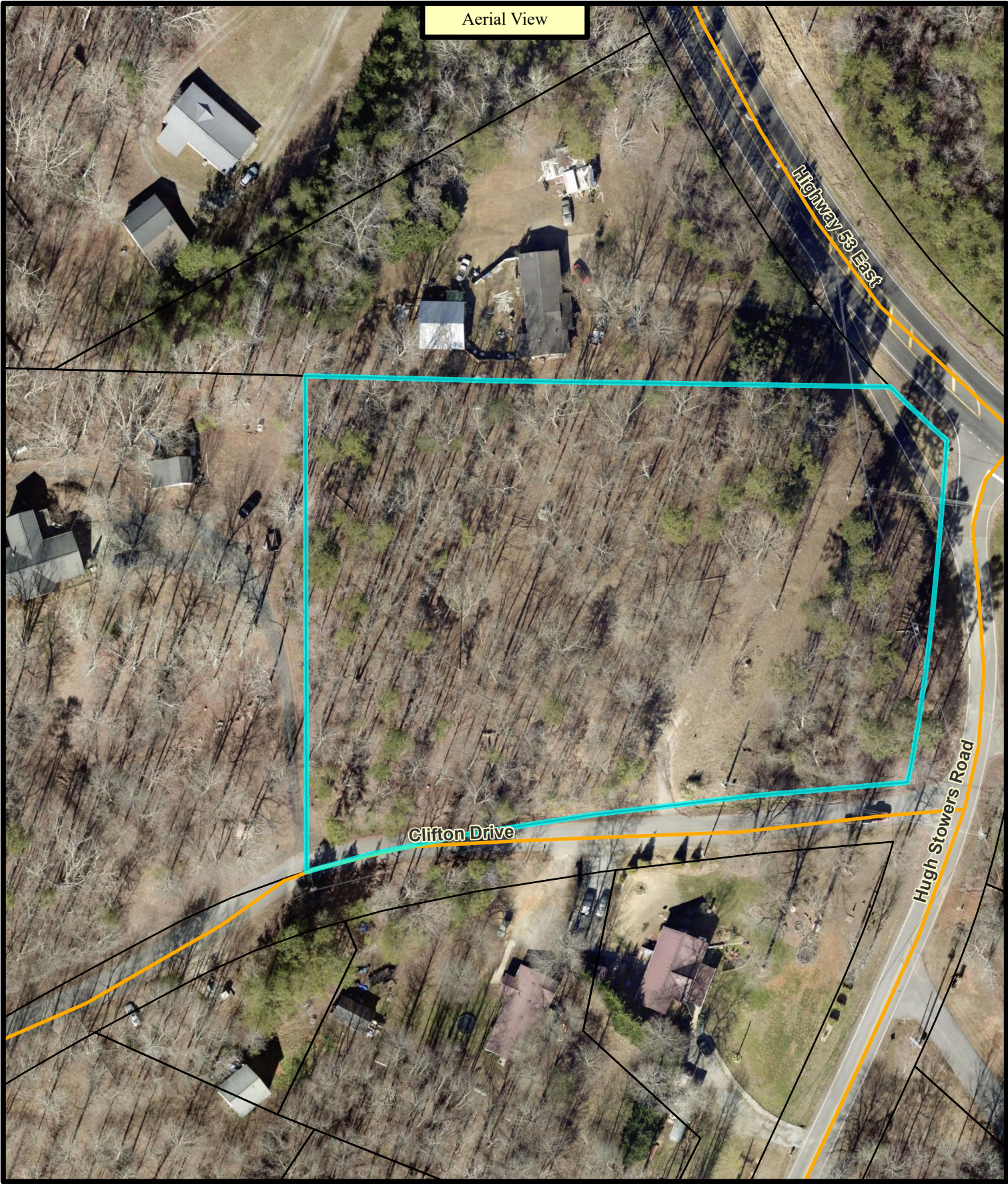
Dawson County  
 Planning and Development  
 Staff Report: Exhibit

42

Parcel #: 095-146  
 Current Zoning: C-IR  
 FLU: SRR  
 Application #:ZA 22-28



Aerial View



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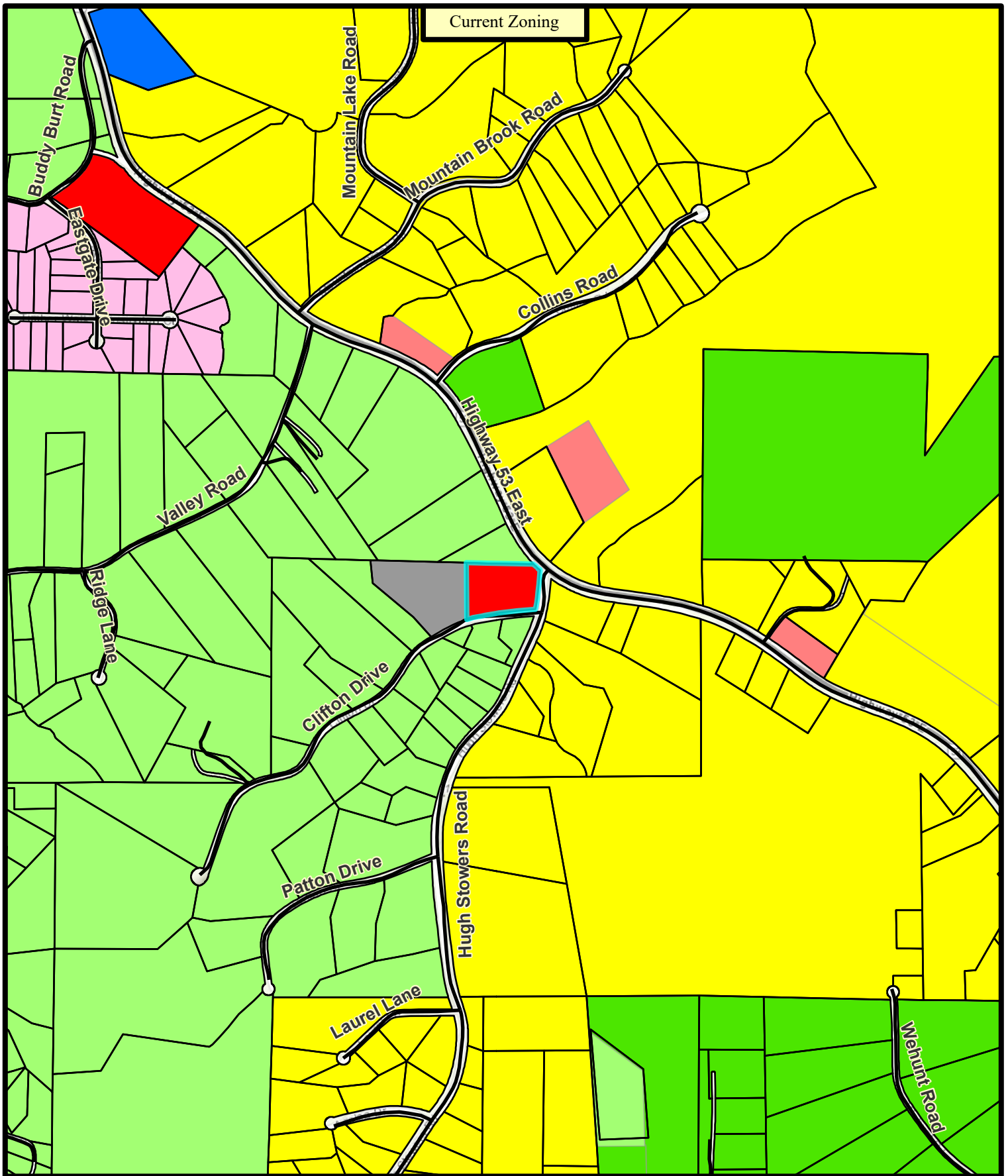
Dawson County  
Planning and Development

43

Report

Parcel #: 095-146  
Current Zoning: C-IR  
FLU: SRR  
Application #: ZA 22-28





Current Zoning



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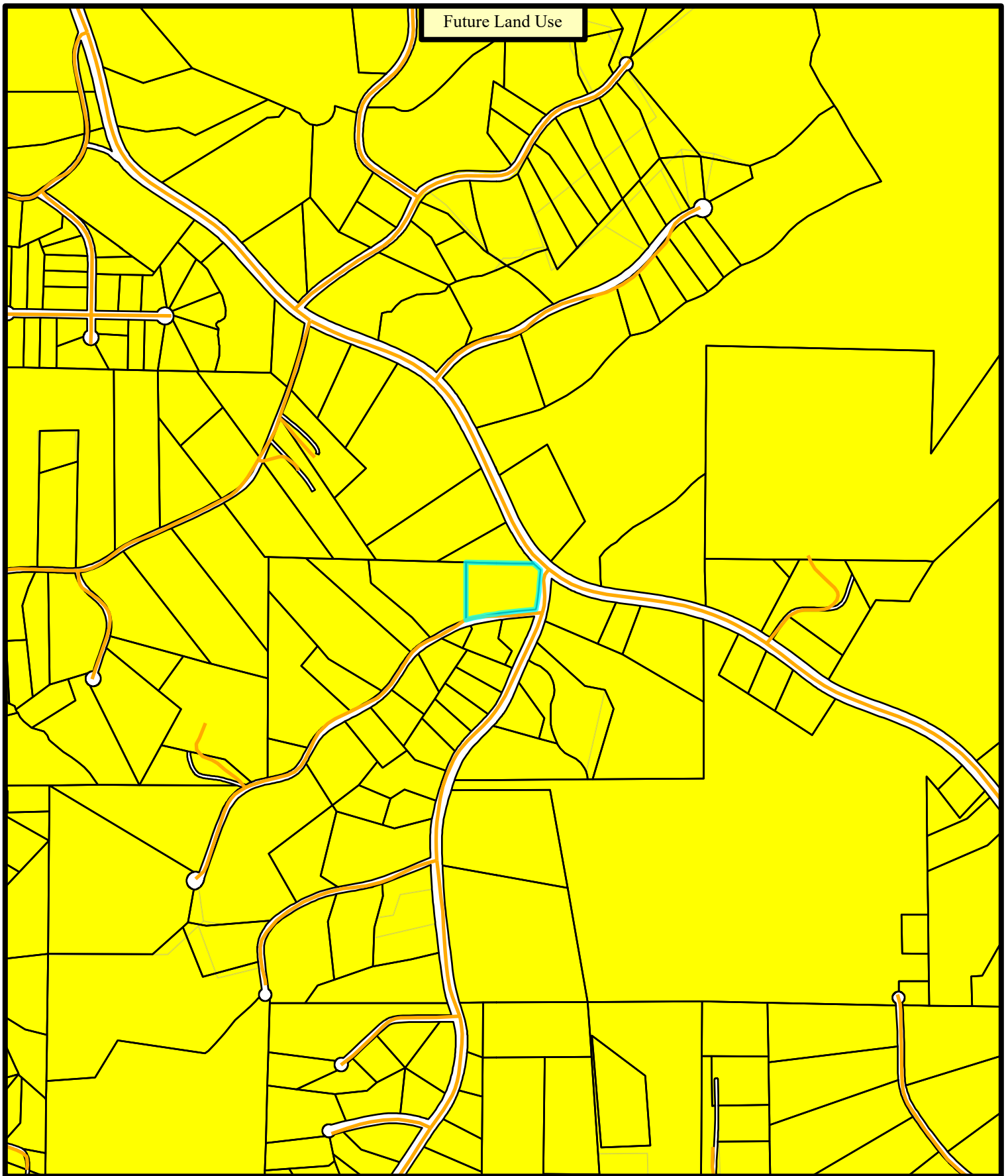
Dawson County

Planning and Development

44

Report

Parcel #: 095-146  
Current Zoning: C-IR  
FLU: SRR  
Application #: ZA 22-28



Future Land Use



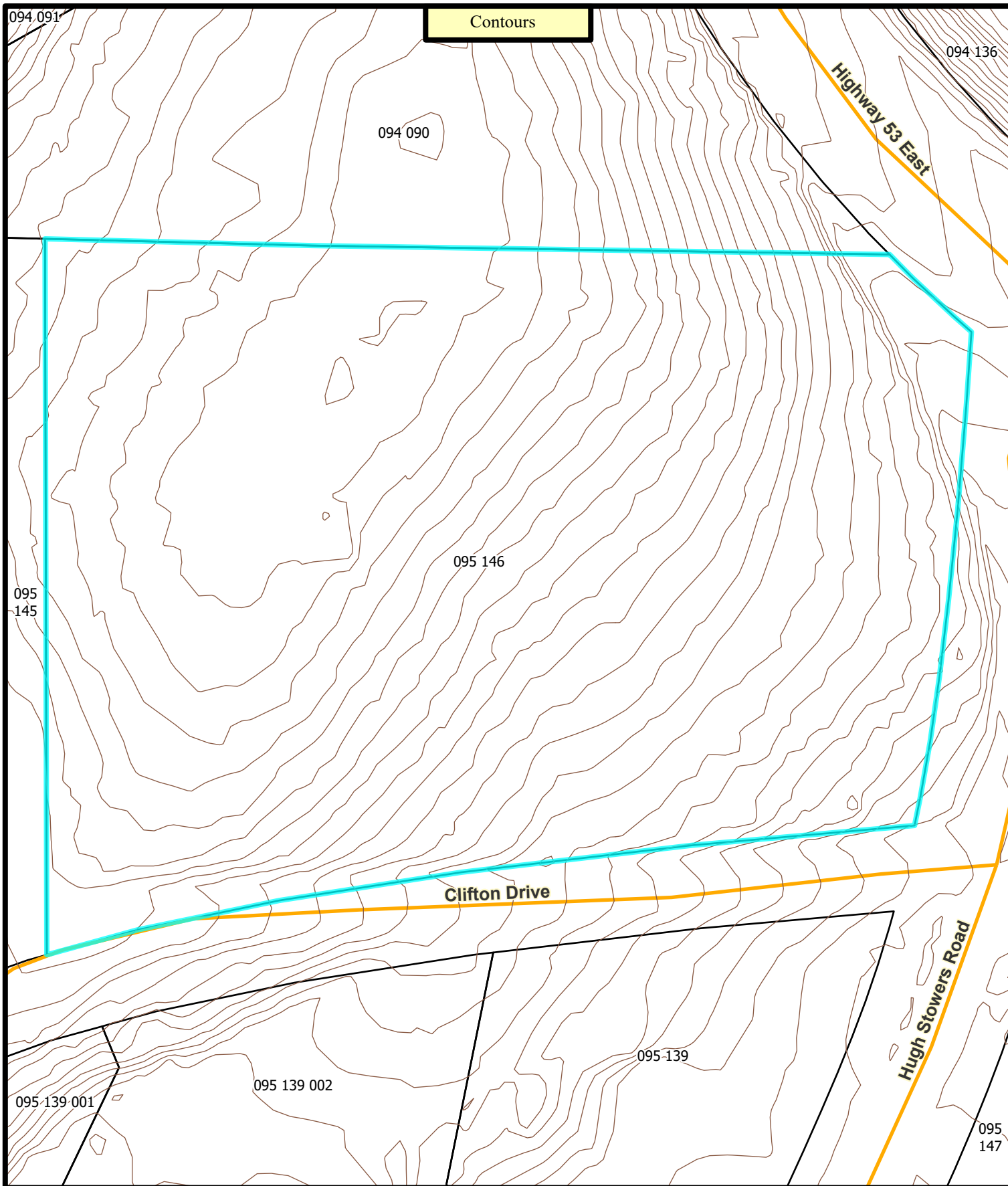
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Dawson County  
Planning and Development  
45  
Smart Report

Parcel #: 095-146  
Current Zoning: C-IR  
FLU: SRR  
Application #:ZA 22-28



Contours

094 091

094 136

094 090

Highway 53 East

095 145

095 146

Clifton Drive

Hugh Stowers Road

095 139 001

095 139 002

095 139

095 147



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Scale: 1:897

Dawson County

Planning and Development

46

Site Report

Parcel #: 095-146  
Current Zoning: C-IR  
FLU: SRR  
Application #: ZA 22-28

Dawson County  
Rezoning Application  
(AMENDMENT TO LAND USE MAP)

**APPLICANT INFORMATION (or Authorized Representative)**

If applicant is other than owner, the Property Owner Authorization form must be completed.

Printed Name: Daniel Vargas-Hernandez

Address: \_\_\_\_\_

Phone (Listed only please) \_\_\_\_\_

Email (Business/Personal): \_\_\_\_\_

Status:     Owner     Authorized Agent     Lessee     Option to purchase

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: 10/26/2022      Applicant Signature: \_\_\_\_\_

**REQUESTED ACTION & DETAILS OF PROPOSED USE**

Rezoning to: C-HB       Special Use Permit for: \_\_\_\_\_

Proposed Use: Storage of landscaping vehicles, trailers, equipment, and roll-off dumpsters.

Existing Utilities:     Water     Sewer     Gas     Electric

Proposed Utilities:     Water     Sewer     Gas     Electric

**RESIDENTIAL**

No. of Lots: \_\_\_\_\_ Minimum Lot Size: \_\_\_\_\_ (acres) No. of Units: \_\_\_\_\_

Minimum Heated Floor Area: \_\_\_\_\_ sq. ft. Density/Acre: \_\_\_\_\_

Type:     Apartments     Condominiums     Townhomes     Single-family     Other

Type of Amenity: \_\_\_\_\_ Amount of Open Space: \_\_\_\_\_

**COMMERCIAL & RESTRICTED INDUSTRIAL:**

Building area: 30x60      No. of Parking Spaces: 12

STAFF USE DATE STAMP:

# Property Owner/ Property Information

Name: Daniel Vargas-Hernandez

Street Address of Property being rezoned: 40 Clifton Drive, Dawsonville, Ga 30534

Rezoning from: C-IR to: C-HB Total acreage being rezoned: 2.68

Directions to Property (if no address):

N/A

Subdivision Name (if applicable): N/A Lot(s) #: \_\_\_\_\_

Current Use of Property: \_\_\_\_\_

**Does this proposal reach DRI thresholds?** \_\_\_\_\_ If yes, the application will require submittal of a transportation study. DRIs require an in depth review by County agencies, and regional impact review by the Georgia Mountains Regional Planning staff. This adds several weeks to processing; additionally, the applicant is responsible for the expense of third party review of the required technical studies associated with the project.

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

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

### SURROUNDING PROPERTY ZONING CLASSIFICATION:

North \_\_\_\_\_ South \_\_\_\_\_ East \_\_\_\_\_ West \_\_\_\_\_

Future Land Use Map Designation: \_\_\_\_\_

Access to the development will be provided from:

Road Name: Hugh Stowers Road Type of Surface: Gravel w/ base  
Apron



# Applicant Certification

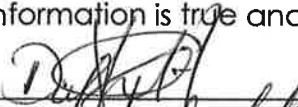

I hereby request the action contained within this application relative to the property shown on the attached survey, plat, and site plan and further request that this item be placed on both the Planning Commission and Board of Commissioners agenda(s) for a public hearing.

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. The staff will send notices to adjacent property owners advising of the request and proposed use prior to the public hearing.

I understand that I have the obligation to present all data necessary and required by code 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 or a land use professional 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 or 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 11-11-2022  
Witness  Date 11/11/2022

# Property Owner Authorization

I/we, Daniel Vargas-Hernandez, hereby swear that I/we own the property located at (fill in address and/or tax map parcel #s):

Street Address of Property being rezoned: 40 Clifton Drive, Dawsonville, Ga 30534

TMP#: Parcel# 095 146

as shown in the tax maps and/or deed records of Dawson County, Georgia, and which parcel or parcels 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: Daniel Vargas-Hernandez

Signature of applicant or agent:  Date: 11/11/2022

\*\*\*\*\*

Printed Name of Owner(s): Daniel Vargas- Hernandez

Signature of Owner(s): \_\_\_\_\_ Date: \_\_\_\_\_

Mailing address: \_\_\_\_\_

City, State, Zip. \_\_\_\_\_

Phone (Listed/Unlisted): \_\_\_\_\_

Sworn and subscribed before me  
this 11 day of November, 2022.

  
Notary Public



My Commission Expires: 12/04/2023

(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.)

# 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 acknowledgment shall be public record.

Applicant Signature: 

Applicant Printed Name: Daniel Vargas-Hernandez

Date Signed: 11/11/2022

Sworn and subscribed before me

this 11 day of November, 2022

  
Notary Public

My Commission Expires: 12/04/2023



Application Number (by staff): \_\_\_\_\_

# 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 whom campaign contribution was made:

N / A

---

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 \$ N / A Date: N / A

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:

N / A

---

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.







Exal

DAWSON COUNTY

INDIVIDUAL SEWAGE DISPOSAL SYSTEM PERMIT APPLICATION AND INSPECTION REPORT

PERMIT # 0713 DATE PERMIT ISSUED 11-1-89 DATE SYSTEM INSP. 11-22-89

RECEIPT # \_\_\_\_\_ PROPERTY OWNER & ADDRESS

PROPERTY LOCATION
PROPERTY OFF Hugh STOWERS ROAD.

RETTO CLARK HARRIS

TELEPHONE \_\_\_\_\_

SEWAGE CONTRACTOR HERBERT DAVENPORT

I hereby apply for a permit to install or construct an individual sewage disposal system and agree that the system will be installed to conform to the requirements of the former Georgia Department of Public Health, Chapter 270-5-25.

I understand that final inspection is required and hereby promise to notify the Dawson County Health Department upon its completion and before applying final cover at 265-2611 or 265-3223.

I further realize and understand that neither this permit nor the final inspection in any way guarantee the proper operations of the sewage system nor in any way confers any guarantee or warranty of any kind.

Signature of Earl G. Payne

Owner or applicant's signature

Date

1. Type water supply:

1. individual 2. community 3. public

2. New system 2. Repair 3. Existing

3. Perc rate COL AVER

4. Type facility MOBILE HOME

5. No of bedrooms or gallons 2 BDRS.

6. Subdivision: yes (no)

7. Lot size 1.41 ACRES

8. Building line

9. Septic tank capacity min. 750 GALLON TANK

10. As installed 1000 GALLON TANK

11. Dosing tank capacity N/A

12. Distance S. T. from well

13. Min. amount of field line:

Ft. sq. 504 Linear ft. 168'

14. Field line as installed

Ft. sq. 756 Linear ft. 252'

15. Width of trench 36"

16. Distance between trenches 8'

17. Trench depth, avg. 36"

18. Distance from foundation 10'

19. Nearest property line

front, rear, side

20. Distance from well 100'

Site: Approved; Approved conditionally; Rejected

System: Approved; Approved conditionally; Rejected

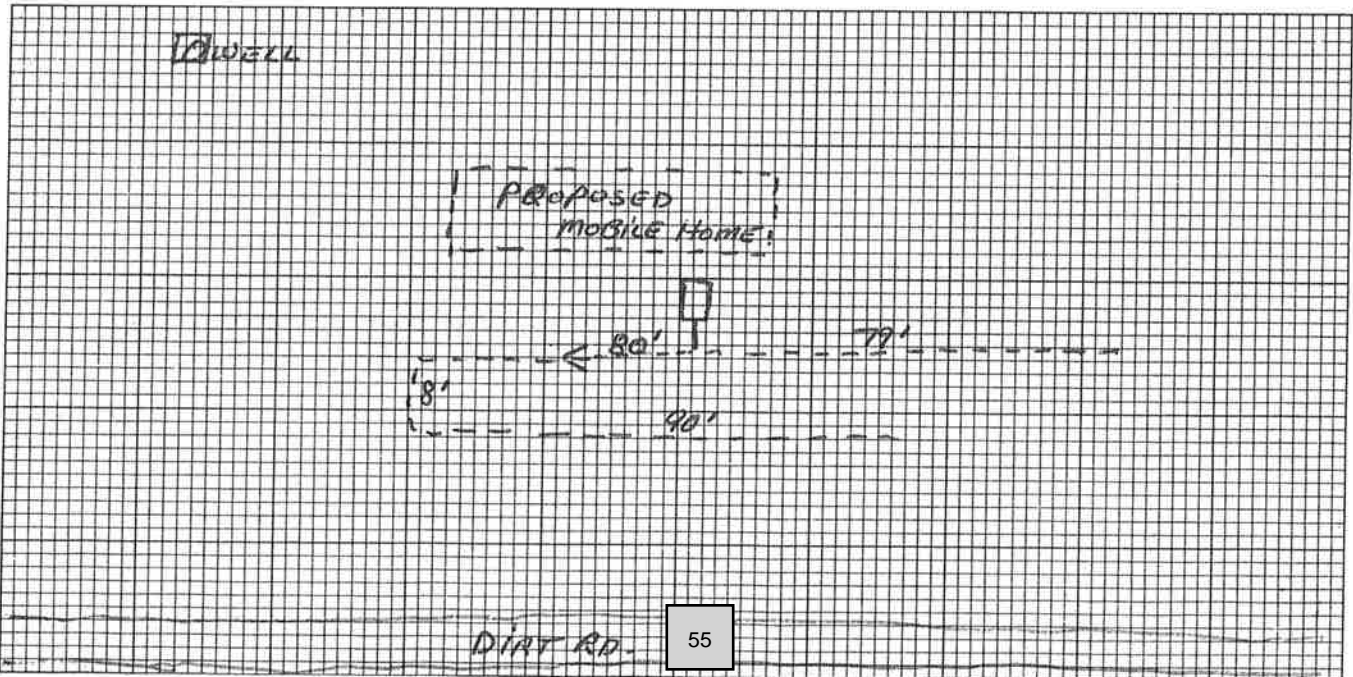
Are there any wells or springs within 100 feet or streams within 50 feet (Yes) (No)

Inspector: DON FLEMING

Inspector: DON FLEMING
DAWSON COUNTY HEALTH DEPARTMENT
P.O. BOX 245
DAWSONVILLE, GEORGIA 30534

REMARKS: APPROVED PER AS-BUILT FORM INFO,

Signature of Earl Payne



Handwritten calculation: 257, 178, 79

INDIVIDUAL SEWAGE DISPOSAL SYSTEM PERMIT APPLICATION AND INSPECTION REPORT

PERMIT # 0714 DATE PERMIT ISSUED 11-1-89 DATE SYSTEM INSP. 11-21-89

RECEIPT # \_\_\_\_\_ PROPERTY OWNER & ADDRESS \_\_\_\_\_

PROPERTY LOCATION  
PROPERTY OFF Hugh STOWERS ROAD

BOB HARDER

TELEPHONE \_\_\_\_\_

SEWAGE CONTRACTOR HERBERT DAVENPORT

I hereby apply for a permit to install or construct an individual sewage disposal system and agree that the system will be installed to conform to the requirements of the former Georgia Department of Public Health, Chapter 270-5-25.

I understand that final inspection is required and hereby promise to notify the Dawson County Health Department upon its completion and before applying final cover at 265-2611 or 265-3223.

I further realize and understand that neither this permit nor the final inspection in any way guarantee the proper operations of the sewage system nor in any way confers any guarantee or warranty of any kind.

Earl G. Payne

Owner or applicant's signature

Date

- 1. Type water supply:  
 individual 2. community 3. public
- 2.  New system 2. Repair 3. Existing
- 3. Perc rate CO. AVER
- 4. Type facility MOBILE HOME
- 5. No of bedrooms or gallons 2 BDRS.
- 6. Subdivision: yes  no
- 7. Lot size 1.41 ACRES
- 8. Building line \_\_\_\_\_
- 9. Septic tank capacity min. 750 GALLON TANK
- 10. As installed 1000 GALLON TANK
- 11. Dosing tank capacity N/A

- 12. Distance S. T. from well \_\_\_\_\_
- 13. Min. amount of field line:  
Ft. sq. 504 Linear ft. 168'
- 14. Field line as installed  
Ft. sq. 756 Linear ft. 252'
- 15. Width of trench 36"
- 16. Distance between trenches 8'
- 17. Trench depth, avg. 36"
- 18. Distance from foundation 10'
- 19. Nearest property line \_\_\_\_\_  
front, rear  side
- 20. Distance from well 112'+

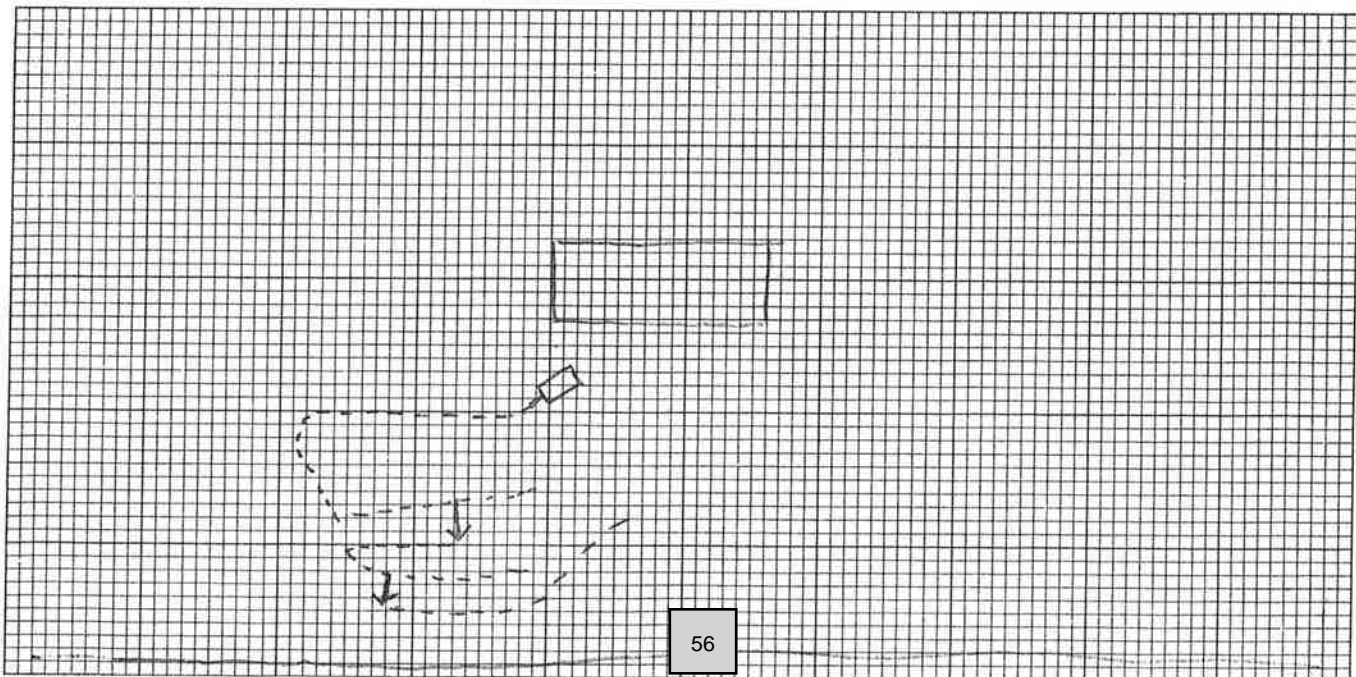
Site: Approved; Approved conditionally; Rejected  
System:  Approved; Approved conditionally; Rejected  
Are there any wells or springs within 100 feet or streams within 50 feet (\_\_\_\_ Yes) ( No).

Earl Payne

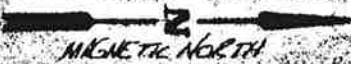
Inspector: DON FLEMING

Inspector: DON FLEMING  
DAWSON COUNTY HEALTH DEPARTMENT  
P.O. BOX 245  
DAWSONVILLE, GEORGIA 30534

REMARKS:

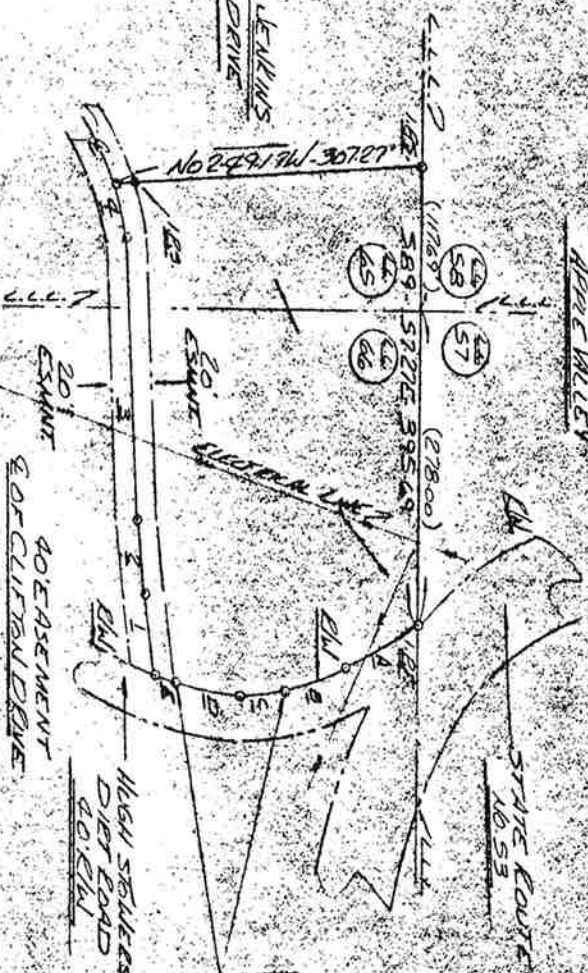






284 ACRES  
TO E OF CLIFTON DRIVE  
LENKINS

PLAT FOR  
ROBERT B HARDEE  
BETTY CLARK HARDEE  
IN LAND LOTS 65 & 66  
1ST SECTION  
SOUTH HALF  
13TH LAND DISTRICT  
DAWSON COUNTY, GEORGIA



- 20' EASMENT  
20' EASMENT
- ROEASMENT  
OF CLIFTON DRIVE
1. 579.5317M. 6247'
  2. 586.0713M. 66.14'
  3. 586.3886M. 248.67'
  4. 575.1143M. 49.85'

- RM OF HIGH STABLES  
DIET ROAD
- A. 528.3124E 816.5'
  - B. 518.0451E 63.53'
  - C. 507.16.5. 40.92'
  - D. 507.53.27M. 69.08'
  - E. 518.55.47M. 23.32'

SCALE: 1"=100'  
DATE: 11.1.83

GEORGIA, DAWSON COUNTY  
CLERK'S OFFICE, SUPERIOR COURT  
FILED FOR RECORD  
AT 8:30 A.M. NOV 07 1983  
Recorded in Book 13 Page 323  
This 7 day of Nov 1983  
Bert M. A. Smith, Clerk  
KATHY HADDOCK, CLERK

W. E. D. B. R. A.  
S. E. D. B. R. A.  
N. E. D. B. R. A.  
S. W. D. B. R. A.  
W. S. D. B. R. A.  
N. S. D. B. R. A.  
D. W. E. N. P. A. T. T. O. N.  
No. 1224

W. E. D. B. R. A.  
S. E. D. B. R. A.  
N. E. D. B. R. A.  
S. W. D. B. R. A.  
W. S. D. B. R. A.  
N. S. D. B. R. A.  
D. W. E. N. P. A. T. T. O. N.  
No. 1224

MATTON - PATTON & ASSOCIATES  
P.O. Box 288  
Gainesville, Georgia 30602

Filed 11/10/2022 10:45AM  
Bk 01608 Pg 0291-0292  
Deed Doc: WD  
Georgia Transfer Tax Paid : \$0.00  
0422022002179  
Penalty: \$0.00 Interest: \$0.00  
Participants: 2252090439,7067927936  
JUSTIN POWER, Clerk of Superior  
Court  
DAWSON County, Georgia

---

**AFTER RECORDING, RETURN TO:**

Matthew Bottoms  
Boling Rice LLC  
207 Pirkle Ferry Road  
Cumming, GA 30040  
Deed Preparation Only  
#81189.74

STATE OF GEORGIA  
COUNTY OF FORSYTH

**LIMITED WARRANTY DEED**

THIS INDENTURE is made as of the 10 day of November 2022, between **Bernabe Resendiz-Martinez**, (hereinafter referred to as "Grantor") and **Daniel Vargas Hernandez**, (hereinafter referred to as "Grantee"), ("Grantor" and "Grantee" to include their respective heirs, successors, executors, administrators, legal representatives and assigns where the context requires or permits).

WITNESSETH:

GRANTOR, in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and does hereby grant, bargain, sell, alien, convey and confirm unto Grantee the following:

**All that tract or parcel of land lying and being in Land Lots 65 and 66 of the south half of the 13<sup>th</sup> District and 1<sup>st</sup> Section of Dawson County, Georgia, containing 2.84 acres as shown on a plat prepared by Owen Patton, Georgia Registered Land Surveyor, dated November 1, 1983, recorded in Plat Book 13, Page 323, Dawson County, Georgia Plat Records, which plat is incorporated herein by reference and made a part hereof for a more complete description of the subject property, being known as 40 Clifton Drive according to the present system of numbering properties in Dawson County, Georgia. Said property is conveyed together with and subject to all easements, covenants and restrictions of record, if any.**



Filed in Office: 04/02/2021 09:56AM  
Deed Doc: WD  
Bk 01484 Pg 0607  
Georgia Transfer Tax Paid : \$175.00  
Justin Power Clerk of Court  
Dawson County  
0422021000643

After recording, return to:  
JENIFR DIMO  
STEWART, MELVIN & FROST, LLP  
P.O. BOX 3280  
GAINESVILLE, GA 30503

### LIMITED WARRANTY DEED

THIS INDENTURE is made this 25<sup>th</sup> day of March, 2021, between

**LAKESIDE STRATEGIC INVESTMENTS LLC**  
(hereinafter referred to as "Grantor")

And

**BERNABE RESENDIZ-MARTINEZ**

(hereinafter referred to as "Grantee")

("Grantors" and "Grantees" to include their respective heirs, successors, executors, administrators, legal representatives and assigns where the context requires or permits.)

### WITNESSETH

GRANTOR, in consideration of TEN DOLLARS and other good and valuable consideration, has granted, bargained, sold, aliened, conveyed and confirmed, and does hereby grant, bargain, sell, alien, convey and confirm unto Grantees the following described property, to wit:

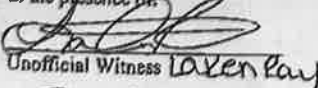
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TO HAVE AND TO HOLD the Land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of Grantees forever in FEE SIMPLE.

AND GRANTORS WILL WARRANT and forever defend the right and title to the Land unto Grantee against the claims of all persons whomsoever claiming by, under, or through said Grantor.


EXECUTED under seal as of the date above.

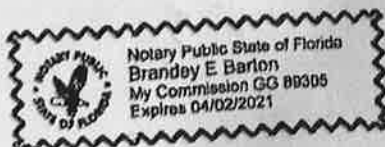
Signed, sealed, and delivered  
in the presence of:

  
Unofficial Witness Laver Ray

LAKESIDE STRATEGIC INVESTMENTS LLC

  
By: JILL THERESA VONDERHAAR  
Title: Sole Member

  
Notary Public  
Commission (Expiration Date): 04/02/2021  
(NOTARIAL SEAL)



81027A

# 2022 Property Tax Statement

Nicole Stewart  
 Dawson County Tax Commissioner  
 25 Justice Way  
 Suite 1222  
 Dawsonville, GA 30534

MAKE CHECK OR MONEY ORDER PAYABLE TO:  
 Dawson County Tax Commissioner

RESENDIZ-MARTINEX BERNABE

RETURN THIS PORTION WITH PAYMENT  
 (Interest will be added per month if not paid by due date)

Nicole Stewart  
 Dawson County Tax Commissioner  
 25 Justice Way  
 Suite 1222  
 Dawsonville, GA 30534

**Tax Payer:** RESENDIZ-MARTINEX BERNABE  
**Map Code:** 095 146 REAL  
**Description:** LL 65 55 LD 13-S  
**Location:** 40 CLIFTON DR  
**Bill No:** 2022-22389  
**District:** 001 DAWSON COUNTY UNINCORPORATE

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

Bill No.	Due Date	TOTAL DUE
2022-22389		.00

Map : 095 146  
 Last payment made on: 09/19/2022  
 Location: 40 CLIFTON DR

Printed: 11/10/2022

Dear Taxpayer,  
 This is your current year Ad Valorem Property Tax Statement. This bill must be paid in full by December 1st in order to avoid interest and penalty charges. If payment is made after the due date, please call the office for the current amount due. State law requires all bills to be mailed to the owner of record as of January 1st of the tax year. If you have sold this property, please forward this bill to the NEW OWNER and notify our office.  
 Thank you for the privilege of serving you as your Tax Commissioner.  
 Nicole Stewart



Building Value	Land Value	Acres	Fair Market Value	Due Date	Billing Date	Payment Good Through	Exemptions	
0	66,900	2.8400	66,900					
Entity	Adjusted FMV	Net Assessment	Exemptions	Taxable Value	Millage Rate	Gross Tax	Credit	Net Tax
STATE TAX	66,900	26,760		26,760	.0000			.00
COUNTY M&O	66,900	26,760		26,760	12.3455	330.37		193.28
SALES TAX ROLLBACK				26,760	-5.1230		-137.09	
SCHOOL M&O	66,900	26,760		26,760	14.2000	379.99		379.99
<b>TOTALS</b>					<b>21.4225</b>	<b>710.36</b>	<b>-137.09</b>	<b>573.27</b>

This gradual reduction and elimination of the state property tax millage rate is the result of property tax relief passed by the Governor and the House of Representatives and the Georgia State Senate

You can pay your bill in person, by mail, by phone (706-701-2576), online at [www.dawsoncountytax.com](http://www.dawsoncountytax.com), or at the drop box in front of the courthouse at the crosswalk. If Postmarked after December 1st, interest at a rate prescribed by law will be added monthly. An additional penalty as prescribed by law will be added every 120 days. If the bill is marked appealed, then this bill is only 85% of the total bill pending.

**NO PAYMENT CONTRACTS WILL BE ALLOWED. \$35.00 FEE FOR RETURNED CHECKS**

Current Due	573.27
Penalty	0.00
Interest	0.00
Other Fees	0.00
Previous Payments	573.27
Back taxes	0.00
<b>TOTAL DUE</b>	<b>.00</b>

Printed: 11/10/2022

**Official Tax Receipt**  
**Nicole Stewart**  
**DAWSON COUNTY Tax Commissioner**

25 Justice Way Suite 1222  
 Dawsonville, GA 30534

Trans No	Property ID/District Description	Original Due	Interest & Penalty	Prev Paid	Amount Due	Amount Paid	Transaction Balance
17622 Year-Bill No 2022 - 22389	095 146 / 001 LL 65 55 LD 13-S  FMV: \$66,900.00	573.27	0.00 Fees 0.00	0.00	573.27	573.27	0.00
						<b>Paid Date</b> 9/19/2022 10:59:34	<b>Current Due</b> 0.00
Transactions:	17622 - 17622 Totals	573.27	0.00	0.00	573.27	573.27	0.00

Paid By :

RESENDIZ BERNABE

RESENDIZ-MARTINEX BERNABE

Cash Amt: 0.00

Check Amt: 573.27

Charge Amt: 0.00

Change Amt: 0.00

Refund Amt: 0.00

Overpay Amt: 0.00

Check No 1501  
 Charge Acct





**Summary**

**Parcel Number** 095 145  
**Location Address** 86 CLIFTON DR  
**Legal Description** LL 65 LD 134-S  
 (Note: Not to be used on legal documents)  
**Class** R4-Residential  
 (Note: This is for tax purposes only. Not to be used for zoning.)  
**Tax District** UNINCORPORATED (District 01)  
**Millage Rate** 21.4225  
**Acres** 3.19  
**Neighborhood** RL-ST - Dawsonville (311000)  
**Homestead Exemption** No (S0)  
**Landlot/District** N/A

[View Map](#)



**Owner**

TREADWELL SANDY & REECE KIM SHERRY

**Rural Land**

Type	Description	Calculation Method	Soil Productivity	Acres
RUR	Small Parcels	Rural	3	1.15
RUR	Small Parcels	Rural	4	0.02
RUR	Small Parcels	Rural	5	0.38
RUR	Small Parcels	Rural	8	1.64

**Residential Improvement Information**

**Style** One Family (Detached)  
**Heated Square Feet** 1482  
**Interior Walls** Sheetrock  
**Exterior Walls** Vinyl Siding  
**Foundation** Basement  
**Attic Square Feet** 0  
**Basement Square Feet** 1449 Unfinished  
**Year Built** 1987  
**Roof Type** Architectural Shingles  
**Flooring Type** Carpet/Hrdwd/Tile  
**Heating Type** Central Heat/AC  
**Number Of Rooms** 5  
**Number Of Bedrooms** 3  
**Number Of Full Bathrooms** 2  
**Number Of Half Bathrooms** 0  
**Number Of Plumbing Extras** 3  
**Value** \$203,800  
**Condition** Average  
**House Address** 86 CLIFTON DR

**Accessory Information**

Description	Year Built	Dimensions/Units	Identical Units	Value
Paving: Concrete	1987	0x0 / 750	0	\$600
Homesite Imp: 3 Avg	1987	0x0 / 1	1	\$5,000
Storage Building: Frame	1987	16x28 / 0	1	\$2,000

**Sales**

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
7/18/2003	532 77	12 249	\$0	Gift	REECE TREADWELL SAND	TREADWELL SANDY & REECE KIM SHERRY
10/16/1984	75 695		\$6,100	Fair Market Sale (Improved)		REECE TREADWELL SAND



Overview



Legend

Parcels

Parcel ID: 095 145  
Alt ID: 6648  
Owner: TREADWELL SANDY & REECE KIM SHERRY  
Acres: 3.19  
Assessed Value: \$262600

Date created: 11/10/2022  
Last Data Uploaded: 11/10/2022 10:44:09 PM

Developed by  Schneider  
GEOSPATIAL

To Whom That It May Concern,

October 8, 2022

I recently purchased the property located at 40 Clifton Drive, Dawsonville, Georgia 30534. This property is currently zoned C-IR, and with the recommendations of Harmony Gee and Robbie Irvin (that recommendation is based off our business models and that the adjoining property [86 Clifton Drive] is also zoned C-HB) in our pre-planning date 10/26/2022 I would like to re-zone to C-HB so that I can re-locate my two businesses to Dawson County. The first business is landscape contracting, DV Landscaping Corporation, the second is Vargas Disposal Incorporated (a roll-off dumpster company). Once moved to Dawson County I will purchase the proper business licenses and tags for my vehicles and trailers.

I would like to thank you for the opportunity to present my plan for the property. We will be erecting a privacy fence to dampen any noise coming from the property respecting my neighbors. We will continuously upgrade the property and keep the property maintained and clear for debris that would cause an eye sore. Our business hours will be Monday through Friday 7:30 to 5:30. We will erect a storage building / office on site. We will store our vehicles, trailers, and roll off dumpsters on the property. This will not be a retail site. We will only be using the property for my businesses. We would also like to request during this zoning review to add a new driveway the property. I will contact each of the neighbors personally to announce our intentions and to introduce myself.

There are currently two septic systems on the property and a well. I have included with this letter a binder that has plat, survey, environmental health mapping of the septic systems and well, deed of ownership and 2022 property tax receipts. Also, a drawing of the proposed new driveway.

Thank you once again for this opportunity.

Sincerely



Daniel Vargas-Hernandez

## Chapter 121 LAND USE<sup>1</sup>

### ARTICLE I. TITLE, PURPOSE, AND JURISDICTION

#### Sec. 121-1. Title.

This chapter shall be known and may be cited as the Dawson County Land Use Resolution.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 100))

#### Sec. 121-2. Purpose.

The purpose of this chapter is to advance and encourage the development of economically sound and stable land use patterns within the unincorporated areas of Dawson County, Georgia; to reduce or eliminate the occurrence of certain conditions, which may threaten the safety, health, morals, or general welfare of the citizens of Dawson County. In order to insure this purpose is maintained and prevent arbitrary or unreasonable land use and districting decisions, this chapter has been prepared and is administered with guidance from the following:

- (1) Future land use district map (article VIII).
- (2) Present land use district map (article VII).
- (3) Guidelines for granting amendments (article X).
- (4) Guidelines for granting variances (article IX).
- (5) Constitution of the State of Georgia, 1983, Article IX, Section II, Paragraph IV. Georgia Zoning Procedures Law, as amended.

This chapter provides for the establishment of land use districts; residential land use districts; commercial land use districts; variance and amendment procedures; future and present district maps; administrative and enforcement procedures; general provisions; powers of various county officials; and definitions of terms used. This chapter has been prepared in accordance with and pursuant to the Constitution of the State of Georgia, 1983, Article IX, Section II. Paragraph IV.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 101))

#### Sec. 121-3. Jurisdiction.

This chapter applies to all the land within the unincorporated areas within the political boundary of Dawson County, Georgia.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 102))

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<sup>1</sup>Editor's note(s)—Section 1(Exh. A) of an ordinance adopted August 6, 2020, repealed the former ch. 121, §§ 121-1—121-3, 121-25—121-27, 121-58—121-75, 121-99—121-106, 121-126—121-139, 121-162—121-182, 121-201—121-208, 121-240—121-244, 121-267—121-280, 121-309—121-317, 121-338—121-341, 121-371—121-378, 121-398, 121-399 and enacted a new ch. 121 as set out herein. The former ch. 121 pertained to similar subject matter and derived from Ord. of 12-19-2019.

State law reference(s)—Zoning procedures, O.C.G.A. § 36-66-1 et seq.



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**Secs. 121-4—121-24. Reserved.**

## **ARTICLE II. ESTABLISHMENT OF LAND USE DISTRICTS**

### **Sec. 121-25. Purpose.**

The purpose of this article is to establish and explain land use districts used in this chapter and to divide Dawson County into land use districts.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 200))

### **Sec. 121-26. Land use districts established.**

Under this chapter, Dawson County is divided into the following land use districts:

(1) *Residential land use districts.*

- a. RT Residential Town;
- b. RL Residential Lakefront;
- c. RS Residential Suburban (~~1 du/acre~~);
- d. RS-2 Residential Suburban (~~2 du/acre~~);
- e. RS-3 Residential Suburban (~~3 du/acre~~);
- f. RSR Residential Sub-Rural;
- g. RSRMM Residential Sub-Rural Manufactured/Moved;
- h. RMF Residential Multiple-family;
- i. VCR Vacation Cottage Restricted (deleted category);
- j. VC Vacation Cottage (deleted category);
- k. RA Residential Exurban/Agricultural;
- l. RRE Residential Rural Estate;
- m. RPC Residential Planned Community;
- n. RMHP Residential Manufactured/ Mobile Home Park.

(2) *Commercial land use districts.*

- a. C-RB Rural Business;
- b. C-CB Community Business;
- c. C-HB Highway Business;
- d. C-PCD Planned Comprehensive Development;
- e. C-OI Office, Institutional;
- ~~f. C-HI Highway Business Intensive~~
- ~~fg. C-IR Industrial Restricted;~~
- ~~g.h. Telecommunication Tower.~~

(3) *Mixed Use Village (MUV).*

(Ord. of 8-6-2020(3), § 1(Exh. A, § 201))

**Sec. 121-27. Land use districts explained.**

Land use districts are areas of land within the county, which have different standards for development and use. These standards and uses are prescribed in order to provide the citizens of Dawson County with economically sound and stable land development to protect established values; protect the citizens of Dawson County from fire and health dangers; plan for growth within the county consistent with the ability to provide adequate services to the present and future citizens of Dawson County.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 202))

**Secs. 121-28. Non-RA district requirements.**

Agricultural and Residential Rural Estate districts include uses of land primarily for active farming activities and will result in odors, noise, dust and other effects, which may not be compatible with adjacent single-family development. Future abutting developers in non-RA land use districts shall be provided with a "Notice of RA (or RE) Adjacency" at the time of application for a building or occupancy permit for property adjacent to an RA or RE District. Prior to administrative action on either the land use district or the issuance of a building or occupancy permit the applicant therefor shall be required to sign a waiver which will indicate 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/RE use, the applicant agrees by executing the 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/RE District constitute a nuisance) against local governments and adjoining landowners whose property is located in an RA or RE District. Any such notice or acknowledgment provided to or executed by a landowner adjoining a tract in an RA or RE District shall be a public record.

**Sec. 121-29. Uses Allowed in Each Land Use District.**

(1) Principal Uses.

- a. A principal use is the specific primary purpose for which a land or building is used.
- b. Principal uses that are allowed by right or allowed only by special use approval in each land use district are shown on Table 3.1 and Table 3.2.
- c. In Mixed Use Village district (MUV), uses are allowed through the MUV concept plan review and as listed in Article V.

(2) Accessory and Temporary Uses.

- a. An accessory use is a use of a property in conjunction with a principal use. An accessory use is incidental to the principal use and would not exist independent of the principal use.
- b. A temporary use is a use having a specific duration or the end of which is related to a specific action, usually lasting for only a few days or months at a time.

3) Special Uses.

Principal and accessory uses that are a Special Use may be granted subject to special use approval procedures as set forth in the Article X of this code.

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4) Prohibited Uses.

a. Any principal use not specifically permitted by the applicable land use district, whether by right or with approval as a Special Use, is specifically prohibited, as indicated in Table 3.1 and Table 3.2.

**121-30—121-57. Reserved.**

## **ARTICLE III. RESIDENTIAL LAND USE DISTRICTS**

### **Sec. 121-58. Purpose.**

The purpose of this article is to establish residential land use districts and to provide standards for development and use. Residential districts are established to prevent incompatible uses, which could reduce or destroy established values or environment within communities in Dawson County. This resolution provides guidelines for change or development and gives citizens an opportunity for input into the decision-making process before significant land use changes are made that affect the county.

(1) *General requirements.*

- a. Non dwelling structures shall not be connected to utilities and shall not be used as a dwelling in any zoning district. Non dwelling structures include but are not limited to: campers, travel trailers, recreational vehicles, motor homes, busses, and utility buildings.
- b. Only one principal residence per parcel of land is allowed.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 300))

### **Sec. 121-59. RT Residential Town.**

Residential town districts are areas where urbanized single family residential growth occurs near the city limits of Dawsonville. These areas are typified by small lot single-family construction with access to public water and sewer. ~~Uses that will devalue investment and undermine environmental quality are prohibited. Buffers should be provided from more intensive or commercial development.~~

(1) *Permitted Uses.*

- a. Principal uses that are allowed by right or by special use approval are listed on Table 3.1, ~~at the end of this article.~~
  - b. Restrictions that apply to particular uses allowed by right or special use approval are referenced on Table 3.1 and are contained in section 121-745 of this article.
  - c. Allowed accessory uses ~~include~~ are limited to private garages, swimming pools, home workshops, tennis courts, children's play houses, small gardens, non-commercial greenhouses, and home offices that meet the requirements of this section and article VI, Section 121-181.
1. Accessory structures must be constructed in conjunction with or after the principal building is constructed.  
~~Accessory uses must be located on a parcel that is currently occupied by a principal residential structure.~~
  2. ~~The use of an accessory building for a home occupation is prohibited.~~ The height of the accessory structure shall not exceed the height of the principal building.

3. Accessory structures shall be no larger than the footprint of the primary structure or one-half the gross square footage, whichever is greater, with the exception that when the lot size is three acres or greater, the size of the accessory structure shall not be regulated in size but shall meet all setback requirements.
4. Minimum setbacks for accessory structures:
  - Front yard - 40 feet;
  - Side yard - 5 feet; and
  - Rear yard - 10 feet.

(2) *Prohibited uses.*

- a. Any principal use not shown on Table 3.1 as allowed in a zoning district, whether by right or with approval as a special use, is specifically prohibited.
- b. ~~In addition, A~~ animals that individually or in numbers create a nuisance by noise, smell, unsanitary or visual effects are prohibited.
- c. Horses are prohibited.
- d. Kennels for the breeding of any animal for sale are prohibited.
- ~~Pet fowl or birds may be kept in cages in accord with the same provisions of this subsection.~~
- e. Swine are prohibited.
- f. The use of an accessory building for a home occupation is prohibited.
- g. Roosters are prohibited.

- (3) *Building requirements.* The minimum area, yard, principal building setback, and building requirements in the RT Land Use District are as set forth in Table 3.2 unless a variance is approved.

~~{Ord. of 8-6-2020(3), § 1(Exh. A, § 301)}~~

## Sec. 121-60. RL Residential Lakefront.

Residential lakefront districts are areas of single-family residential growth that continue to infill around Lake Lanier. These areas are typified by small lot single-family construction with access to public water and are found on, or very near, the lake shore. ~~Uses that will devalue investment and undermine environmental quality are prohibited.~~ Conservation subdivisions are welcomed permitted in this district. ~~However, buffers shall be provided from more intensive or commercial development.~~

(1) *Permitted uses.*

- a. Principal uses that are allowed by right or by special use approval are listed on Table 3.1. ~~at the end of this article.~~
- b. Restrictions that apply to particular uses allowed by right or by special use approval are referenced on Table 3.1 and are contained in section 121-75~~4~~ of this article.
- c. Allowed accessory uses ~~include~~ are limited to private garages, swimming pools, home workshops, tennis courts, children's playhouses, small gardens, non-commercial greenhouses, and home offices that meet the requirements of this section and article VI, section 121-181.
  1. Accessory structures must be constructed in conjunction with or after the principal building is constructed.
  2. The height of the accessory structure shall not exceed the height of the principal building. Accessory uses must be located on a parcel that is currently occupied by a principal residential structure.



~~23.~~ Accessory structures shall be no larger than the footprint of the primary structure or one-half the gross square footage, whichever is greater, with the exception that when the lot size is three acres or greater, the size of the accessory structure shall not be regulated in size but shall meet all setback requirements.

3. Minimum setbacks for accessory structures:  
Front yard - 100 feet on parkways, 60 feet on state highways, 40 feet on others;  
Side yard - 5 feet; and  
Rear yard - 10 feet.

d. ~~Pet fowl or birds may be kept in cages which shall meet all setback requirements.~~

(2) *Prohibited uses.*

a. Any principal use not shown on Table 3.1 as allowed in a zoning district, whether by right or with approval as a special use, is specifically prohibited.

b. ~~In addition, animals which individually or in numbers, create a nuisance by noise, smell, unsanitary or visual effects are prohibited.~~

c. ~~Horses on lots less than three acres; and are prohibited.~~

d. ~~Stables housing horses other than those owned by the resident are prohibited.~~

e. ~~Kennels for the breeding of any animal for sale are prohibited.~~

f. ~~Pet fowl or birds may be kept in cages under the same provisions. Roosters are prohibited.~~

g. ~~Swine are prohibited.~~

h. ~~The use of an accessory building for a home occupation is prohibited.~~

i. ~~Roosters are prohibited.~~

(3) *Building requirements.* The minimum area, yard, principal building setback, and building requirements in the RL Land Use District are as set forth on Table 3.2, unless a variance is approved.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 302))

## Sec. 121-61. RS Residential Suburban.

Residential suburban districts are areas where low density single-family residential growth occurs ~~in the southeastern portion of Dawson County of the Etowah River~~. These areas are typified by conventional subdivision development and suburban style, single-family, on-site construction that may not have access to public sewer. Uses that will devalue investment and undermine environmental quality are prohibited. Conservation subdivisions are ~~welcome~~permitted in this district. ~~However, buffers shall be provided from more intensive or commercial development.~~

(1) *Permitted uses.*

a. Principal uses that are allowed by right or by special use approval are listed on Table 3.1. ~~at the end of this article.~~

b. Restrictions that apply to particular uses allowed by right or special use approval are referenced on Table 3.1 and are contained in section 121-7~~5~~4 of this article.

c. Allowed accessory uses ~~are limited to include~~ private garages, swimming pools, home workshops, tennis courts, children's playhouses, small gardens, non-commercial greenhouses, and home offices that meet the requirements of this section and article VI, section 121-181.

1. Accessory structures must be constructed in conjunction with or after the principal building is constructed.

2. The height of the accessory structure shall not exceed the height of the principal building. Accessory uses must be located on a parcel that is currently occupied by a principal residential structure.

23. Accessory structures shall be no larger than the footprint of the primary structure or one-half the gross square footage, whichever is greater, with the exception that when the lot size is three acres or greater, the size of the accessory structure shall not be regulated in size but shall meet all setback requirements.

34. ~~The use of an accessory building for a home occupation is prohibited.~~ Pet fowl or birds may be kept in cages which shall meet all setback requirements.

45. Minimum setbacks for accessory structures:

Front yard - 40 feet;

Side yard - 5 feet; and

Rear yard - 10 feet.

(2) *Prohibited uses.*

a. Any principal use not shown on Table 3.1 as allowed in a zoning district, whether by right or with approval as a special use, is specifically prohibited.

b. In addition, animals that individually or in numbers, create a nuisance by noise, smell, unsanitary or visual effects are prohibited.

c. Horses are prohibited.

d. Kennels for the breeding of any animal for sale are prohibited.

e. ~~Pet fowl or birds may be kept in cages.~~ Roosters are prohibited.

e. Swine are prohibited.

f. The use of an accessory building for a home occupation is prohibited.

(3) *Building requirements.* The minimum area, yard, principal building setback, and building requirements in the RS Land Use District are as set forth on Table 3.2, unless a variance is approved.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 303))

## Sec. 121-62. RS-2 Residential Suburban.

RS-2 residential suburban districts are areas where low density single-family residential growth with access to public sewer occurs ~~in the southeastern portion south of the Etowah River of Dawson County.~~ These areas are typified by conventional subdivision development and suburban style, single-family, on-site construction. ~~Uses that will devalue investment and undermine environmental quality are prohibited.~~ Conservation subdivisions are welcome-permitted in this district. ~~However, buffers shall be provided from more intensive or commercial development.~~

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(1) *Permitted uses.*

- a. Principal uses that are allowed by right or by special use approval are listed on Table 3.1. ~~at the end of this article.~~
- b. Restrictions that apply to particular uses allowed by right or special use approval are referenced on Table 3.1 and are contained in section 121-745 of this article.
- c. Allowed accessory uses include private garages, swimming pools, home workshops, tennis courts, children's play houses, small gardens, non-commercial greenhouses, and home offices that meet the requirements of this section and article VI, section 121-181.
  1. Accessory structures must be constructed in conjunction with or after the principal building is constructed.
  2. The height of the accessory structure shall not exceed the height of the principal building. Accessory uses must be located on a parcel that is currently occupied by a principal residential structure.
  3. Accessory structures shall be no larger than the footprint of the primary structure or one-half the gross square footage, whichever is greater, with the exception that when the lot size is three acres or greater, the size of the accessory structure shall not be regulated in size but shall meet all setback requirements.
  4. ~~The use of an accessory building for a home occupation is prohibited.~~ Pet fowl or birds may be kept in cages that shall meet all setback requirements.
  5. Minimum setbacks for accessory structures:
    - Front yard - 40 feet;
    - Side yard - 5 feet; and
    - Rear yard - 10 feet.

(2) *Prohibited uses.*

- a. Any principal use not shown on Table 3.1 as allowed in a zoning district, whether by right or with approval as a special use, is specifically prohibited.
  - b. ~~In addition, a~~ Animals that individually or in numbers, create a nuisance by noise, smell, unsanitary or visual effects are prohibited.
  - c. Horses are prohibited.
  - d. Kennels for the breeding of any animal for sale are prohibited. ~~Pet fowl or birds may be kept in cages.~~
  - e. Swine are prohibited.
  - f. The use of an accessory building for a home occupation is prohibited.
- (3) *Building requirements.* The minimum area, yard, principal building setback, and building requirements in the RS-2 Land Use District are as set forth on Table 3.2, unless a variance is approved.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 304))

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## Sec. 121-63. RS-3 Residential Suburban.

RS-3 residential suburban districts are areas where moderate density single-family residential growth with access to public sewer occurs ~~in the southeastern portion south of the Etowah River of Dawson County.~~ These areas are typified by conventional subdivision development and suburban style, single-family, on-site construction. ~~Uses that will devalue investment and undermine environmental quality are prohibited.~~ Conservation subdivisions are welcome-permitted in this district. ~~However, buffers shall be provided from more intensive or commercial development.~~

(1) *Permitted uses.*

- a. Principal uses that are allowed by right or by special use approval are listed on Table 3.1 ~~at the end of this article.~~
- b. Restrictions that apply to particular uses allowed by right or special use approval are referenced on Table 3.1 and are contained in section 121-~~75~~4 of this article.
- c. Allowed accessory uses are limited to include private garages, swimming pools, home workshops, tennis courts, children's play houses, small gardens, non-commercial greenhouses, and home offices that meet the requirements of this section and article VI, section 121-181.
  1. Accessory structures must be constructed in conjunction with or after the principal building is constructed.
  2. The height of the accessory structure shall not exceed the height of the principal building. Accessory uses must be located on a parcel that is currently occupied by a principal residential structure.
  23. Accessory structures shall be no larger than the footprint of the primary structure or one-half the gross square footage, whichever is greater, ~~with the exception that when the lot size is three acres or greater, the size of the accessory structure shall not be regulated in size but shall meet all setback requirements.~~
  34. ~~The use of an accessory building for a home occupation is prohibited.~~
  45. Minimum setbacks for accessory structures:
    - Front yard - 40 feet;
    - Side yard - 5 feet; and
    - Rear yard - 10 feet.
- d. Pet fowl or birds may be kept in cages that shall meet all setback requirements.

(2) *Prohibited uses.*

- a. Any principal use not shown on Table 3.1 as allowed in a zoning district, whether by right or with approval as a special use, is specifically prohibited.
- b. ~~In addition, A~~ animals that individually or in numbers, create a nuisance by noise, smell, unsanitary or visual effects are prohibited.
- c. Horses are prohibited.
- d. Kennels for the breeding of any animal for sale are prohibited. ~~Pet fowl or birds may be kept in cages.~~
- e. Swine are prohibited.
- f. The use of an accessory building for a home occupation is prohibited.



g. Roosters are prohibited

- (3) *Building requirements.* The minimum area, yard, principal building setback, and building requirements in the RS-3 Land Use District are as set forth on Table 3.2, unless a variance is approved.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 305))

## Sec. 121-64. RSR Residential Sub-Rural.

Residential sub-rural districts are areas where substantial investment in permanent residences has been and will be made. ~~Uses that will devalue investment and undermine environmental quality are prohibited.~~ The size of lots should be large with a pleasing environment and should be located away from intensive or commercial development. Conservation subdivisions are welcome-permitted in this district; ~~however, buffers shall be provided from more intensive or commercial development. Manufactured, relocated, or temporary housing is not permitted.~~

(1) *Permitted uses.*

- a. Principal uses that are allowed by right or by special use approval are listed on Table 3.1. ~~at the end of this article.~~
- b. Restrictions that apply to particular uses allowed by right or special use approval are referenced on Table 3.1 and are contained in section 121-745 of this article.
- c. Allowed accessory uses include-are limited to private garages, swimming pools, home workshops, tennis courts, children's play houses, small gardens, non-commercial greenhouses, and home offices that meet the requirements of this section and article VI, section 121-181.
  1. Accessory structures must be constructed in conjunction with or after the principal building is constructed.
  2. The height of the accessory structure shall not exceed the height of the principal building. Accessory uses must be located on a parcel that is currently occupied by a principal residential structure.
  32. Accessory structures shall be no larger than the footprint of the primary structure or one-half the gross square footage, whichever is greater, with the exception that when the lot size is three acres or greater, the size of the accessory structure shall not be regulated in size but shall meet all setback requirements.
  34. ~~The use of an accessory building for a home occupation is prohibited.~~
  45. Minimum setbacks for accessory structures:  
Front yard - 100 feet on parkways, 60 feet on state highways, 40 feet on others;  
Side yard - 105 feet; and  
Rear yard - 10 feet.
- d. Pet fowl or birds may be kept in cages that shall meet all setback requirements.

(2) *Prohibited uses.*

- a. Any principal use not shown on Table 3.1 as allowed in a zoning district, whether by right or with approval as a special use, is specifically prohibited.
- b. Manufactured, relocated, or temporary housing is prohibited on lots less than five acres in size.

- c. ~~In addition, a~~ animals ~~which that~~ individually or in numbers, create a nuisance by noise, smell, unsanitary or visual effects are prohibited.
- d. Animals such as dogs and cats ~~are permitted~~ when their number in relation to area ~~does not~~ create a nuisance ~~to neighbors~~.
- e. Kennels for the breeding of any animal for sale are prohibited. ~~Pet fowl or birds may be kept in cages under the same provisions.~~
- f. No swine are permitted.
- g. Horses are prohibited on lots less than three acres.
- h. The use of an accessory building for a home occupation is prohibited.
- i. Roosters are prohibited.

(3) *Building requirements.* The minimum area, yard, principal building setback, and building requirements in the RSR Land Use District are as set forth on Table 3.2, unless a variance is approved.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 306))

### **Sec. 121-65. RSRMM Residential Sub-Rural Manufactured/Moved.**

Residential sub-rural manufactured/moved districts are ~~similar the same as to~~ RSR Districts except that manufactured housing and houses moved from other locations are ~~allowed. permitted.~~

- (1) *Permitted uses.*
  - a. Principal uses that are allowed by right or by special use approval are referenced on Table 3.1 ~~at the end of this article.~~
  - b. Restrictions that apply to particular uses allowed by right or special use approval are referenced on Table 3.1 and are contained in section 121-754 of this article.
  - c. Allowed accessory uses ~~include are limited to~~ private garages, swimming pools, home workshops, tennis courts, children's play houses, small gardens, non-commercial greenhouses, and home offices that meet the requirements of this section, and article VI, section 121-181.
    - 1. Accessory structures must be constructed in conjunction with or after the principal building is constructed.
    - 2. The height of the accessory structure shall not exceed the height of the principal building. Accessory uses must be located on a parcel that is currently occupied by a principal residential structure.
    - 23. Accessory structures shall be no larger than the footprint of the primary structure or one-half the gross square footage, whichever is greater, with the exception that when the lot size is three acres or greater, the size of the accessory structure shall not be regulated in size but shall meet all setback requirements.
    - 34. ~~The use of an accessory building for a home occupation is prohibited.~~
    - 45. Minimum setbacks for accessory structures:
      - Front yard - 40 feet;
      - Side yard - 105 feet; and
      - Rear yard - 10 feet.

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d. Pet fowl or birds may be kept in cages that shall meet all setback requirements.

(2) *Prohibited uses.*

a. Any principal use not shown on Table 3.1 as allowed in a zoning district, whether by right or with approval as a special use, is specifically prohibited.

b. The use of an accessory building for a home occupation is prohibited.

~~c. In addition, animals, which that individually or in numbers, create a nuisance by noise, smell, unsanitary or visual effects are prohibited.~~

~~d. Animals such as dogs and cats are allowed when their number in relation to area does not create a nuisance to neighbors are prohibited.~~

~~e. Kennels for the breeding of any animal for sale are prohibited. Pet fowl or birds may be kept in cages under the same provisions.~~

~~f. Swine are prohibited.~~

~~g. Horses are prohibited on lots less than three acres.~~

~~h. Roosters are prohibited.~~

(3) *Building requirements.* Unless a variance is approved, the minimum area, yard, principal building setback, and building requirements in the RSRMM District are ~~the same as in the RSR District. set forth in Table 3.~~

(4) *Manufactured home compatibility standards.* See Chapter 105, Building and Building Regulations. ~~Manufactured or mobile homes are allowed provided that only one such principal residence is permitted per lot and shall be subject to the following compatibility standards:~~

~~a. The home shall be attached to a permanent foundation; each home shall be provided with anchors and tie downs such as cast in place concrete dead men or other similar devices, which secure the stability of the home, approved by the building official.~~

~~b. There is no age restriction on a mobile home or moved in house, however, any mobile home or moved in house proposed for setup and placement within Dawson County may be subject to inspection at the discretion of the building official to determine sound condition and compliance with this resolution prior to permitting.~~

~~c. All towing devices, wheels, axles and hitches must be removed.~~

~~d. At each exit door there must be a landing that is a minimum of 48 inches by 48 inches.~~

~~e. The roof shall have a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass, or metals tiles, slate built up gravel materials, or other similar materials approved by the building official. All roofs shall have a minimum 4/12 pitch to approximate the traditional architecture within the county to protect the public health, safety and welfare.~~

~~f. The exterior siding materials shall consist of wood, masonry, concrete, stucco, Masonite, metal or vinyl lap or other materials of like appearance.~~

~~g. Each home shall be completely skirted with an appropriate barrier, properly ventilated, to enclose the area between the bottom of the structure and the ground. Such skirting shall not be required for that home with a complete masonry or concrete perimeter foundation.~~

~~h. Each home shall be established in accordance with the installation instructions from the manufacturer, as appropriate.~~

- i. ~~All utility connections, including but not limited to water, sanitary sewer/septic tank, electricity and gas shall be made as required by all building codes of the county.~~
- j. ~~Said home shall compare aesthetically to site-built and other housing in the immediate general area within the same zoning or residential district or area.~~

(Ord. of 8-6-2020(3), § 1(Exh. A, § 307))

## Sec. 121-66. RMF Residential Multi-Family.

Residential multi-family districts are intended to provide suitable land for a variety of dwelling types at ~~medium to high~~ densities (up to six units per acre) in areas served by public water and public sewer facilities. Mobile Home Parks are not included in this district.

(1) *Permitted uses.*

- a. Principal uses that are allowed by right or by special use approval are listed on Table 3.1 ~~at the end of this article.~~
- b. Restrictions that apply to particular uses allowed by right or special use approval are referenced on Table 3.1 and are contained in section 121-754 of this article.
- c. Allowed accessory uses ~~include are limited to~~ mailbox ~~banks~~ kiosks, private laundry facilities, waste receptacle loading areas, and ~~home occupations if requirements in article VI, section 121-181 are met~~ private amenities.
  - 1. Accessory uses must be located within the interior of the proposed development.
  - 2. ~~The use of an accessory building for a home occupation is prohibited.~~

(2) *Prohibited uses.*

- a. Any principal use not shown on Table 3.1 as allowed in a zoning district, whether by right or with approval as a special use, is specifically prohibited.
- b. ~~In addition, Animals, which that~~ individually or in numbers, create a nuisance by noise, smell, unsanitary or visual effects are prohibited.
- c. ~~Dogs and cats are allowed when their number in relation to area does not create a nuisance to neighbors. Horses are prohibited. are prohibited~~
- d. Vinyl exterior wall cladding of any kind is prohibited
- e. The use of an accessory building for a home occupation is prohibited.
- f. Horses are prohibited.

(3) *Development regulations.* All apartment, duplex, triplex, quadplex, ~~semi-detached residences~~ and townhouse developments shall conform to the following regulations:

- a. Site plan approval required. All multi-family developments including apartments, duplexes, triplex, quadplex, ~~semi-detached residences~~ and townhouses require conceptual site plan approval by the planning commission in accordance with all procedures and requirements established by the county.
- b. All conceptual site plans ~~required by this section~~ submitted for a land use amendment shall, at a minimum, contain the following information:



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1. Title of the proposed development ~~and the name, address and telephone number of the property owner.~~
  2. The name, address and telephone number of the architect, engineer or other designer of the proposed development.
  3. Scale, date, north arrow, and general location map showing relationship of the site to streets or natural landmarks.
  4. Boundaries of the subject property, all existing and proposed, streets, including right-of-way and street pavement widths; buildings; water courses; parking and loading areas; flood plain; storm water detention; open space, recreation areas; and other physical characteristics of the property and proposed development.
  5. Building setbacks, buffers, landscape strips, and common areas. ~~as well as topographic contours at two foot intervals.~~
  6. All accessory structures ~~and~~ locations delineated shown.
- c. No multi-family development may be approved or constructed shall take place in whole or part without being served by both public water and public sewer facilities.
  - d. Regulations. All condominium developments shall meet all applicable state laws, including the Georgia Condominium Act, as amended.
  - e. ~~By laws. Proposed condominium bylaws shall be submitted with the application for site approval. Format and content of the by laws and declarations are subject to approval of the county attorney and planning commission.~~
  - f. Driveways and interior roads.
    1. An interior road(s) serving any multi-family development shall be paved and have a minimum width of 24 feet, including curb and gutter. Parking on interior roads is to be regulated by section 121-169, off-street parking and loading spaces required.
    2. ~~Access from a street to an individual townhouse or residential unit shall be restricted to a single driveway of no more than ten feet in width a minimum of 2 feet in length from the structure to the curb or sidewalk. Two such units may combine and share their driveways along a common property line if the width of the common drive does not exceed ten feet for each unit. Side by side parking spaces between a street and a townhouse, duplex, triplex, quadplex or semi detached residence is not allowed.~~
    3. All interior roads shall have sidewalks installed on both sides of the street.
    4. Sidewalks and pedestrian ways shall connect to public streets, amenity areas, and adjoining developments, as applicable.
  - g. Fire protection.
    1. All multi-family developments shall be designed and constructed provide adequate fire protection in the form of placement of water lines, fire hydrants, sprinkler systems, and fire walls as required by local and state fire codes ~~required for these types of structures~~.
    2. ~~If a residential structure is located less than 15 feet from any property line, then local fire codes impose certain requirements.~~
  - h. Buffer, landscaping, and open space requirements.

1. ~~All multi-family developments shall conform to the following regulations. The following regulations are designed to promote the health, safety, order, aesthetics and general welfare by protecting against incompatible uses of land, controlling problems of flooding, soil erosion and air pollution, providing for a more attractive environment, assuring adequate open space, and reducing noise, night lighting, glare, odor, objectionable view, loss of privacy and other adverse impacts and nuisances through the use of buffers, landscaping and open space.~~
  - 2.1. Each development shall have a minimum of 2530 percent of the development's total land area as ~~landscaped~~ open space.
  2. A buffer of at least ~~ten-twenty~~ feet in width shall be provided and maintained around the entire exterior perimeter of all apartment, condominium, duplex, triplex, quadplex, and townhouse developments. Utilization of existing trees and vegetation is appropriate for inclusion within the buffer, or when not found ~~appropriate to screen the development, the~~ buffer shall be supplemented with ~~approved~~ additional Georgia native landscaping and plantings.
- i. Service buildings. Subordinate accessory structures are permitted for maintenance, storage and other incidental uses supportive to the primary use of the property. Community service facilities and accessory structures are subject to site plan approval, ~~for the convenience of the residents of the property~~. Such structures may include, but are not limited to, ~~the following uses~~: facility management offices, community laundry facilities, mail kiosk covers, and indoor community recreation areas.
- (4) *Townhouse development regulations.*
- a. Lots. Each townhouse shall be located on its own lot of record. A minimum of 2,400 square feet in size.
  - b. ~~Minimum lot size. A minimum lot size for a total townhouse development is three acres.~~ Minimum Lot width. The minimum lot width for a townhouse shall be 30 feet.
  - c. Frontage. The minimum frontage of the site for each townhouse development project on a public street shall be at least 6100 feet.
  - d. Setbacks for Principal and Accessory structures.
    1. ~~Townhouse lots shall conform to setbacks of a~~ A minimum of 2,025 feet from the front ~~and shall have front setbacks and rooflines varied/staggered by a minimum of two feet.~~
    2. ~~Between buildings, there shall be a side yard of~~ not less than 20 feet.
    3. ~~A minimum of 50 feet~~ exterior setback from any adjoining parcel boundary is required.
    4. ~~The rear setbacks, for lots that are not located on the exterior property boundary of the plat,~~ shall be a minimum of 20 feet except where a rear entry garage, carport, or other parking area accessible from an alley is provided; then the setback shall be 20 feet measured from the alley pavement.
  - e. Building height. No townhouse building or structure shall exceed the height of 35 feet ~~unless adequate fireproofing construction materials are used, an adequate sprinkler system is provided, and a fire escape system approved by the county fire marshal is installed.~~
  - f. Maximum units per building. No more than six townhouses shall be permitted to form any one single building. Any building containing more than three units with common walls must have the roof of each attached unit distinct from the other through separation or offsets in roof design.

- g. Minimum heated floor area. All units shall have a minimum heated floor area of 81,200 square feet.
  - h. Maximum density. Townhouse developments shall not exceed a density of six units per acre. ~~This maximum is to be density neutral and construction on site may be creatively arranged such that the total average gross density is no more than six units per acre.~~
  - i. Driveway length. All units shall have a driveway that is a minimum of 25 feet from the face of the unit to the back of sidewalk.
  - j. Foundation walls. Exposed foundation walls must be faced in brick, stone, or manufactured stone to the level of the first finished floor when there is a basement or at least 18 inches above grade for the entire perimeter wall when the building has a slab on grade.
  - K. Allowed accessory uses include are limited to swimming pools, home workshops, children's play houses, storage buildings.
    - 1. Accessory structures must be constructed in conjunction with or after the principal building is constructed.
    - 2. The use of an accessory building for a home occupation is prohibited.
    - 3. The height of the accessory structure shall not exceed the height of the principal building
    - 4. Accessory structures shall not exceed 500 square feet in size.
  - L. To allow for a diversity of housing product within a neighborhood, up to 15% of the total units may be constructed as traditional single- family units detached residential homes.
- (5) *Residential duplex, triplex, ~~and or~~ quadplex development regulations.*
- a. Minimum lot size. Each development shall have a minimum lot size of ten acres.
  - b. Frontage. The minimum lot frontage on a public street for each duplex, triplex or quadplex development project shall be at least 60 feet.
  - c. Setbacks. All developments shall have side setbacks minimum of 20 feet and a minimum rear setback of 50 feet.
  - d. Building height. No duplex, triplex and quadplex building or structure shall exceed the height of 35 feet. ~~unless adequate fireproofing construction materials are used, an adequate sprinkler system is provided, and a fire escape system approved by the county fire marshal is installed.~~
  - e. Maximum units per building. No more than four units shall be permitted to form any one single building.
  - f. Minimum heated floor area. All units shall have a minimum heated floor area of 81,200 square feet.
  - g. Maximum density. All developments shall not exceed a density of six units per acre. ~~This maximum is to be density neutral, and construction on site may be creatively arranged such that the total average gross density is no more than six units per acre.~~
- (6) *Apartment regulations.*
- a. Minimum lot size. Each ~~lot for~~ apartment development shall have a minimum lot area-size of ten acres.

- b. ~~Width and Access~~ frontage. The minimum frontage for each development on a public street shall be at least ~~6~~100 feet.
- c. Structure separation. Apartment buildings shall be constructed with a separation of at least 20 feet.
- d. Setbacks. All apartment developments shall have minimum side setbacks ~~minimum~~ of 2050 feet and a minimum rear setback of 50 feet.
- e. Building height. No apartment building or structure shall exceed the height of ~~35~~four stories or 50- feet whichever is the lesser, ~~unless adequate fireproofing construction materials are used, an adequate sprinkler system is provided, and a fire escape system approved by the county fire marshal is installed.~~
- f. Minimum heated floor area. All units shall have minimum heated floor area of ~~81~~200 square feet.
- g. ~~Maximum units per building. No more than 12 units shall be permitted to form any one single building.~~ Building Facades. Apartment buildings shall use a mix of materials including brick, stone, cementitious siding, stucco/EIFS. Use of materials should vary and not exceed 50 percent of any one type per building side.
- h. Maximum density. All apartment developments shall not exceed a density of six units per acres. ~~This maximum is to be density neutral and construction on site may be creatively arranged such that the total average gross density is no more than 6 units per acre.~~
- i. Exterior Lighting. Full cutoff fixtures shall be required for all exterior lighting with the exception of architectural lighting that adheres to the following:
  1. Uplighting shall be shielded by a roof overhang or similar structural shield.
  2. Luminaires shall be aimed to shield the lamp and its reflective surfaces from off-site view and to prevent light output beyond the building.
  3. A licensed architect or engineer shall stamp a prepared lighting plan that ensures that all exterior lighting adheres to design standards.

~~(7) — Semi-detached residential development regulations.~~

- a. ~~Minimum lot size. Each development shall have a minimum lot size of ten acres.~~
- b. ~~Frontage. The minimum lot frontage on a public street for each semi-detached residential development project shall be at least 60 feet.~~
- c. ~~Setbacks. All developments shall have side setbacks minimum of 20 feet and a minimum rear setback of 50 feet.~~
- d. ~~Building height. No semi-detached residential building or structure shall exceed the height of 35 feet, unless adequate fireproofing construction materials are used, an adequate sprinkler system is provided, and a fire escape system approved by the county fire marshal is installed.~~
- e. ~~Maximum units per building. No more than four units shall be permitted to form any one total building.~~
- f. ~~Minimum heated floor area. All units shall have a minimum heated floor area of 800 square feet.~~
- g. ~~Maximum density. All developments shall not exceed a density of six units per acre. This maximum is to be density neutral, and construction on site may be creatively arranged such that the total average gross density is no more than six units per acre.~~



## Sec. 121-67. VCR Vacation Cottage Restricted.

The VCR District has been deleted. No applications to rezone property to this district will be heard by the planning commission or the board of commissioners from the adopted date of this resolution, however other public hearing applications and development permits within those districts shall be accepted. All land areas currently zoned VCR District shall abide by the following regulations:

- (1) *Permitted uses.*
  - a. Principal uses that are allowed by right or by special use approval are listed on Table 3.1 at the end of this article.
  - b. Restrictions that apply to particular uses allowed by right or special use approval are referenced on Table 3.1 and are contained in section 121-754 of this article.
  - c. Allowed accessory ~~uses-structures include-are limited to~~ private garages, swimming pools, home workshops, tennis courts, children's play houses, small gardens, non-commercial greenhouses, and home offices that meet the requirements of this section and article VI, section 121-181.
  - d. Pet fowl or birds may be kept in cages that shall meet all setbacks.
    1. Accessory structures must be constructed in conjunction with or after the principal building is constructed.
    2. The height of the accessory structure shall not exceed the height of the principal building. Accessory uses must be located on a parcel that is currently occupied by a principal residential structure.
    - ~~2~~3. Accessory structures shall be no larger than the footprint of the primary structure or one-half the ~~gross-square~~gross square footage, whichever is greater, ~~with the exception that when the lot size is three acres or greater, the size of the accessory structure shall not be regulated in size but shall meet all setback requirements.~~
    - ~~4~~3. The use of an accessory building for a home occupation is prohibited.
- (2) *Prohibited uses.*
  - a. Any principal use not shown on Table 3.1 as allowed in a zoning district, whether by right or with approval as a special use, is specifically prohibited.
  - b. ~~In addition, A~~ animals which individually or in numbers, create a nuisance by noise, smell, unsanitary or visual effects are prohibited.
  - c. Animals such as dogs and cats are allowed when their number in relation to area ~~does not~~ creates a nuisance ~~to neighbors. Are prohibited.~~
  - d. Kennels for the breeding of any animal for sale are prohibited. Pet fowl or birds may be kept in cages under the same provisions.
  - e. Swine are prohibited.
  - f. Horses are prohibited on lots less than three acres.
  - g. The use of an accessory building for a home occupation is prohibited.
  - h. Roosters are prohibited.

(3) *Building requirements.* Unless a variance is approved the minimum requirements for the VCR Land Use District are:

- a. Minimum square footage for all residential structures in this district is 1,0200 square feet (heated).
- b. Minimum lot size in the VCR district is: 25,700 square feet if served by a septic tank and private, individual well; 20,000 square feet if served by an approved public water system; 16,000 square feet if served by an approved public water system and an approved public sewerage system. ~~(NOTE: The Dawson County Health Department may require larger lot sizes; lot sizes may also be affected by natural resource constraints, slope requirements, performance standards, and additional requirements found in the Dawson County Land ~~Development~~Use Resolution.)~~
- c. Minimum setbacks for principal structures.:  
Front yard - 100 feet on parkways, 60 feet on state highways, 40 feet on others;  
Side yard - 10 feet;  
Rear yard - 20 feet.  
~~Except that~~ Notwithstanding the foregoing setback requirements, no setbacks are required from ~~the~~ U.S. Army Corps of Engineers line on Lake Lanier unless a road is involved. Front yard setback applies to all frontages on ~~publicly maintained~~ streets with the exception of rear alleys.
- d. Minimum setbacks for accessory structures:  
Front yard - 100 feet on parkways, 60 feet on state highways, 40 feet on others;  
Side yard - 5 feet for structures up to 200 square feet in size; and  
Side yard – 10 feet for those 201 square feet or larger;  
Rear yard - 10 feet.
- e. Maximum building height is 35 feet.
- f. If a principal residential structure is located less than 15 feet from any property line, then ~~local~~ fire and building codes impose certain requirements.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 309))

### **Sec. 121-68. VC Vacation Cottage.**

The VC District has been deleted from this chapter. No applications to rezone property to this district will be heard by the planning commission or the board of commissioners from the adopted date of this resolution, however other public hearing applications and development permits within those districts shall be accepted. All land areas currently zoned VC District shall abide by the following regulations:

(1) *Permitted uses.*

- a. Principal uses that are allowed by right or by special use approval are listed on Table 3.1. ~~at the end of this article.~~
- b. Restrictions that apply to particular uses allowed by right or special use approval are referenced on Table 3.1 and are contained in section 121-754 of this article.
- c. Allowed accessory uses ~~include~~ are limited to private garages, swimming pools, home workshops, tennis courts, children's play houses, small gardens, non-commercial greenhouses, and home offices that meet the requirements of this section and article VI, section 121-181.

1. ~~Accessory structures must be constructed in conjunction with or after the principal building is constructed. Accessory uses must be located on a parcel that is currently occupied by a principal residential structure.~~
2. Accessory structures shall be no larger than the footprint of the primary structure or one-half the gross square footage, whichever is greater, with the exception that when the lot size is three acres or greater, the size of the accessory structure shall not be regulated in size but shall meet all setback requirements.
3. ~~The use of an accessory building for a home occupation is prohibited. The height of the accessory structure shall not exceed the height of the principal building.~~

d. ~~Pet fowl or birds may be kept in cages that shall meet all setback requirements.~~

(2) *Prohibited uses.*

- a. Any principal use not shown on Table 3.1 as allowed in a zoning district, whether by right or with approval as a special use, is specifically prohibited.
- b. ~~In addition, a~~ Animals, which individually or in numbers, create a nuisance by noise, smell, unsanitary or visual effects are prohibited.
- c. ~~Animals such as dogs and cats are allowed when their number in relation to area does not create~~ a nuisance ~~to neighbors.~~
- d. ~~Kennels for the breeding of any animal for sale are prohibited.~~
- e. ~~Pet fowl or birds may be kept in cages under the same provisions.~~
- f. ~~Swine are prohibited. Horses are prohibited on lots less than three acres.~~
- g. Horses are prohibited on lots less than three acres.
- h. ~~The use of an accessory building for a home occupation is prohibited.~~
- i. ~~Roosters are prohibited.~~

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

(3) *Building requirements.* Unless a variance is approved the minimum requirements for the VC Land Use District are:

- a. Mobile/manufactured homes must comply with compatibility standards of ~~section 121-65. Chapter 105-72.~~
- b. Minimum lot size. 25,700 square feet if served by a septic tank and private, individual well; 20,000 square feet if served by an approved public water system; 16,000 square feet if served by an approved public water system and an approved public sewerage system. ~~(NOTE: The Dawson County Health Department may require larger lot sizes; lot sizes may also be affected by constrained lands, slope requirements, performance standards, and additional requirements found in the Dawson County Land Development Use Resolution.)~~
- c. Minimum setbacks ~~for principal structures.~~
  - Front yard - 100 feet on parkways, 60 feet on state highways, 40 feet on others;
  - Side yard - 10 feet;
  - Rear yard - 20 feet.

~~Except that Notwithstanding the foregoing setback requirements,~~ no setbacks are required from U.S. Army Corps of Engineers line on Lake Lanier unless a road is involved. Front yard setback applies to all frontages on ~~publicly maintained~~ streets with the exception of rear alleys.
- d. ~~Minimum setbacks for accessory structures:~~
  - Front yard - 100 feet on parkways, 60 feet on state highways, 40 feet on others;

Side yard - 5 feet; and

Rear yard - 10 feet.

- e. Maximum building height is 35 feet.
- f. If a principal residential structure be located less than 15 feet from any property line, then ~~local~~ fire and building codes impose certain requirements.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 311))

## Sec. 121-69. R-A Residential Agricultural/Residential Exurban.

Residential agricultural/residential exurban districts are areas that are either primarily agricultural in land use with residential or other use incidental to the agricultural use, or areas that are not under intensive development pressures and are in relatively large parcels. Agricultural uses range from horticulture, animal husbandry, poultry, and forestry, including intensively managed tree farms to non-managed woodlands. The conservation of prime agricultural and forestry land use from intensive development into other uses is a primary objective of this classification and is encouraged. Some prime agricultural land is geographically located on land with constraints on ~~intensive~~ residential or commercial development, such as steep forested slopes or river valley flood plains; therefore, careful consideration should be given to land use changes in those areas.

(1) *Permitted principal uses.*

- a. Principal uses that are allowed by right or by special use approval are listed on Table 3.1. ~~at the end of this article.~~
- b. Restrictions that apply to particular uses allowed by right or special use approval are referenced on Table 3.1 and are contained in section 121-75~~4~~ of this article.

(2) *Allowed accessory uses.*

- a. Customary and essential accessory farm buildings and uses are allowed and include barns and other livestock structures, storage sheds, used for the day-to-day operation of such activities, for the storage or preservation of said crops, products and foodstuffs raised or grown on said parcel, and roadside stands for the sale of products grown on that property only and that comply with the requirements of this section.
- b. Accessory structures shall be no larger than the footprint of the ~~primary principal~~ structure or one-half the gross square footage, whichever is greater, with the exception that when the lot size is three acres or greater, the size of the accessory structure shall not be regulated in size, but shall meet all setback requirements.
- c. One guest quarters or caretaker/employee residence is allowed per ~~tract of land parcel~~ in accordance with ~~section 121-71(2)f.~~ the following:
  - 1. The guest quarter/caretaker residence must be located on the same parcel as the principal residence.
  - 2. The guest quarter/caretaker residence must be constructed in conjunction with or after the principal residential building is constructed.
  - 3. The height of the guest quarter/caretaker residence shall not exceed the height of the principal residential building.
  - 4. At least one of the residences must be owner occupied full-time.
  - 5. Access to the guest quarter /caretake residence shall be from the same driveway as the principal residence.



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- d. Home occupations are allowed if requirements in article VI, section 121-181 are met.
  - e. Direct marketing of produce is allowed in a farm market, on-farm market or one roadside stand no greater than 500 square feet of building area, unless a variance is approved.
  - f. Storage, retail or wholesale marketing, or processing of agricultural products into a value-added agricultural product is a permitted use in a farming operation if more than 50 percent of the stored, processed or merchandised products are produced on-site by the farm operator. ~~Meat processing and food franchises or franchise products are prohibited.~~
  - g. Agricultural farm operations may include any or all of the following agriculturally related uses and some non-agriculturally related uses so long as the general character of the farm is maintained.
    1. Value-added agricultural activities such as education tours, wedding venues and similar special event facilities with a minimum of 15 acres, and/or processing facilities, etc. Wedding venues and similar special event facilities may sell and serve alcohol provided an appropriate alcohol license is held by the property owner or the alcohol is served in accordance with the state and local catering requirements and a valid caterer's license.
    2. Bakeries selling baked goods containing produce grown on site.
    3. Playground areas or equipment, not including motorized vehicles or rides.
    4. Petting farms, animal display and pony rides.
    5. Wagon, sleigh and hay rides.
    6. Nature trails.
    7. Open air or covered picnic areas with restrooms.
    8. Educational classes, lectures, seminars.
    9. Historical agricultural exhibits.
    10. Kitchen facilities and/or tasting rooms for processing/cooking or serving of items for sale containing produce and crops grown on site.
    11. Gift shops for the sale of agricultural products and non-agricultural products such as antiques or crafts, limited to 1,000 square feet building area.
    12. Construction and renovation of structures to be utilized for assembly are subject to commercial building codes and Life Safety code requirements.
  - h. If any agricultural farm includes the listed uses in section 121-69(2)d. then adequate parking facilities must be provided in the form of the following:
    1. A minimum of 20 parking spaces must be provided.
    2. Parking facilities may be located on a grass or gravel area. All parking areas shall be defined by either gravel, cut lawn, sand or other visible marking.
    3. All parking areas shall be located a minimum of 25-feet from any exterior property line, and the drives designed in such a manner to avoid traffic hazards associated with entering and exiting the public roadway.
    4. Paved parking areas must meet all design, landscaping and screening and setback requirements set forth by Dawson County codes and regulations. A land disturbance permit is required.

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5. All lighting, and parking and otherwise shall meet the commercial lighting requirements of the Land Use Ordinance. not exceed 1.0 footcandles in intensity along the property lines of any adjoining property when measured 36 to 48 inches above grade.
- (3) *Allowed temporary uses.* The following temporary uses are allowed:
- a. Seasonal U-pick fruits and vegetable operations.
  - b. Seasonal Outdoor mazes of agricultural origin such as straw bales or corn, small-scale outdoor entertainment such as a car show, art fair or music concert, fun houses or haunted houses, non-profit fund-raising events~~benefits~~, and festivals with a special use event business permit.
- (4) *Prohibited uses.*
- a. Any principal use not shown on Table 3.1 as allowed in a zoning district, whether by right or with approval as a special use, is specifically prohibited.
  - b. In addition, meat processing or manufacturing operations related to allowed agricultural uses are prohibited.
  - c. Horses are also prohibited on lots less than three acres.
  - d. Meat processing and food franchises or franchise products are prohibited.
- (5) *Building requirements.* The minimum area, yard, and building requirements in the R-A Residential Agricultural District are as set forth in Table 3.2.
- (6) ~~*Special district requirements.* Agricultural districts include uses of land primarily for active farming activities and will result in odors, noise, dust and other effects, which may not be compatible with adjacent single family development. Future abutting developers in non RA land use districts shall be provided with a "Notice of RA Adjacency" at the time of application for a building or occupancy permit for property adjacent to an RA District. Prior to administrative action on either the land use district or the issuance of a building or occupancy permit the applicant therefore shall be required to sign a waiver on a form prepared by the planning and development director which will indicate 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 the 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. Any such notice or acknowledgment provided to or executed by a landowner adjoining a tract in an RA District shall be a public record.~~

(Ord. of 8-6-2020(3), § 1(Exh. A, § 312))

### **Sec. 121-70. RAC Residential Agriculture Corrective.**

Residential agriculture corrective district is designed as a corrective district for parcels consisting of at least one and one-half acres, but less than five acres that were ~~previously~~ subdivided from larger R-A zoned parcels, without the benefit of an approved plat, in order to allow the building of a single-family residence thereon and other compatible uses as defined herein.

- (1) *Eligibility requirements.*
- a. Parcels to be zoned to the Residential Agriculture Corrective District shall be a minimum of one and one-half acres and less than five acres.

- b. Parcels must have been zoned to the R-A District as of the date of the adoption of the Residential Agriculture Corrective District before being rezoned to the Residential Agriculture Corrective District.
  - c. To be eligible for the Residential Agriculture Corrective District, parcels must have been in existence as of the date of the adoption of the Residential Agriculture Corrective District and cannot be new parcels created after August 6, 2020. the adoption of the Residential Agriculture Corrective District.
- (2) *Permitted principal uses.*
- a. Principal uses that are allowed by right or by special use approval are listed on Table 3.1. at the end of this article.
  - b. Restrictions that apply to particular uses allowed by right or special use approval are referenced on Table 3.1 and are contained in section ~~1421-754~~ of this article.
- (3) *Allowed accessory uses.*
- a. When compatible with residential uses in a limited area, agriculture, floriculture, horticulture, silviculture, cultivation of field or garden crops, raising and caring for livestock, or similar uses.
  - b. Customary and essential accessory farm buildings to include barns and other livestock structures, storage sheds, and roadside stands not greater than 100 square feet for the sale of products grown on that property only.
  - c. Accessory structures shall be no larger than the footprint of the primary structure or one-half the gross square footage, whichever is greater.
  - d. Home occupations are allowed if requirements in article VI, section 121-181 are met. In addition, the use of an accessory building for a home occupation is prohibited.
- (4) *Prohibited uses.*
- a. Any principal use not shown on Table 3.1 as allowed in a zoning district, whether by right or with approval as a special use, is specifically prohibited.
  - b. All uses other than for single-family residential purposes or such uses that are compatible and approved accessory uses are expressly prohibited.
  - c. The use of an accessory building for a home occupation is prohibited on properties less than two acres in size..
- (5) *Building requirements.* The building requirements in the Residential Agriculture Corrective District are as set forth in Table 3.2.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 313))

## Sec. 121-71. RRE Residential Rural Estate.

Residential estate districts are areas that are either primarily single-family residential with other agricultural, pastoral or recreational uses incidental to the principal residential use, or areas that are not under intensive development pressures. and are in relatively large parcels. Typical rural residential estate district uses range from horticulture, Agri-tourism, livestock and animal husbandry, and to non- managed woodlands. The conservation of prime agricultural and forestry land use from the need to extend urbanized infrastructure (public water and sewer service) is a primary objective of this classification and is encouraged to maintain the rural character. Some prime agricultural land is geographically located on land with constraints on intensive residential or commercial development, such as steep forested slopes or river valley flood plains; therefore, careful consideration thorough impact analysis should be given reviewed prior to land use changes in those areas.

- (1) *Permitted principal uses.*
- a. Principal uses that are allowed by right or by special use approval are listed on Table 3.1. at the end of this article.

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- b. Restrictions that apply to particular uses allowed by right or special use approval are referenced on Table 3.1 and are contained in section 121-754 of this article.
- (2) *Allowed accessory uses.*
- a. ~~When compatible with residential uses in a limited area,~~ agriculture, floriculture, horticulture, silviculture, cultivation of field ~~or~~ garden crops or similar small scale related uses are allowed.
- b. Customary and essential accessory farm buildings and uses include barns and other livestock structures, storage sheds, ~~and roadside stands not greater than 100 square feet for the sale of products grown on that property only.~~
- c. Accessory structures shall be no larger than the footprint of the primary structure or one-half the gross square footage, whichever is greater, with the exception that when the lot size is three acres or greater, then the size of the accessory structure shall not be regulated in size, but shall meet all setback requirements.
- d. One guest quarters or caretaker/employee residence is allowed per ~~tract parcel~~ of land in accordance with ~~section 121-71(2)f.-:~~ the following:
1. The guest quarter/caretaker residence must be located on the same parcel as the principal residence.
  2. The guest quarter/caretaker residence must be constructed in conjunction with or after the primary residential building is constructed.
  3. The height of the guest quarter/caretaker residence shall not exceed the height of the residential building.
  4. At least one of the residences must be owner occupied full-time.
  5. Access to the guest quarters/caretaker residence shall be from the same driveway as the primary residence.
- e. Home occupations are allowed if requirements in article VI, section 121-181 are met. ~~In addition, the use of an accessory building for a home occupation is prohibited.~~
- f. ~~Only one caretaker or guest house is permitted on a parcel or lot and must be located on the same parcel as the principal residence provided:~~
1. ~~At least one of the residences must be owner occupied full time.~~
  2. ~~Access to the guest quarters shall be from the same driveway as the primary residence.~~
  3. ~~Primary residence must be existing or under construction prior to allowance of a caretaker or guest residence.~~
- g. A temporary roadside stand/table not greater than 100 square feet for the seasonal sale of products grown on the property.
- (3) *Prohibited uses.* Any principal use not shown on Table 3.1 as allowed in a zoning district, whether by right or with approval as a special use, is specifically prohibited. The use of an accessory building for a home occupation is prohibited on properties less than 2 acres in size.
- (4) *Building requirements.* The building requirements in the RRE, Residential Rural Estate District are as set forth in Table 3.2, unless a variance is granted.
- ~~(5) *Special district requirements.* Residential rural estate districts include uses of land primarily for residential and minor farming activities and will result in odors, noise, dust and other effects, which may not be compatible with adjacent single family development. Nevertheless, understanding the effects of the adjacent RRE use, the applicant agrees by executing the 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 RRE District constitute a nuisance) against local governments and adjoining landowners whose property is located in an RRE District. Any such notice or acknowledgment provided to or executed by a landowner adjoining a tract in an RRE District shall be a public record.~~

(Ord. of 8-6-2020(3), § 1(Exh. A, § 314))

## Sec. 121-72. RPC Residential Planned Community.

The Residential Planned Community District is a parcel of land developed with a variety of land uses which may vary from strict application of minimum standards in other land use classifications with the purpose of encouraging the development of large tracts of land as planned communities; encourage flexible and creative concepts in site planning; preserve the natural environment by encouraging scenic and functional open areas within residential areas; and provide for an efficient use of land resulting in increased efficiency in providing services, thus lowering development costs due to the smaller networks for streets and shorter utility lines. The Residential Planned Comprehensive Development is a flexible alternative which advocates the grouping or clustering of lots and buildings on a smaller portion of the tract, where the developer can maintain the same residential density but offer smaller lots, with remaining land dedicated or reserved for open space, agriculture, woodlands or passive recreation.

- (1) *Applicability.* RPC is permitted only if a single developer or development group is planning and constructing the entire unit, including all amenities, and shall not be available to any development if any lots or parcels are sold to others before construction of amenities and buildings (excepting single family residences). Amenities ~~may shall~~ be shown as part of a specific phase(s) of the master plan and must be constructed accordingly.
- (2) ~~In the event of the failure of the developer to complete any portion of the approved plan, then all requirements of subdivision regulations shall be complete before sale of any lots or issuance of building or occupancy permits.~~
- (3) The minimum acreage permitted for RPC is ~~100-60~~ contiguous acres.
  - a. The amount of permanent open space or natural space required shall be no less than 40 percent of the development.
  - b. An active amenity area consisting of at least a pool, clubhouse, and two tennis courts is required.
  - c. The overall net density shall be no more than ~~one-1.5~~ units per acre.
  - d. ~~A minimum lot size of 5,000 square feet.~~
  - e. In some cases, the health department may require a lower density for septic tank requirements based on soils and slope.
- (4) An application for zoning and any development permits shall be preceded in each case by informal meeting with the planning staff prior to submission and shall be consistent with the format required for subdivision approval with the following additions:
  - a. A proposed master plan showing at minimum:
    1. Total property area depicted on a survey to be included in the development with a legal description of the subject property by metes and bounds;
    2. Proposed buildings with approximate square footage and footprints;
    3. Proposed street layout;



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- 4. Existing topographic conditions to include a contour interval of a minimum five feet based on field surveys or photogram metric photogrammetric methods;
  - 6. Amenity areas and buildings, including defined open space;
  - 7. Traffic impact study.
- b. Water and sewage disposal and other utility plans.
  - c. A Statement of Intent containing disclosure of ownership, financial information, of the character of the proposed development, including a summary of gross density, types of dwelling units, amenities provided, agreements or protective covenants, and a schedule for the completion of various stages of the development including completion of amenities, open space, transportation improvements and landscaping.
  - d. A conceptual master drainage plan shall be provided with the application for rezoning to identify the detention/retention and encourage creative water quality and quantity treatment processes.
- (5) ~~Lapse of approval shall occur two years after the approval of the development plan or if the applicant fails to reasonably maintain the development schedule (delay over six months for any phase of the project without satisfactory explanation). The planning commission may extend approval for one year at its discretion. Upon lapse of approval, all approved documents shall be revoked and the area shall be returned to the previous district classification following appropriate notice, hearings and approvals of the board of commissioners. The developer shall receive a minimum of 60 days' notice of intent to revoke approval prior to initiating the application.~~
- (6) The approved rezoning to RPC shall ~~automatically~~ be conditioned upon the approved conceptual master plan ~~regardless of ownership unless approval lapses pursuant to section 121-72(6)~~. Any substantial change or revision to the master plan after the initial rezoning or any change to any other zoning condition imposed by the county, shall require submittal of a rezoning application. The approved plan and any revisions shall be recorded in the office of the county clerk with the minutes of the meeting when the plan is approved or revised.
- (7) Any major or substantial change in the approved master development plan that affects the intent and character of the development, increases the density or changes the land use pattern, changes the location or dimensions of streets or similar changes must be reviewed and approved by the Dawson County Board of Commissioners after review and recommendation by the planning commission before any work shall be permitted. A request for revision of the master development plan shall be supported by a written statement justifying the necessity or desirability for such revision. Any such major change shall be considered a request to change a zoning condition and shall be subject to rezoning procedures.
- (8) *Permitted uses.*
- a. Principal uses that are allowed by right or by special use approval are listed on Table 3.1 at the end of this article. In addition, a limited commercial component to the project is allowed, ~~i.e. golf clubhouse, market, offices, villas~~, etc. This may be included at no more than four percent of the total gross acreage. The commercial uses are intended for small-scale neighborhood service, to be located on the interior of the development and ~~will~~ shall be presented to specifically determined by the board of commissioners ~~upon and delineated on the~~ master plan approval. The commercial component of the plan shall be integrally designed with the residential component and shall provide both vehicular and pedestrian interconnectivity and access throughout.
  - b. Restrictions that apply to particular uses allowed by right or special use approval are referenced on Table 3.1 and are contained in section 121-745 of this article.

c. Allowed accessory uses ~~include are limited to~~ private garages, swimming pools, home workshops, tennis courts, children's play houses, small gardens, non-commercial greenhouses, and home offices that meet the requirements of this section and article VI, section 121-181.

1. Accessory uses must be located on a parcel that is currently occupied by a principal residential structure.
2. Accessory structures shall be no larger than the footprint of the primary structure or one-half the gross square footage, whichever is greater, ~~with the exception that when the lot size is three acres or greater, the size of the accessory structure shall not be regulated in size but shall meet all setback requirements.~~

~~3. The use of an accessory building for a home occupation is prohibited.~~

d. Pet fowl or birds may be kept in cages that meet all required setbacks.

(9) *Prohibited uses.*

a. Any principal use not shown on Table 3.1 as allowed in a zoning district, whether by right or with approval as a special use, is specifically prohibited.

b. In addition, animals that individually or in numbers create a nuisance by noise, smell, unsanitary or visual effects are prohibited.

c. Horses are prohibited.

d. Kennels for the breeding of any animal for sale are prohibited. ~~Pet fowl or birds may be kept in cages in accord with the terms of this subsection.~~

e. Swine are prohibited.

f. The use of an accessory building for a home occupation is prohibited.

g. Roosters are prohibited.

(10) *Open space requirements.*

a. *Minimum area.* Each separate tract of open space shall contain at least two acres; ~~except that no minimum tract size is required for open space in medians in streets or islands for cul-de-sac turnarounds.~~

b. *Minimum width.* Walkways or "fingers" of open space created to provide access from individual lots to a larger expanse of open space shall have a minimum width sufficient to accommodate a path, given the existing terrain, the center of which path shall be at least 25 feet from any property line. All path dimensions shall have a width no more than eight feet.

c. *Desired features.* Open Space shall include irreplaceable natural features of the site such as streams, significant stands of trees, individual trees of significant size, rock outcropping, and peaks and ridges that are themselves scenic features or from which scenic views are available.

d. *Natural limitations.* Natural areas which are unsafe, ~~constrained, for~~ or not easily accessible to pedestrians - including swamps, floodplains, wetland areas, steep slopes (~~34~~5 percent or more for a distance of 100 feet or more), woodlands, lakes, ponds and streams - ~~may shall~~ be included as open space. These areas shall not count for more than 50 percent of the total open space required.

e. *Uses restricted.* Buildings shall not occupy open space, but may occupy area allocated for one or more conventional lots.

- f. *Easements restricted.* Open space may be entered or crossed by utility easements where such easements will involve access by persons or vehicles for periodic maintenance or repair only.
  - g. Open space shall be undisturbed except where designed as an active amenity area.
- (11) *Roads and utilities.*
- a. All roads shall have sidewalks and ~~for there shall be~~ permanent pedestrian access designed throughout the project.
  - b. All utilities shall comply with applicable codes, and street lighting shall be included on all new streets by the developer. ~~If either condition exists, then ongoing r~~Responsibility for maintenance of utilities and lighting shall be held by the Homeowners or Property Owner's Association as appropriate.
- (12) *Annual review.* To ensure continued progress toward completion, the approved master development plan with updated accomplishments shall be submitted to the Dawson County Planning ~~Commission and Development Department~~ for annual review. ~~Failure to submit the review documents may result in lapse of approval pursuant to section 121-71(6).~~

(Ord. of 8-6-2020(3), § 1(Exh. A, § 315); Ord. of 1-21-2021, § I.A.)

### **Sec. 121-73. RMHP Residential Manufactured/Mobile Home Park.**

- (a) *Purpose and intent.* The Residential Manufactured/Mobile Home Park District is considered a higher density, multi-family development intended to provide clustered areas for mobile home pads, which are leased rather than subdivided for individual ownership, that are served by public water, public sanitary sewer and recreational amenities.
- (b) *Permitted uses.* The following uses are permitted:
- (1) Mobile homes and manufactured homes within mobile home parks, but not including mobile homes on individual lots under separate ownership. Commercial uses within individual mobile homes are not permitted.
  - (2) Administration buildings and customary laundry and service buildings.
  - (3) Community centers and recreation facilities intended to serve residents of the district.
  - (4) Customary accessory uses and structures clearly incidental to one or more permitted uses.
    - a. Accessory structures shall be no larger than the footprint of the primary structure or one-half the gross square footage, whichever is greater.
      - ~~1. Exception: When the lot size is three acres or greater, then the size of the accessory structure shall not be regulated in size, but shall meet all setback requirements.~~
  - (5) Public and semi-public buildings and uses.
- (c) *Mobile home park development regulations.* Development for mobile home parks in the MHP District shall conform to the following regulations:
- (1) *Site plan approval required:* All mobile home park developments shall require site plan submittal. ~~approval by the planning commission.~~
  - (2) *Location and frontage:* A mobile home park ~~district~~ development shall be located on property with a minimum frontage of 200 feet on a public street.

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- (3) *Street requirement:* Interior roads serving the development shall be constructed to county standards as specified in the Dawson County Subdivision Regulations, and ~~in addition~~ shall have a minimum pavement width of 24 feet, including curb and gutter. All interior roads within the development are the responsibility of the property owner(s) and shall be adequately maintained to ~~acceptable~~ county standards.
  - (4) *Lot area and width:* A mobile home ~~park district~~ development shall have a minimum area of five contiguous acres and a lot width of at least 200 feet.
  - (5) *Density:* The maximum density of a ~~residential~~ mobile home district development is six units per acre.
  - (6) *Recreation and other community facilities:* Not less than ten percent of the total area of the development shall be devoted to recreation and other community use facilities for ~~these~~ mobile home parks designed for or containing ten or more mobile homes.
  - (7) *Perimeter setback required:* No mobile home or other building or structure shall be located closer than 40 feet to any mobile home park perimeter property boundary.
  - (8) *Perimeter screening required:* A landscaped screen consisting of dense evergreen trees and/or shrubs and having a minimum width of ten feet along all property lines shall be required. All perimeter screening must be maintained by park owners.
  - (9) *Utilities:* All mobile home parks shall be served by approved public water and public sanitary sewer systems. All electric, gas, cable lines serving mobile home parks shall be placed underground. Meter boxes shall also be clustered in designated sites and adequately buffered.
  - (10) *Refuse collection:* Each mobile home park shall provide refuse collection pads at locations convenient to each mobile home space, but in no case more than 50 feet from the street serving each mobile home. Refuse collection sites must be properly screened and buffered with both fencing and a vegetative buffer.
  - (11) *Space numbering:* Each mobile home space shall be provided with a sign, not less than one square foot in area, which indicates the appropriate space number or address. Numbering shall meet minimum E911 regulation standards.
  - (12) *Fire protection:* All mobile home park developments shall provide adequate fire protection in the form of placement of water lines and fire hydrants and additional protection measures ~~as deemed reasonable and necessary by the planning commission and/or~~ according to ~~local~~ fire codes.
  - (13) *Service buildings:*
    - a. Subordinate accessory structures are hereby required for maintenance and other incidental uses supportive to the primary use of the property. A minimum 48 square feet of storage space shall be required by the developer for each unit in a mobile home park. ~~This shall be included on a site plan and approved by the planning commission.~~ These types of facilities shall be grouped, centrally and conveniently located for park patrons. All service facilities shall be built and maintained by the park owner(s) in compliance with all local commercial building codes.
    - b. Community service facilities and related accessory structures ~~are subject to site plan approval,~~ shall be provided for the convenience of the complex patrons. A laundry facility for park patrons shall be required and must be maintained by park owners.
    - c. All mobile home park developments shall provide a covered school bus stop shelter accessible to a designated school bus route.
  - (14) ~~*Animal control:* All mobile home park developments shall provide an animal control plan approved by the planning commission. The animal control plan shall be enforced by the owner of the mobile home park.~~ No individual lot or space in any mobile home park may be sold or control of that lot or space

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transferred with the intent or effect of a sale unless that lot or space and mobile home park shall meet all requirements of the county subdivision regulations and the park owner shall hold a valid subdivision ~~recording permit plat.~~

- (15) *Parking:* Off-street paved parking facilities shall be grouped in bays, either adjacent to streets or in the interior of blocks. No off-street parking space shall be more than 100 feet by the most direct pedestrian routes from a door of the dwelling unit it is intended to serve. Parking shall be provided at a rate of two parking spaces per each mobile home in the development.
- (16) *Street lighting:* Street lighting shall be required at each entrance or exit to a mobile home park. Street lighting shall also be placed and staggered every 300 feet along all streets in the mobile home park.
- (17) *Miscellaneous:*
  - a. ~~In the event that a swimming pool is developed or planned as a part of the mobile home park, this facility shall be enclosed by a chain link, masonry or wood fence not less than six feet high.~~
  - b. ~~No individual lot or space in any mobile home park may be sold or control of that lot or space transferred with the intent or effect of a sale unless that lot or space and mobile home park shall meet all requirements of the county subdivision regulations and the park owner shall hold a valid subdivision recording permit.~~
  - c. Junk vehicles or vessels shall not be allowed to be stored or placed at any location within a mobile home park. ~~This shall be enforced by t~~The owner(s) of the mobile home park shall be responsible for compliance with this requirement.
  - d. Any covenants required by the owner(s) of all mobile home parks shall be submitted with the site plan.
- (d) *Mobile home and mobile home space requirements.* Each mobile home shall be located on a separate pad in accordance with the following regulations:
  - (1) *Space size and width:* Each mobile home space within the development shall contain a minimum ~~space~~ size of 4,000 square feet and a minimum ~~space~~-width of 40 feet.
  - (2) *Setbacks:* Each mobile home shall be setback a minimum of ten feet from the front space line or street right-of-way, ~~three~~ five feet from the side space line, and ten feet from the rear space line.
  - (3) *Foundations and tie-downs:* Each mobile home shall be supported by piers and foundations and shall be anchored to the ground in accordance with building code requirements, ~~to secure the mobile home against uplift, sliding, rotation and overturning.~~
  - (4) *Porches/landings:* At each entrance/exit door of each mobile home shall be a landing or porch that is a minimum of 48 inches by 48 inches in size.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 316))



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## Sec. 121-74. Chart of uses in residential zoning districts.

(a) *Purpose.*

- (1) This section lists by the following matrix chart the uses allowed by right and by special use approval in each residential zoning district. A listed allowed use is one which is ~~allowed-permitted~~ in the zone without any qualifications, except wherever such qualifications may be indicated in this land use resolution and county ordinances. A listed special use is one which may be granted only when certain conditions are met.
- (2) In the following chart an "A" means that the use is ~~automatically-allowed-permitted~~ in the zoning district listed by the abbreviation at the top of the column. An "S" means that the use is allowed only by special use approval. A blank space indicates that the use is not allowed under any circumstances.

(b) *Allowed principal uses.*

- (1) A principal use is the specific, primary purpose for which land or a building is used.
- (2) Principal uses that are allowed by right or allowed only by special use approval in each zoning district are shown on the following Table 3.1: Principal Uses Allowed by Zoning District.

(c) *Special uses.* Principal uses that are special uses may be granted subject to special use approval following the procedures for amendments as set forth in article X and with consideration of additional review criteria that may be established in this land use resolution and county ordinances.

(d) *Restrictions on particular uses.*

- (1) Restrictions that apply to certain principal uses and to certain zoning districts are listed in section 121-745. The restrictions also apply to special uses unless specifically waived or modified as a stipulation of special use approval.
- (2) For those uses that have specific restrictions associated with them, a reference is given on the Table 3.1 to the pertinent subsection of section 121-745.

(e) *Interpretation of uses.*

- (1) Some degree of interpretation will occasionally be required. It is not possible to list each and every variation or name of a given use.
- (2) In addition to other generally accepted references and resources, the North American Industrial Classification System (NAICS), published by the U.S. Department of Commerce (current available edition), ~~may-should~~ be referred to in order to interpret the definition of uses listed on Table 3.1 to identify similar uses that may be allowed along with each listed use. The NAICS classification number is shown on the tables for each applicable use for reference and interpretation only; the NAICS is not adopted as part of this Code.
- (3) -In all cases of uncertainty, the determination of whether or not a particular use is allowed in a particular zoning district shall reflect the purpose of the zoning district as stated in this article, both the common and dictionary definitions of the use, and the array of listed uses that are allowed in the district as to their character and intensity, traffic generation, and availability of infrastructure, as determined by the planning and development director.

(f) *Future abutting developers in non-RA or RE land use districts.*

Prior to administrative action on either the land use district or the issuance of a building or occupancy permit the applicant therefore shall be required to sign a waiver which will indicate 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

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compatible with the applicant's development. Nevertheless, understanding the effects of the adjacent RA or RE use, the applicant agrees by executing the 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 or RE District constitute a nuisance) against local governments and adjoining landowners whose property is located in an RA or RE District.

**Table 3.1 Principal Uses Allowed by Residential Zoning District**

Table goes here...

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## Sec. 121-75. Restrictions on particular uses.

- (a) *Purpose.* The purpose of this section is to provide land use and development regulations for specific uses that are applicable to sites throughout Dawson County. Unless otherwise noted, these standards are intended to be applied within all zoning-land use districts where the particular uses are allowed, whether by right or through special use approval.
- (b) *Bed and breakfasts and Short-term rentals.* ~~Bed and breakfast permit requirements are as follows:- See Chapter 30, Article V~~
- ~~(1) The permit shall include the name and phone number of the owner/operator whose primary residence is the bed and breakfast. Only one bed and breakfast is allowed per parcel.~~
- ~~(2) The number of guest rooms is limited to one less than the total number of bedrooms in the dwelling unit, with an overall maximum of six guest rooms. Maximum occupancy is limited to two adults per guest room.~~
- ~~(3) Must remit all applicable hotel/motel taxes.~~
- ~~(4) The permit shall include a notarized statement signed by the owner/operator that the bed and breakfast shall be in compliance with these regulations.~~
- ~~(5) Proof of ownership is required at time of permitting.~~
- ~~(6) Bed and breakfast structure must have a certificate of occupancy prior to issuance of permit.~~
- ~~(7) Unless revoked the bed and breakfast permit is valid for one year from the date of issuance of the permit.~~
- ~~(8) Structure must be inspected and approved by Dawson County Fire Marshal and Building Official prior to the issuance of the bed and breakfast permit.~~
- ~~(9) Off street parking spaces must be provided and screened from the view of adjoining property uses and the public street.~~
- ~~(10) If the permit is revoked or denied, it may be appealed to the Board of Commissioners.~~
- (c) *Manufactured homes.*
- (1) Manufactured homes shall meet the compatibility requirements of section 121-65(4)-Chapter 105, Division 3.
- (2) In the RA and RRE Districts, special use approval is required to locate a manufactured home on a tract of land that is less than five-three acres.
- (d) *Private amenity areas* such as swimming pools, tennis courts, children's play areas, small gardens, non-commercial greenhouses, fitness and recreations centers, club houses or community rooms and other similar uses shall meet the following requirements:
- (1) Adequate parking area is provided for the amenity area; ~~typically~~ a minimum of 15 parking spaces, and one bicycle rack unless a variance is approved.
- (2) The area is fenced and landscaped. All pools should be landscaped and screened such that at least 50 percent of the view from the public road is obscured.
- (3) The amenity area ~~is~~ must be under construction ~~constructed and completed during~~ in the first phase of the development, ~~with the following exceptions:~~
- a. ~~In the RPC District, the amenity area shall be constructed and completed in the first phase of the development if the development is 100 acres or less. If the development is greater than 100 acres, the developer shall construct the amenity area in conjunction with the development of a specific phase of the development. This shall be clearly delineated and noted on the master plan.~~
- b. ~~In the RMF District a~~ Additional amenities may be shown as a part of a specific phase(s) of a master plan and must also be constructed within said phase.
- (4) Lighting ~~is~~ must be provided for the parking area and all walkways and pedestrian access points. Full cutoff fixtures shall be required.

(e) *Public utilities.*

- (1) Public utilities shall have a maximum gross total of 400 square feet of structure per parcel unless a variance is approved.
- (2) Public utilities include infrastructure services and the structures necessary to provide those services including electricity, natural gas, telephone, water, or sewer. See section 121-109 for telecommunication facilities.

(f) Stream buffer requirements. All land development activity shall meet the following requirements.

- (1) An undisturbed natural vegetative buffer shall be maintained for 50 feet, measured horizontally, on both banks (as applicable) of state waters as measured from the top of the bank.
- (2) An additional setback shall be maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetative buffer, wherein all impervious cover shall be prohibited, except for stormwater management facilities. Grading, filling and earthmoving shall be minimized within the setback; allowance for such activity shall consider needs for retaining walls and other topographical requirements as determined by the stormwater manager.
- (3) No septic tanks or septic tank drain fields shall be permitted within the buffer.

~~(f) Short term home rentals. (moved when ord. was adopted in 2021)~~

- ~~(1) Only one rental residence is allowed per parcel.~~
- ~~(2) Must obtain a permit from the Dawson County Planning and Development department.~~
- ~~(3) Must remit all applicable hotel/motel taxes as necessary and required by law.~~
- ~~(4) Parking must be provided off street for a minimum of two vehicles.~~
- ~~(5) Maximum occupancy is limited to two persons per bedroom plus two additional persons per household from 11:00 p.m. to 8:00 a.m.~~
- ~~(6) Short term rental permit requirements:
  - a. The permit shall include the name and phone number of the owner and operator who is available 24 hours a day seven days a week to respond to complaints regarding the operation or occupancy of the short term rental unit.
  - b. The permit shall include a notarized statement signed by the owner/operator that the short term rental shall be in compliance with these regulations.
  - c. Proof of ownership is required at time of permitting.
  - d. Short term rental structure must have a certificate of occupancy prior to issuance of permit.
  - e. Unless revoked the short term rental permit is valid for one year from the date of issuance of the permit.
  - f. If the permit is revoked or denied, it may be appealed to the board of commissioners.~~

(g) *Solar farms.*

- (1) Freestanding solar panels located on the ground shall not exceed 20 feet in height above the ground.
- (2) Freestanding solar panels shall meet a minimum all setback requirements as required for buildings of 25 feet from all property boundaries; the front setback shall be based upon the road category
- (3) Solar farms shall be located on parcels greater than five acres.
- (4) A twenty (20) foot undisturbed, vegetated buffer shall be provided along the perimeter of the installation area.
- (5) The vegetated buffer must contain evergreen species.

(h) *Temporary sawmills.* Temporary location of a portable sawmill on ~~timber sale~~ property a minimum of five acres in size is allowed for no more than one year ~~and shall not interfere with the quiet use and enjoyment of the outside environment of neighboring property owners.~~

- (1) Operational hours shall be between the hours of 8 a.m. and 8 p.m. Monday thru Friday, 10 a.m. to 6 p.m. Saturdays and Sundays.
- (2) A portable sawmill shall not be operated for more than four (4) hours on Saturday or Sunday.
- (3) A portable sawmill shall not be operated after dark.

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- (i) *Wineries.* Wineries may sell wine in a tasting room, subject to the following conditions:
- (1) Wineries must be licensed according to the Dawson County Alcohol Ordinance.
  - (2) Retail sales and ancillary restaurant facilities are allowed if approved as a special use.
  - (3) Retail sales and restaurant or food service facilities shall be clearly accessory to the production of wine.
  - (4) Any restaurant facilities shall be approved by the Dawson County Health Department.
- (j) Animal hospitals, veterinary clinics, dog kennels, and ~~grooming~~ catteries, riding stables, hunting preserves using natural or native game resources, or wildlife preserves and structures necessary or accessory to the above uses require approval as a special use ~~following the procedures for amendments and with due consideration given to all relevant data relating to the public health, safety and welfare including:~~
- (1) Noise factors that may impact adjacent residential areas,
  - (2) Isolating factors, such as topography or buffers, and
  - (3) Noxious odors affecting adjacent properties.
  - (4) Potential traffic generated by the use.

(k) Campgrounds and Recreational Vehicle Parks.

Commercial campgrounds and Recreational Vehicle (RV) parks may be permitted by special use in the RA and zoning district. The minimum parcel size for a Commercial campground or Recreational Vehicle park is ten (10) acres.

- (1) Commercial Campgrounds and RV parks shall have direct access to or have a minimum of 75 feet of frontage on a state or county- maintained roadway.
- (2) Commercial Campgrounds and RV parks shall be served by a central water (community or public) supply.
- (3) Commercial Campgrounds and RV Park facilities shall include a residence for the owner/manager of the premises; utility hook-ups; accessory structures, playgrounds and open space areas, fenced yard areas for pets,; and recreational vehicles (including travel trailers) in designated spaces.
- (4) Length of the stay for all but permanent staff shall not exceed 30 consecutive days.
- (5) All campground and RV park facilities, including structures, camping sites, RV camp/parking sites, man-made uses, and other facilities associated with the use shall be setback a minimum of 75 feet from all adjacent property lines.
- (6) All campground and RV park facilities, including structures, camping sites, RV camp/parking sites, man-made uses, and other facilities associated with the use shall be surrounded by a minimum 40- foot- wide vegetated buffer.
- (7) Light posts shall not exceed a height of 20 feet from finished grade
- (8) The park shall not provide long term RV or semi-truck storage.
- (9) Sanitary facilities and trash receptacles shall be located a minimum of 200 feet from any residential district.
- (10) Recreational facilities associated with the use shall be for staff and guests only.
- (11) Storage areas and refuse enclosures shall be oriented away from view from the right-of-way and screened from public areas. Service areas and loading areas shall be separated from the primary vehicular and pedestrian circulation areas. All refuse enclosures shall be enclosed on three sides by a brick, masonry, or cement wall. Chain link fencing is prohibited.



(l) Open space permitted Uses.

- (1) Conservation of natural, archeological or historical resources;
- (2) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
- (3) Walking or bicycle trails, provided they are constructed of porous paving with pervious materials;
- (4) Passive recreation areas, such as open fields and community gardens;
- (5) Defined amenity spaces, active recreation areas, provided that they are limited to no more than five percent of the total open space and are not located within constrained land conservation areas;.
- (6) Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, such activities are not conducted within constrained land conservation areas, and no existing healthy, native forests of more than five contiguous acre in size is removed to allow for such activities;
- (7) Nonstructural stormwater management practices and structural stormwater management practices that allow for infiltration, such as bioretention areas;
- (8) Septic systems comprised of single or multiple septic tanks and leach fields located on soils particularly suited to such uses; and not located within constrained lands conservation areas;
- (9) Easements for drainage, pedestrian access, or
- (10) Other conservation-oriented uses compatible with the purposes of this ordinance

(m) Heavy Industrial Uses.

- (1) Traffic generated from the use shall not use collector or local roads.
- (2) Vehicle access shall be arranged to minimize conflict with vehicular traffic.
- (3) Outdoor storage shall be limited to the side and the rear of the building ; if there is no structure all outdoor storage shall meet minimum building setbacks; and a landscape buffer shall be planted to provide a three-foot screen along the road frontage, except for approved access points.

**Sec. 121-76. Dimensional requirements.**

**Table 3.2 Dimensional Requirements by Residential Zoning District\***

Zoning District	Lot size <sup>1</sup> (minimum, acres)			Lot Width <sup>4</sup> (minimum, feet)	Lot Depth (minimum, feet)	Principal Building Setback (minimum, feet)					Building Height (maximum, feet)
	Septic Tank & Well	Septic Tank & Water <sup>2</sup>	Sewer & Water <sup>3</sup>			Front <sup>5</sup>			Side	Rear	
						Parkway	State Highway	Other Streets			
RT	1.5	.75	.40	75	100	80	60	30	10	20	35
RL <sup>6</sup>	1.5	.75	.75	<del>75</del> 85	100	80	60	40	10	20	35
RS <sup>6</sup>	1.5	1	1	<del>75</del> 85	100	80	60	40	10	20	35
RS-2	—	—	.50	<del>75</del> 85	100	80	60	30	10	20	35
RS-3	—	—	.33	<del>75</del> 80	100	80	60	30	10	20	35
RSR <sup>7</sup>	1.5	1	—	100	150	100	60	40	10	20	35
RSRMM <sup>7</sup>	1.5	1	—	100	150	100	60	40	10	20	35
RA <sup>9</sup>	5.0 acres <sup>8; 10</sup>			175	200	100	60	40	<del>25</del> 0	35	35
RAC	1.5 <sup>10</sup>			175	200	100	60	40	<del>25</del> 0	35	35
RRE <sup>11</sup>	3.0 acres <sup>8</sup> Manufactured: <del>53</del> .0 <sup>10</sup>			150	200	100	60	40	<del>25</del> 0	35	35

\*<sup>1</sup>Requirements for **VCR, VC, RPC and RMHP** are not incorporated into table 3.2; see respective sections that address these zoning districts for dimensional requirements.

~~<sup>4</sup>Minimum lot sizes may be less in Conservation Subdivisions, which are allowed by right in all single-family residential and agricultural districts (see Subdivision Regulations).~~

<sup>2</sup> Community or public water.

<sup>3</sup> Public water and sewer.

<sup>4</sup> Width at the building line.

<sup>5</sup> Front yard setback applies to all frontages on publicly maintained streets with the exception of rear alleys.

<sup>6</sup> In addition to the dimensional requirements in this table, all utilities shall comply with applicable regulations, and street lighting shall be included on all new public streets.

<sup>7</sup> In addition to the dimensional requirements in this table, setbacks are required from U.S. Army Corps of Engineers line on Lake Lanier ~~unless a road is involved.~~

<sup>8</sup> Or as determined by the Dawson County Health Department, whichever is greater.

<sup>9</sup> In addition to the dimensional requirements in this table, the following shall apply:

- a) Major farm buildings shall be a minimum distance of 50 feet from the property line or 200 feet from the nearest residence, other than the residence of the owner, whichever is greater.
- b) The exhaust end of all poultry houses shall be located not less than 300 feet from any existing residence other than the ~~applicant's~~ property owners. All poultry houses shall be located not less than 300 feet from a property line adjacent to residentially zoned property and 50 feet from the property line of any property located in an R-A or C-RB district. ~~As an alternative to this requirement, the applicant may upon approval of the Planning Commission construct an earth berm, vegetative buffer or other barrier as specified and approved by the Planning Commission to shield the exhaust from any such residence.~~
- c) No setback is required from Lake Lanier Government Line.
- d) State Health Department regulations require a minimum of 10 feet from property line and 100 feet from ~~a~~ wells for septic field lines.

<sup>10</sup> A manufactured home may be located on a ~~lot of record tract of land~~ that is less than 53 acres with Special Use Approval.

<sup>11</sup> In addition to the dimensional requirements in this table, the following shall apply:

- a) Major farm buildings (horse barns, etc.) shall be a minimum distance of 30 feet from the property line or 100 feet from the nearest residence, other than the residence of the owner, whichever distance is greater.
- b) No setback is required from Lake Lanier Government Line, ~~but is encouraged.~~
- c) The height of farm related buildings and structures shall not be over 35 feet, ~~without approval by the Planning Commission.~~

(Ord. of 8-6-2020(3), § 1(Exh. A, § 319))

**Secs. 121-77—121-98. Reserved.**

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## ARTICLE IV. COMMERCIAL LAND USE DISTRICTS

### Sec. 121-99. Purpose.

The purpose of this article is to establish commercial land use districts by defining their characteristics and prescribing development standards ~~therefore. Commercial land use districts are of greater intensity of use and are usually incompatible with residential districts.~~

- (1) *Setbacks.* The minimum setbacks from the right-of-way for all commercial districts (unless noted otherwise in this ~~chapter~~article) are as follows: 100 feet on parkways and divided state highways, 60 feet on collector roads and state highways, 40 feet on all other county roads and interior development streets. The minimum setback for parking areas is 20 feet from ~~parkways and divided state highways and ten feet on~~ all other rights-of-way. ~~(If no right-of-way is established the right of way shall be considered 15 feet from the centerline of the road).~~
- (2) *Maintenance requirements.* Developments in commercial districts shall comply with the site maintenance requirement set forth herein after a certificate of occupancy or certificate of completion for accessory structures has been issued ~~and released~~. The owner shall be responsible for these requirements regardless of any tenant relationship or any relationship with any other party:
  - a. The cleanliness of the entire site shall be maintained by removing any trash, rubbish or other debris deposited at the site;
  - b. Landscaping shall be maintained, and dead or damaged plants shall be replaced;
  - c. Any damaged elements of a building (including broken windows) and the site (including curb stops, parking stripes and dumpster screening) shall be repaired or replaced if the building or the site becomes dilapidated or in disrepair;
  - d. All fire suppression systems, including sprinkler systems, shall be maintained in compliance with applicable local, state, and federal statutes, regulations, and ordinances;
  - e. If the commercial structure or structures shall be vacated, then the owner shall continue to maintain the site in accord with the terms hereof and shall remove all signs from the site within 60 days of the day the structure becomes vacant; and,
  - f. If any single occupant premise becomes vacant for more than 60 days and the owner fails to maintain the property in accord with the terms hereof and after notice from the county of such failure, then the owner shall be subject to citation and shall be subject to the maximum fine permitted for ordinance violations for each day of each violation of any provision of this chapter.
- (3) *Outdoor/Exterior lighting.* All lighting shall be full cutoff fixtures with the exception of special architectural lighting that adheres to the following :
  - a Uplighting shall be shielded by a roof overhang or a similar structural shield.
  - b)Luminaires shall be aimed to shield the lamp and its reflective surfaces from off-site view and to prevent light output beyond the building.
  - c A licensed architect or engineer shall stamp a prepared lighting plan that ensures that all exterior lighting adheres to county design standards. Outdoor lighting shall be designed to provide the minimum lighting necessary to insure adequate safety, night vision and comfort and shall not create

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

**A.(d). Light levels.** Light levels shall be as follows:

	At property lines <del>including and</del> rights-of-way	Minimum foot-candles	Maximum foot-candles
1.	At property line abutting a residential zoning district	None	<del>0.5</del> 0
2.	At property line abutting an office-professional zoning district	None	<del>1.0</del> .5
3.	At property line abutting a commercial or light industrial zoning district	None	<del>1.5</del> 1.0

	Off-street parking lots	Minimum foot-candles	Average foot-candles	Maximum foot-candles
4.	Office-professional districts	<del>1.0</del> None	4	8
5.	Commercial districts	<del>2.0</del> None	<del>4</del> 6	<del>12</del> 8
6.	Light industrial districts	<del>1.0</del> None	4	8

**b.e. Security and parking lot lighting.**

1. All security and parking lot lighting shall be ~~full cutoff fixtures installed such that the lamp (light emitting device) is not protruding from the bottom of the fixture.~~
2. All light fixtures shall be installed so that the light produced is emitted downward.
3. Light shall not be emitted horizontally from the side of the fixture.
4. Pole lights shall not exceed ~~30~~ 5 feet in height ~~from finished grade and shall have box type fixtures.~~
5. ~~Wall packs shall be used for security lighting along the side and rear of the buildings only and all light emitted shall be focused downward.~~

**c.f. Sign lighting.** Sign lighting shall be as follows: ~~-See Dawson County Sign Ordinance.~~

1. ~~Light fixtures illuminating signs shall be aimed and shielded so that direct illumination is focused exclusively upon the sign.~~

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

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



~~(1) Uplighting shall be shielded by a roof overhang or a similar structural shield.~~

~~(2) Luminaires shall be aimed to shield the lamp and its reflective surfaces from off-site view and to prevent light output beyond the building.~~

~~fi. Grandfathering of nNonconforming light fixtures. Grandfathering of~~ Nonconforming Light Fixtures shall be allowed as follows:

1. All light fixtures lawfully permitted and in place before the date of this chapter shall be grandfathered allowed to remain. However, any light fixture that replaces a grandfathered light fixture or any grandfathered light fixture that is moved shall meet the standards of this chapter;
2. Grandfathered-Exterior light fixtures that direct light toward a street or parking lot that causes disabling glare to motorists shall be either shielded or redirected within 90 days of notification from Dawson County so that the light fixtures do not cause a potential hazard to motorists;
3. Grandfathered-Exterior light fixtures that can be adjusted to conform to this chapter without changing the fixture shall so comply within 30 days of notice from Dawson County regarding conforming to the terms hereof; and
4. New businesses occupying existing structures with grandfathered-nonconforming light fixtures that do not comply with the terms of this chapter may not replace bulbs or repair offending light fixtures. Instead, the offending-nonconforming fixture(s) shall be replaced.

~~(4)(i.)~~ Submission of plans. All sites of new-non-residential commercial construction shall provide the Dawson County Planning and Development Office a lighting plan for the site at the time of submission of plans before the issuance of land development permits or building permits, as applicable. The lighting plan shall include all proposed light fixtures, including light fixtures to be placed upon the building. The lighting plan shall show an overview of the site with light level calculations and foot-candles. The light intensity of each light fixture shall be in accordance with the regulations set forth herein. If light fixtures to be placed upon the building façade cannot be included during the submission of the plans, then the developer/owner/applicant shall show cause regarding why descriptions of the light fixtures cannot be shown at that time. If the cause shown is sufficient, then the Planning Director may allow the light fixtures to be shown when the developer/owner/applicant submits building plans if the developer/owner/applicant provides a revised lighting plan that provides information regarding the added light generated by such fixtures. All lighting plans submitted shall include a detail sheet, photometric plan, and which shall provide descriptions-technical specification of all light fixtures to be installed.

- (5) Single-family residential use is permitted in any commercial zoning district.

~~(Ord. of 8-6-2020(3), § 1(Exh. A, § 400))~~

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## Sec. 121-100. C-RB Rural Business District.

Rural business districts are areas where small businesses are established to meet the needs of the rural communities within the county. These establishments are usually located at rural cross roads and on collector roads rather than major arterial roads.

- (1) *Permitted principal uses:* The following uses are allowed within this district. Uses not listed in this subsection are prohibited in this district.
  - a. Principal uses that are allowed by right or by special use approval are listed on Table 3.3 in this article.
  - b. Restrictions that apply to particular uses allowed by right or special use approval are referenced on Table 3.3 and are contained in section 121-108 of this article.
- (2) *Prohibited uses:* Uses not listed as permitted uses on Table 3.3 are prohibited in this district. In addition, the following uses are specifically not allowed within this district:
  - a. Those uses and activities generating sound, odor, or visual effects, which are reasonably objectionable and noticeable beyond property boundaries.
- (3) *Building requirements:* The minimum area, yard, height and building requirements of the Rural Business District shall be as follows:
  - a. *Minimum lot size:* 43,560 square feet (one acre) except that where contiguous to a commercial district the minimum lot size will be that necessary to meet health department requirements concerning water supply and sewage disposal if required.
  - b. *Minimum setbacks:* Front yard: See section 121-99(1), side yard — 25—feet; rear yard — 25 feet, ~~except none when the adjacent property is commercial and there is no fire hazard created by lack of setback. Where the Rural Business District abuts a residential district, an additional ten feet setback in order to provide a ten foot wide screen or buffer may be required at the discretion of the planning commission.~~
  - c. *Maximum building height:* No structure shall be higher than 35 feet.
  - d. ~~*Screens or buffers:* Where noise, visual effects, or distracting activity is determined by the planning commission or board of commissioners to affect adjacent property or roadway, a vegetative screen, cement or masonry wall, or earth berm may be required by the planning commission or board of commissioners to reduce the undesirable effects.~~  
*Maximum building size:* No building or other use permitted in this district may occupy more than 5,000 gross square feet of floor area.
- (4) *Full disclosure.* ~~Commercial or industrial uses~~ All uses shall, as part of any application, provide full disclosure of all hazardous or dangerous products used in their commercial or industrial processes together with an explanation of safety measures, disposal measures and emergency medical and evacuation procedures. Changes in processing or manufacturing after initial ~~approval~~ disclosure relative to this requirement must be reported to the planning director and fire marshal within 15 days. Information provided herein shall be provided to the emergency medical service, the fire department and the sheriff's department.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 401))

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## Sec. 121-101. C-CB Community Business Commercial District.

Community business commercial districts are areas where small businesses are established to serve needs within the local community and primarily of small retail stores and services, and usually located on collector roads rather than major arterial roads.

- (1) *Permitted principal uses:* The following uses are allowed within this district:
  - a. Principal uses that are allowed by right or by special use approval are listed on Table 3.3 in this article.
  - b. Restrictions that apply to particular uses allowed by right or special use approval are referenced on Table 3.3 and are contained in section 12-108 of this article.
- (2) *Prohibited uses:* Uses not listed as permitted uses on Table 3.3 are prohibited in this district. In addition, the following uses are specifically not allowed within this district:
  - a. Retail building supply, lumber yards, ~~and similar commercial uses, etc.~~
  - b. Those uses which generate sounds, odors, or visual effects, which are reasonably objectionable, ~~to the majority of adjacent property owners.~~
- (3) *Building requirements.* The minimum area, yard, setback, and building requirements in the C-CB District are as follows:
  - a. *Minimum lot size:* 43,560 square feet (one acre) except that where contiguous to a commercial district the minimum lot size will be that necessary to meet health department requirements concerning water supply and sewage disposal if required.
  - b. *Minimum setbacks:* ~~Front yard - See section 121-99(1); side yard - 25 feet; rear yard - 25 feet, except none when the adjacent property is commercial and there is no fire hazard created by lack of setback. Where the commercial district abuts a residential district, an additional ten foot setback in order to provide a ten foot wide screen or buffer may be required at the discretion of the planning commission. Back yard setback requirements are the same as side yard requirements herein.~~
  - c. *Maximum building height:* ~~Buildings designed for human occupancy shall not be higher than 3540 feet unless adequate fireproofing construction materials are used, an adequate sprinkler system is provided, and a fire escape system approved by the county fire marshal is installed. Non-occupied buildings, and water towers, smokestacks, radio antennas, etc. may antennas may be permitted if no hazard or other adverse effect is created for adjacent properties as determined by the planning commission after public notice and hearing.~~
  - d. *Screens or buffers:* ~~Where noise, visual effects, or distracting activity is determined by the planning commission or board of commissioners to affect adjacent property or roadway, a vegetative screen, cement or masonry wall, or planted earthen berm may be required by the planning commission or board of commissioners to reduce the undesirable effects.~~
  - e. *Maximum building size:* No building or other use permitted in this district may occupy more than ~~5,075~~ 5,000 gross square feet of floor area. Buildings containing more than one business or other permitted use shall be no larger than a total of 15,000 gross square feet of floor area.
- (4) *Full disclosure.* Commercial or industrial uses shall, as part of application, provide full disclosure of all hazardous or dangerous products used in their commercial or industrial processes together with an explanation of safety measures, disposal measures and emergency medical and evacuation procedures. Changes in processing or manufacturing after initial ~~approval disclosure~~ relative to this

requirement must be reported to the planning director and the fire marshal within 15 days. Information provided herein shall be provided to the emergency medical service, the fire department and ~~the~~ sheriff's department.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 402))

## Sec. 121-102. C-HB Highway Business Commercial District.

~~(a)~~ Highway business commercial districts are areas along major thoroughfares or major arterial roadways that provide services to transient customers, or serve a wide area, or depend upon the highway to transport materials or customers.

~~(a)~~ *Permitted principal uses:* The following uses are allowed within this district:

- (1) Principal uses that are allowed by right or by special use approval are listed on Table 3.3 in this article.
- (2) Restrictions that apply to particular uses allowed by right or special use approval are referenced on Table 3.3 and are contained in Section ~~409~~121-99(1) of this article.

~~(b)~~ *Prohibited uses:* Uses not listed as permitted uses on Table 3.3 are prohibited in this district. In addition, the following uses are specifically not allowed within this district:

- (1) Those uses and activities generating sound, odor, or visual effects, which are reasonably objectionable and noticeable beyond property boundaries.

~~(c)~~ *Building requirements.* The minimum area, yard, setback, and building requirements in the C-HB District are as follows:

- (1) *Minimum lot size:* ~~43,560 square feet (one acre)~~ Two acres except that where contiguous to a commercial district the minimum lot size will be that necessary to meet health department requirements concerning water supply and sewage disposal ~~if required.~~
- (2) *Minimum setbacks:* ~~Front yard:~~ See section 121-99(1), side yard ~~—~~ 25 feet; rear yard ~~—~~ 2550 feet.
  - a. *Exceptions:* ~~No side or rear setback may be required when the adjacent property is commercial and there is no fire hazard created by lack of setback. Rear setback when abutting a residential district is 50 feet. Where the commercial district abuts a residential district, an additional ten feet setback may be required in order to provide a ten-foot wide screen or buffer at the discretion of the planning commission or board of commissioners to reduce or eliminate noise factors, visual effects or the possibility of noxious odors that may negatively impact the adjacent residential area.~~
- (3) *Maximum building height.* Buildings designed for human occupancy shall not be higher than ~~3540~~ feet. ~~unless adequate fireproofing construction materials are used, an adequate sprinkler system is provided, and a fire escape system approved by the county fire marshal is installed.~~ Non-occupied buildings, and water towers, smokestacks, radio antennas, etc. may be permitted ~~if no hazard or other adverse effect is created for adjacent properties as determined by the planning commission after public notice and hearing.~~
- (4) *Screens or buffers.* Where noise, visual effects, or distracting activity is determined by the planning commission or board of commissioners to potentially affect adjacent property or roadway, a vegetative screen, cement or masonry wall, or earth berm may be required ~~by the planning commission or board of commissioners to reduce the undesirable effects.~~

~~(d)~~ *Full disclosure.* ~~Commercial or industrial~~ Non-residential uses shall, as part of application, provide full disclosure of all hazardous or dangerous products used in their commercial or industrial processes together with an explanation of safety measures, disposal measures and emergency medical and evacuation

procedures. Changes in processing or manufacturing after initial approval relative to this requirement must be reported to the planning director or fire marshal within 15 days. Information provided herein shall be provided to the emergency medical service, the fire department and the sheriff's department.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 403))

### **Sec. 121-103. C-HI Highway Business Intensive Commercial District.**

- (a) Highway business intensive commercial districts are areas along major thoroughfares or major arterial roadways that provide services to transient customers, or serve a wide area, or depend upon the highway to transport materials or customers. The C-HI District is also suitable for larger-scale commercial uses that require ample outdoor space for the display and storage of goods ~~that are for sale.~~
- (b) *Permitted principal uses.* The following uses are allowed within this district:
- (1) Principal uses that are allowed by right or by special use approval are listed on Table 3.3 in this article.
  - (2) Restrictions that apply to particular uses allowed by right or special use approval are referenced on Table 3.3 and are contained in section 121-108 of this article.
- (c) *Prohibited uses.* Uses not listed as permitted uses on Table 3.3 are prohibited in this district. In addition, the following uses are specifically not allowed within this district:
- (1) Those uses and activities generating sound, odor, or visual effects, which are reasonably objectionable and noticeable beyond property boundaries.
- (d) *Building requirements.* The minimum area, yard, setback, and building requirements in the C-HI District are as follows:
- (1) *Minimum lot size:* ~~43,560 square feet (one acre)~~ Three acres except that where contiguous to a commercial district the minimum lot size will be that necessary to meet health department requirements concerning water supply and sewage disposal if required.
  - (2) *Minimum setbacks:* ~~Front yard: 5~~ see section 121-99(1), side yard - ~~25~~ feet; rear yard - ~~50~~ feet.
    - a. ~~Exceptions: No side or rear setback may be required when the adjacent property is commercial and there is no fire hazard created by lack of setback. Rear setback when abutting a residential district is 50 feet. Where the commercial district abuts a residential district, an additional ten foot setback may be required in order to provide a ten-foot wide screen or buffer at the discretion of the planning commission or board of commissioners to reduce or eliminate noise factors, visual effects or the possibility of noxious odors that may negatively impact the adjacent residential area.~~
  - (3) *Maximum building height:* Buildings designed for human occupancy shall not be higher than ~~35~~ 40 feet ~~unless adequate fireproofing construction materials are used, an adequate sprinkler system is provided, and a fire escape system approved by the county fire marshal is installed.~~ Non-occupied buildings, and water towers, smokestacks, radio antennas, etc. may be permitted ~~if no hazard or other adverse effect is created for adjacent properties as determined by the planning commission after public notice and hearing.~~
  - (4) ~~Screens or buffers: Where noise, visual effects, or distracting activity is determined by the staff, planning commission or board of commissioners to affect adjacent property or roadway, a vegetative screen, cement or masonry wall, or planted earthen berm may be required by the planning commission or board of commissioners to reduce the undesirable effects.~~
- (e) *Full disclosure.* Commercial or industrial uses shall, as part of any application, provide full disclosure of all hazardous or dangerous products used in their commercial or industrial processes together with an



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explanation of safety measures, disposal measures and emergency medical and evacuation procedures. Changes in processing or manufacturing after initial approval relative to this requirement must be reported to the planning director and or the fire marshal within 15 days. Information provided herein shall be provided to the emergency medical service, the fire department and the sheriff's department.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 404))

## Sec. 121-104. C-PCD Commercial Planned Comprehensive Development District.

Commercial planned developments are areas which would otherwise be suited for classification as ~~C-RB~~, C-CB, C-HB, or C-OI, but which, due to their size of less than 300 acres, and scope, or the need to provide for a planned or phased development, or the need to combine ~~disparate~~ commercial, institutional, office and ~~or residential uses~~ townhouses within the same planned development, such developments would not otherwise be permitted by the provisions hereof.

*Purpose.* This district is intended to provide for appropriate planned development of quality mixed use projects by allowing greater flexibility and creativity in the land development process, by undertaking techniques which foster community and pedestrians, by creating roadway and pedestrian connections to residential areas, by minimizing the need for surface parking through compact and efficient land use, providing transitions between high traffic streets and neighborhoods, and thereby achieving the objectives of the Dawson County Comprehensive Plan.

- (1) *Permitted principal uses.* The following uses are allowed within this district:
  - a. Principal uses that are allowed by right or by special use approval are listed on Table 3.3 in this article.
  - b. Restrictions that apply to particular uses allowed by right or special use approval are referenced on Table 3.3 and are contained in section 121-108 of this article.
- (2) *Prohibited uses.* Uses not listed as permitted uses on Table 3.3 are prohibited in this district. In addition, the following uses are specifically not allowed within this district:
  - a. Those uses and activities generating deleterious and hazardous sound, odor, or visual effects beyond the boundary of the area proposed for the C-PCD Zone.
    - b. Automobile sales or storage.
    - c. Superstores.
- (3) *Requirements and standards for approval.*
  - a. An application for development as a commercial planned comprehensive development must contain a minimum area of ten contiguous acres for strictly commercial proposals. The minimum area required for commercial planned comprehensive developments with a residential component other than second story residential is ~~3020~~ acres.
  - b. The planning commission and the board of commissioners in their review of the proposed development shall consider:
    1. The proper relation between the proposed development and surrounding uses, and the effect of the plan upon comprehensive planning for Dawson County;
    2. The adequacy of existing and proposed street, utilities, and other public services to serve the development; and
    3. The character, design and appropriateness of the proposed land uses and the adequacy of the character, design and land use to encourage desirable development, including providing separation and screening between uses if desirable.
  - c. Maximum building height shall be ~~3550 feet~~ or four stories whichever is the lesser. ~~to allow for two to three story buildings unless adequate fireproofing construction materials are used, an adequate sprinkler system is provided, and a fire escape system approved by the county fire marshal is installed.~~ Cornices on buildings shall align where

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possible within the development and the height shall transition in a step-down approach when adjacent to residential development.

- d. ~~Final approval of a C-PCD shall not be granted until the owner or owners of the property give written notice of their consent to the proposed development.~~
- e. All CPCD projects shall have a minimum of two distinct types of land use. A minimum of 50 percent of the project shall consist of either, commercial, office, public, personal service, restaurant or similar uses. Any residential component shall be limited to townhouses or condominium living space above commercial and offices uses. Land use calculation shall be determined by gross floor area for those projects that contain a vertical mixture of uses, and shall be calculated by the total project land area for those projects containing a horizontal mixture of uses. Separate land uses shall be integrated both horizontally and vertically.
- f. Parking shall be oriented behind or to the side of a building if possible and shared parking ~~is highly encouraged shall be incorporated into the design.~~
- g. If a residential component is included in the proposed development the following requirements apply:
  - 1. If more than 80 residential units are included then a minimum of one amenity area including at least one pool, clubhouse, and two tennis courts, or an ~~substantially similar~~ equivalent amenity area;
  - 2. Commercial and residential components ~~of development~~ shall be integrally designed to provide vehicular and pedestrian interconnectivity throughout the development;
  - 3. ~~Residential-Townhouse~~ units may be developed up to a maximum density of six units per acre ~~up to a maximum of 100 units.~~
- h. Roads:
  - 1. All roads within C-PCD zoning may be a mixture of public and private roadways with public roadways primarily in commercial areas and private roadways within the residential area of the development.
  - 2. Private roads ~~are to must~~ be maintained by a mandatory property owners association formed by the developer.
  - 3. Private roads ~~are to must~~ be designated as private roads on all plats, maps, and deeds of the development. A disclosure statement shall be placed in each transfer deed regarding future maintenance responsibility of the private roads.
  - 4. All private roads within the development shall be built to county standards for public roads.
  - 5. All roads shall have sidewalks and permanent pedestrian access designed throughout the development and connecting adjoining developments.
  - 6. Public or private streets shall connect the development to adjacent neighborhoods. ~~in zoning districts if possible.~~
  - 7. A traffic study shall be required at the submittal of the initial land disturbance permit on any project of more than 100,000 square feet of commercial use and/or more than 100 dwelling units.
- i. Utilities:
  - 1. Access and connection to public water and sewer shall be required for development within the CPCD zone.
- j. Lighting:
  - 1. Building entrances and parking areas and pathways shall be designed to include lit to two-foot candles with pedestrian scale lighting.
  - 2. Parking area lighting shall have an average of no more than ~~six~~four-foot candles for the projects.

3. ~~In general~~ Light ~~should shall~~ be designed so that light is not directed off the site and the fixtures shall be fully shielded or be designed with full cut-off fixtures to eliminate up lighting, spill, and glare.
4. Illuminance levels at property lines abutting adjoining residential districts shall be a maximum of 0. 05-foot candles.

k. Open space:

1. The amount of permanent open space or natural space required shall be no less than 30 percent of the development.
2. Natural areas ~~that are unsafe for pedestrians or not easily accessible to pedestrians~~— including constrained land, swamps, floodplains, wetland areas, steep slopes (345 percent or more for a distance of 100 feet or more), woodlands, lakes, ponds and streams - may be included as open space; but these areas shall not count for more than 50 percent of the total open space required.
3. Developments are ~~encouraged-permitted~~ to utilize ~~creative~~-Low Impact Design methods for stormwater management and quality when such methods provide additional open space ~~opportunities~~.
4. Prohibited Uses of Open Space:
  - (a) Golf courses;
  - (b) Roads, and impervious parking areas;
  - (c) Agricultural and forestry activities not conducted according to accepted best management practices;
  - (d) Impoundments
  - (e) Use of motorized vehicles, except for maintenance purposes as provided for in the open space management plan or electric golf carts;

~~l. — Bonuses:~~

~~1. — Residential density bonus:~~

~~i. — Residential density may be increased by including second story units above retail or office which will not count against the overall six dwelling units per acre density.~~

~~2. — Open space reduction bonus: A ten percent reduction in open space may be granted if the development includes a majority of the following items:~~

- ~~i. — The site layout clusters building on the site to promote linked trips. A cluster is a group of buildings that are attached, oriented on adjacent street corners, or are close together such that a pedestrian need not walk across more than 64 lineal feet between building entrances.~~
- ~~ii. — The site layout includes pedestrian facilities that connect through the development to the public right-of-way.~~
- ~~iii. — The site includes within its open space an active park.~~
- ~~iv. — The development provides at least ten square feet of public space (i.e. public art, fountains, benches with a focal area, or similar public spaces) in addition to sidewalks for every ten off-street surface parking spaces.~~
- ~~v. — Reducing impervious cover of parking areas using alternative paving techniques by ten percent.~~

(4) *Review and application procedures.*

- a. *Pre-application conference.* Prior to filing a formal application as a C-PCD, the applicant shall confer with the planning staff in order to review the general character of the plan (~~on the basis of a tentative land use sketch if available~~) and to obtain information on projected programs and other matters.
- b. Development plan.
  1. An applicant shall file an application with the planning staff for approval of a commercial planned comprehensive development. In addition to the requirements as enumerated in Article X, Land Use Amendments~~This the~~ application shall be supported by a development plan and written summary of intent, and shall show the relation between the proposed development and the surrounding area, both existing and proposed.
  2. The following items shall be presented:
    - i. A general location map;
    - ii. Existing topographic conditions, including contour interval of no more than two feet based on field surveys or photogrammetric methods;
    - iii. The existing and proposed land uses and the approximate location of all buildings ~~and~~ structures and open space;
    - iv. The approximate location of all existing and proposed streets and major thoroughfares;
    - v. The approximate location of all existing and proposed utilities; including a preliminary utility and drainage plan;
    - vi. A legal description of the subject property and a current boundary survey;
    - vii. The location and use of existing and proposed, public, semi-public or community facilities such as school, parking and open areas. The plans should include areas proposed to be dedicated or reserved for community or public use;
    - viii. ~~If a proposed development creates special concerns or problems or involves unusual circumstances, then~~ Additional information may be required by the planning director to properly evaluate the proposal; the additional information may include the following information:
      1. An off-street parking and loading plan;
      - ~~2.~~ An economic feasibility study report or market analysis;
      - ~~3.~~ A comprehensive traffic study of the area;
      - ~~4.~~ A traffic circulation plan within the development;
      - ~~5.~~ An environmental impact study; ~~and~~
      - ~~Other information as may be required.~~
- c. The ~~written statement~~ land use report submitted with the development plan shall include the following items:
  1. ~~A statement of the present ownership of all land within the proposed development;~~
  2. An explanation of the character of the proposed development, including a summary of acres, development units, and gross density by type of land use. The explanation shall include minimum standards for floor area, lot size, buffers, yard and spacing requirements;
  3. A development schedule and progression of unit division or staging; if applicable, both residential and commercial portions of the project shall be included in the first phase;
  4. Proposed agreements, provisions, and covenants, which govern the use, maintenance, and protection of the development and any common or open areas.

d. A **conceptual** master drainage plan to identify major forms of detention/retention and to encourage creative water quality and quantity treatment processes.

(5) *Approval.* An application for approval of a C-PCD will be considered **administratively** as an application for amendment of the district map and will be subject to the procedures established in **Article X and** this chapter.

~~If the development plan is approved as submitted, the planning staff will cause the district map to be changed to indicate the C-PCD. If the development plan is approved with modifications, the applicant shall file a properly revised site plan with the planning staff prior to changing the district map. The site plan and supporting information of any approved plan shall be properly identified and permanently filed with the planning office.~~

(6) *Building and occupancy permits.* At such time as application is made therefore, the department ~~of planning and zoning,~~ shall issue building permits for buildings and structures in the area covered by the approved development plan if they are in substantial conformity with the approved development plan, the development schedule, and with all other applicable regulations. ~~The building inspector shall issue a certificate of occupancy for any completed building or structure located in the area covered by the approved development plan if it conforms to the requirements of the approved plan and all other applicable regulations.~~

(7) *Revision of the development plan.* Any major or substantial change in the approved development plan which affects the intent and character of the development, the density or land use pattern, the location or dimensions of streets, or similar substantial changes must be reviewed and approved by the board of commissioners subsequent to receipt of the recommendation of the planning commission. A request for a revision of the development plan shall be supported by a written statement justifying the necessity or desirability for such revisions. Notwithstanding the foregoing, the planning director shall have authority to approve minor changes in lot sizes or configurations without prior approval of the planning commission or board of commissioners.

~~(8) *Reversion of zoning approval.* Moved to Article X~~

~~a. If any portion of an approved development is rezoned to any other land use classification prior to the substantial completion of construction of internal streets or buildings (whichever is commenced first), the approval of the development plan shall lapse under this provision, in which event the planning director by operation of law shall, within 30 days of the rezoning approved by the board of commissioners: (a) cause the development to be removed from the official zoning map; (b) file a notice of revocation with the recorded development plan; (c) notify each owner of record, in writing, of the action; and (d) reinstate the land use classification and regulation which were in effect prior to the approval of the development plan.~~

~~b. If implementation of any approved C-PCD is delayed by more than two years from the approved schedule of development, no further development shall be allowed until the undeveloped portion of the tract is reclassified to another land use classification or the development plan as provided for in subsection (4) above is revised in accordance with the procedures set forth in subsection (7) above. This provision shall be in lieu of the requirements of this chapter.~~

~~(9) *Fees.* At time of application for reclassification to Commercial Planned Comprehensive Development (C-PCD), the applicant shall pay a non-refundable fee of \$400.00 which fee shall be in addition to any other fees required by this resolution.~~

(Ord. of 8-6-2020(3), § 1(Exh. A, § 405))



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## Sec. 121-105. C-OI Commercial Office Institutional District.

Within the office institutional district, a variety of offices, professional offices, institutions and public offices not involving the sale, wholesale, storage or processing of merchandise are permitted. No retail sales or wholesale shall be permitted. Areas zoned to this classification are not intended to be retail centers, commercial or industrial activities. Rather, it is the intent of the district to provide locations for a wide range of open, uncrowded sites for offices, professional offices and clinics and institutions. This district is primarily located along highways and/or major arteriales roadways, but can also be located in an area dominated by institutions, such as a ~~por~~ hospital, where a wide range of support land uses are required.

- (1) *Permitted principal uses.* The following uses are allowed within this district:
  - a. Principal uses that are allowed by right or by special use approval are listed on Table 3.3 in this article.
  - b. Restrictions that apply to particular uses allowed by right or special use approval are referenced on Table 3.3 and are contained in section 121-108 of this article.
- (2) *Prohibited uses.* Uses not listed as permitted uses on Table 3.3 are prohibited in this district. In addition, the following uses are specifically not allowed within this district:
  - a. Those uses and activities generating sound, odor, or visual effects, which are objectionable and noticeable beyond property boundaries.
- (3) *Building requirements.* The minimum area, yard, setback, and building requirements in the C-OI District are as follows:
  - a. *Minimum lot size.* 43,560 square feet (one acre) except that where contiguous to a commercial district the minimum lot size will be that necessary to meet health department requirements concerning water supply and sewage disposal if required.
  - b. *Minimum setbacks.* Front yard: ~~See~~ section 121-99(1), side yard ~~—~~ 25 feet; rear yard ~~—~~ 4025 feet.
    1. ~~Exceptions. No side or rear setback may be required when the adjacent property is commercial and there is no fire hazard created by lack of setback. Rear setback when abutting a residential district is 50 feet. Where the commercial district abuts a residential district, an additional ten feet setback in order to provide a ten-foot wide screen or buffer may be required at the discretion of the planning commission. Additional exaction's and requirements for access, curb cuts, deceleration and acceleration lanes, traffic signals, water, sewer, etc., may be determined and required by the planning commission or board of commissioners. To reduce or eliminate noise factors, visual effects or the possibility of noxious odors that may negatively impact the adjacent residential area.~~
  - c. *Maximum building height.* Buildings designed for human occupancy shall not be higher than 4035 feet ~~unless adequate fireproofing construction materials are used, an adequate sprinkler system is provided, and a fire escape system approved by the county fire marshal is installed. Non-occupied buildings, and water towers, smokestacks, radio antennas, etc., may be permitted if no hazard or other adverse effect is created for adjacent properties as determined by the planning commission after public notice and hearing.~~
  - d. ~~Screens or buffers. Where noise, visual effects, or distracting activity is determined by the planning commission or board of commissioners to affect adjacent property or roadway, a vegetative screen, cement or masonry wall, or earth berm may be required by the planning commission or board of commissioners to reduce the undesirable effects.~~

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- (4) *Full disclosure.* ~~Commercial or industrial~~ Non-residential uses shall, as part of any application, provide full disclosure of all hazardous or dangerous products used in their commercial or industrial processes together with an explanation of safety measures, disposal measures and emergency medical and evacuation procedures. Changes in processing or manufacturing after initial ~~approval-~~ disclosure relative to this requirement must be reported to the planning director and fire marshal within 15 days. Information provided herein shall be provided to the emergency medical service, the fire department and the sheriff's department prior to the issuance of a certificate of occupancy.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 406))

Sec. 121-106. C-IR Commercial Industrial Restricted District.

Restricted industrial commercial districts are areas where there are-is manufacturing, processing, fabricating, or other uses, which may generate noise, odors, traffic activity and may require special energy, waste disposal, or other special utility support services.

- (1) *Permitted principal uses.* The following uses are allowed within this district:
- Principal uses that are allowed by right or by special use approval are listed on Table 3.3 in this article.
  - Restrictions that apply to particular uses allowed by right or special use approval are referenced on Table 3.3 and are contained in section 121-108 of this article.
- (2) *Prohibited uses.* Uses not listed as permitted uses on Table 3.3 are prohibited in this district. In addition, the following uses are specifically not allowed within this district:
- ~~Any industrial or commercial use that the planning commission or the board of commissioners determines to be a hazard, detrimental, or objectionable to the community.~~
  - The following uses and activities unless specifically approved by the planning commission and board of commissioners: cement or asphalt manufacture, steel fabrication industries, petroleum refinishing or bulk storage of highly flammable products, stockyards or feedlots, open storage of materials, commercial slaughtering of animals, paper or wood pulp manufacture, open pit mining, quarrying, or sand/gravel removal operations.
- (3) *Building requirements.* The minimum area, yard, setback, and building requirements in the C-IR District are as follows:
- Minimum lot size.* ~~43,560 square feet (one acre)-~~ four acres except that where contiguous to a C-IR the minimum lot size will be that necessary to meet health department requirements concerning water supply and sewage disposal if required.
  - Minimum setbacks.* Front yard: Ssee section 121-99(1), side yard — 3550 feet; rear yard — 3550 feet, ~~except none when the adjacent property is commercial and there is no fire hazard created by lack of setback. Rear setback when abutting a residential district is 50 feet.~~ Where the commercial district abuts a residential district, an additional ten feet setback in order to provide a ten-foot- wide screen or buffer may be-is required. ~~at the discretion of the planning commission.~~ Additional exaction conditions and requirements for access, curb cuts, deceleration and acceleration lanes, traffic signals, water, sewer, etc., may be determined and required by the planning commission and Board of Commissioners.
  - Maximum building height.* Buildings designed for human occupancy shall not be higher than 35 feet ~~unless adequate fireproofing construction materials are used, an adequate sprinkler system is provided, and a fire escape system approved by the county fire marshal is installed.~~ Non-occupied buildings, and water towers, smokestacks, radio antennas, ~~etc.~~ may be permitted ~~if no hazard or~~

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~~other adverse effect is created for adjacent properties as determined by the planning commission after public notice and hearing.~~

~~d. Screening. All activities, mechanical equipment, and refuse areas shall be within an enclosed building, or screened by a solid wall at least six (6) feet in height.~~

~~1. Outdoor storage if allowed shall not be visible from off-site.~~

~~d. Screens or buffers. Where noise, visual effects, or distracting activity is determined by the planning commission or board of commissioners to affect adjacent property or roadway, a vegetative screen, cement or masonry wall, or earth berm may be required by the planning commission or board of commissioners to reduce the undesirable effects.~~

~~e. Additional requirements. The planning commission and governing body reserve the right to set special requirements for certain industries which may require greater screening and buffer requirements, thereby creating greater lot or area requirements.~~

- (4) *Full disclosure.* ~~Commercial or industrial~~ Non-residential uses shall, as part of any application, provide full disclosure of all hazardous or dangerous products used in their commercial or industrial processes together with an explanation of safety measures, disposal measures and emergency medical and evacuation procedures. Changes in processing or manufacturing after initial approval disclosure relative to this requirement must be reported to the planning director and fire marshal within 15 days. Information provided herein shall be provided to the emergency medical service, ~~the fire department~~ and the sheriff's department prior to certificate of occupancy.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 407))

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## Sec. 121-107. Chart of uses.

(a) *Purpose.*

- (1) This section lists by the following matrix chart the uses allowed by right and by special use approval in each commercial zoning district. A listed allowed use is one which is allowed in the zone without any qualifications, except wherever such qualifications may be indicated in this land use resolution. A listed special use is one which may be granted only when certain conditions are met.
- (2) In the following chart an "A" means that the use is automatically allowed in the zoning district listed by the abbreviation at the top of the column. An "S" means that the use is allowed only by special use approval. A blank space indicates that the use is not allowed under any circumstances.

(b) *Allowed principal uses.*

- (1) A principal use is the specific, primary purpose for which land or a building is used.
- (2) Principal uses that are allowed by right or allowed only by special use approval in each zoning district are shown on ~~the following~~ Table 3.3: Principal Uses Allowed by Commercial Zoning District.

(c) *Special uses.* Principal uses that are special uses may be granted subject to special use approval following the procedures for amendments as set forth in article X and with consideration of additional review criteria that may be established in this land use resolution.

(d) *Restrictions on particular uses.*

- (1) Restrictions that apply to certain principal uses and to certain zoning districts are listed in section 121-108. The restrictions also apply to special uses unless specifically waived or modified as a stipulation of special use approval.
- (2) For those uses that have specific restrictions associated with them, a reference is given on the Table 3.3 to the pertinent subsection of section 121-108.

(e) *Interpretation of uses.*

- (1) Some degree of interpretation will occasionally be required. It is not possible to list each and every variation or name of a given use.
- (2) In addition to other generally accepted references and resources, the North American Industrial Classification System (NAICS), published by the U.S. Department of Commerce (current available edition), ~~may~~ should be referred to in order to interpret the definition of uses listed on Table 3.3 to identify similar uses that may be allowed along with each listed use. The NAICS classification number is shown on the tables for each applicable use for reference and interpretation only; the NAICS is not adopted as part of this Code.
- (3) In all cases of uncertainty, the determination of whether or not a particular use is allowed in a particular zoning district shall reflect the purpose of the zoning district as stated in this article, both the common and dictionary definitions of the use, and the array of listed uses that are allowed in the district as to their character and intensity, as determined by the planning and development director.

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**Table 3.3 Principal Uses Allowed by Commercial Zoning District**

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(Ord. of 8-6-2020(3), § 1(Exh. A, § 408))

(Supp. No. 26)

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## Sec. 121-108. Restrictions on particular uses.

- (a) *Purpose.* The purpose of this section is to provide land use and development regulations for specific uses that are applicable to sites throughout Dawson County. Unless otherwise noted, these standards are intended to be applied within all zoning districts where the particular uses are allowed, whether by right or through special use approval.
- (b) *Animal hospitals, veterinary clinics, ~~and kennels and animal grooming businesses~~* require approval as a special use following the procedures for Amendments and with due consideration given to all relevant data relating to the public health, safety and welfare including:
- (1) Noise factors that may impact adjacent residential areas,
  - (2) Isolating factors, such as topography or buffers, and
  - (3) Noxious odors affect~~ing~~ adjacent properties.
- (c) *Convenience stores and fresh produce grocers.* In the C-RB Zoning District, such uses shall not have more than one cash register or check-out counter.
- (d) *Fraternal lodges and other civic and social organizations.* In the C-OI Zoning District, such buildings shall not exceed 10,000 square feet of gross floor area in size.
- (e) *Hardware stores, feed stores/farm supply, and nurseries/greenhouses.* In the C-RB Zoning District, such buildings or structures shall not exceed 5,000 square feet in size.
- (f) *Petroleum product storage.* Storage of petroleum products shall be allowed only after the location of the premises has been approved by the Fire Chief and, further provided that residential homes shall not be located within 100 yards of the location.
- (g) ~~*Single family dwellings and town homes.* In the C-PCD Zoning District, such buildings shall be limited to rear entry garages or drives via alleyways. *Self-service storage.*~~
- (1) Area. The minimum lot size for a self-service storage development shall be five acres.
- (2) Storage unit specifications and uses. Individual storage units shall not be used for the storage of hazardous materials or toxic substances. The use of individual storage units for living, sales, or occupations is prohibited.
- (3) Access. Access to self-service storage developments is limited to passenger vehicles and two-axle trucks. Interior drives between buildings shall be a minimum of 20 feet wide.
- (4) Outdoor storage. Outdoor storage is prohibited.
- (h) *Solar farms.*
- (1) Freestanding solar panels located on the ground shall not exceed 20 feet in height above the ground.
  - (2) Freestanding solar panels shall meet all setback requirements as required for buildings.
  - (3) Solar farms shall be located on parcels greater than five acres.
  - (4) A twenty (20) foot undisturbed buffer shall be provided along the property boundary of the solar farm.

(i) Stream buffer requirements.

(1) All land development activity shall meet the following requirements:

(a) An undisturbed natural vegetative buffer shall be maintained for 50 feet, measured horizontally, on both banks (as applicable) of state waters as measured from the top of the bank.

(b) An additional setback shall be maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetative buffer, wherein all impervious cover shall be prohibited, except for stormwater management facilities. Grading, filling and earthmoving shall be minimized within the setback; allowance for such activity shall consider needs for retaining walls and other topographical requirements as determined by the stormwater manager.

(c) No septic tanks or septic tank drain fields shall be permitted within the buffer.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 409))

**Sec. 121-109. Telecommunication towers and antennas/Wireless Communication Facility.**

(a) *Purpose and intent.* The supplemental wireless communication facility regulations of this section shall be applied within the constraints of state and federal law, the federal Telecommunications Act of 1996 and Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012. The purpose of this section is to establish guidelines for the siting of all wireless, microwave towers, common carrier towers, cellular, television and radio telecommunications towers and antennas. The regulations and requirements set forth herein are adopted for the following purposes:

- (1) To provide for the location of communication towers and communication antennas in Dawson County;
- (2) To effect the visual impacts of communication towers and antennas through careful design, siting, landscape screening and innovative camouflaging techniques;
- (3) To accommodate the growing need for communication towers and antennas while minimizing the total number of towers within the community necessary to provide adequate personal wireless services to residents of Dawson County;
- (4) To promote and encourage shared use/co-location of existing and new communication towers as a primary option rather than construction of additional single-use towers; and
- (5) To recognize the public interest obligations for eligible telecommunication carriers to deploy infrastructure that can provide broadband service in addition to voice service.
- (6) To consider public health, safety and welfare.

(b) Wireless communication facility definitions.

The equipment and network components necessary to provide wireless communications service, excluding the underlying wireless support structure. The term includes antennas, accessory equipment, transmitters, receivers, base stations, power supplies, cabling and associated equipment necessary to provide wireless communications services.

(1) Carrier on wheels. A portable self-contained wireless facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.

(2) Co-location. The placement or installation of wireless communication facilities on existing structures, including electrical transmission towers, water towers, buildings and other structures customarily used for and capable of structurally supporting the attachment of wireless communication facilities in compliance with all applicable codes and regulations.

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(3) Concealed wireless facility. Any wireless communication facility that is integrated as an architectural feature of an existing structure or any new wireless support structure designed to camouflage or conceal the presence of antennas or towers so that the purpose of the facility or wireless support structure is not apparent to a casual observer.

(bc) *Applicability.*

- (1) All new communication towers and communication antennas in Dawson County shall be subject to these regulations and all other applicable regulations, and shall require special use approval following the procedures for amendments as set forth in article X in this land use resolution. For purposes of measurement, communication tower setbacks and separation distances as set forth in this article shall be calculated and applied irrespective of county and municipal jurisdictional boundaries.
- (2) All legally existing communication towers and communication antennas legally existing on [date of adoption] shall be considered legal nonconforming uses, allowed to continue their usage as they presently exist; provided however, anything other than routine maintenance, including without limitation, structural modifications including provisions for additional antennas or additional providers and/or new construction on an existing communication tower, shall comply with the requirements of this article with the exception of separation distances. Routine maintenance shall be permitted on such existing towers.
- (3) The performance and construction standards provided for in this article shall apply to all new communication tower construction including such construction that shall occur in areas zoned under the commercial tower zoning designation established by the Land Use Resolution of Dawson County, now repealed.
- (4) All government towers with public safety systems or equipment shall be exempt from the requirements of this subsection. However, private facilities and structures proposed for placement on governmentally owned property shall not be exempt.
- (5) This chapter shall not govern any tower, or the installation of any antenna, that is 35 feet or less in height and is owned and operated by a federally licensed amateur radio station operator from the operator's residence.

(ed) *General requirements.*

- (1) *Principal or accessory use.* A tower and/or antenna is considered a principal use if located on any lot or parcel of land as the sole or primary structure, and is considered an accessory use if located on a lot or parcel shared with a different existing primary use or existing structure. An existing use or structure on the same lot or parcel shall not preclude the installation of an antenna or tower. For purposes of determining whether the installation of a tower or antenna complies with zoning district requirements, including but not limited to set-back, buffer and other requirements, the dimensions of an entire lot or parcel shall control, even though the antenna or tower may be located on a leased area within such lot or parcel. Towers that are constructed and antennas that are installed, in accordance with the provisions of this chapter shall not be deemed to constitute the expansion of a nonconforming use or structure. Accessory structures to the tower are for that of the facility only, no offices, vehicles or material storage is allowed in structure.
- (2) *Inventory of existing sites.* To facilitate the co-location of antennas, each applicant seeking to locate a new tower, alternative tower structure or antenna, or to modify any such existing structure, shall provide to the department of planning and development an inventory of applicant's existing towers or alternative tower structures. Applicants seeking to erect an amateur radio tower or antenna as defined by Federal Communications Commission (FCC) regulations shall be exempt from this provision. The inventory shall include all such structures that are within the jurisdiction of the governing authority;

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within a municipality located, in whole or in part, within Dawson County; and within a one mile border of Dawson County, and shall include specific information about the location (latitude and longitude coordinates), height, design, tower type and general suitability for antenna co-location of each tower, and other pertinent information as may be required by the department of planning and development. The department of planning and development may share such information with other applicants for a communication tower permit under this chapter or other organizations seeking to locate towers or antennas within the jurisdiction of the governing authority, provided, however that the department of planning and development is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

(de) *Application requirements.*

- (1) Each special use application shall include a scaled site plan with topographical information, an elevation view, and other supporting drawings, calculations and documentation.
- (2) The site plan must include setbacks, drives, parking, fencing, landscaping, adjacent uses, also the distances to all structures within 1,000 feet, and any other information necessary to review the request.
- (3) Documentation of radio frequency range, coverage area, and tower height requirements.
- (4) Documentation of all hazardous and/or flammable materials that may be located on site, their quantity and method of storage.
- (5) Location and height of all existing towers owned by the applicant inside of and within one mile of the boundary of Dawson County.
- (6) New freestanding communication towers and communication antennas shall not be allowed unless the applicant makes an affirmative showing based on competent substantial evidence that:
  - a. Existing towers and buildings do not technologically afford the applicant the ability to provide service to the service area of the applicant or service provider, and
  - b. The geographical boundaries of the proposed service area cannot technologically be bifurcated to avoid the necessity for a freestanding tower/antenna, and
  - c. There exists a present demand and formal commitment by a minimum of one wireless provider (may be that of the applicant) to locate at the proposed site.
- (7) All wireless telecommunications applications that are located on rooftops or water tanks must be able to adhere to the following aesthetic criteria:
  - a. Camouflage radome material.
  - b. Paintable.
  - c. Dual Polarized Antenna if camouflage and painting is unavailable.
  - d. No roof top MW dish may exceed four feet in diameter.
  - e. Antennae placed on rooftops should be setback from the roof edge at a 1:1 ratio to the height of the antenna.
- (8) ~~A balloon test is also required to be performed. The applicant shall hold a "balloon test" prior to the public hearing on the application meeting the following requirements:~~  
(1)The applicant shall arrange to fly, or raise upon a temporary mast, a brightly colored balloon, which is a minimum three-foot in diameter and a minimum ten-foot in length at the maximum height of the proposed telecommunications facility.



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~~(2)The dates, (including a second date, in case of poor visibility on the initial date) times and location of this balloon test shall be advertised by the applicant seven and 14 days in advance of the first test date in a newspaper with a general circulation in the county. The applicant shall inform the director, in writing at least 10 days in advance, of the dates and times of the test.~~

~~3)The balloon shall be flown for at least five consecutive hours between 7:00 a.m. and 4:00 p.m. on the dates chosen.~~

~~4) Pictures shall be taken of the balloon from approximately 200 feet away from the base location of the balloon from the east, west, north, and south. Provide the date and time of the testing on the application and the applicant is further required to notify adjoining property owners of same.~~

(9) If the telecommunications tower is federally funded, licensed or permitted a Section 106 Review is required pursuant to the National Historic Preservation Act to establish the effect, if any, on historic resources.

(fe) *Zoning requirements.* Communication towers and communication antennas are considered special uses and upon proper application and approval may be permitted in the following zoning categories:

1. C-CB.
2. C-HB.
3. C-PCD.
4. C-IR.
5. R-A, if proposed to be located on a single lot or parcel of not less than five acres.
6. C-RB.
7. CT, if zoned prior to May 1, 2010.

~~Special use status shall be revoked if not used within one year of approval.~~

(fg) *Performance and construction standards.*

- (1) *Structural design.* New communication towers/antennas and modifications to existing structures including, without limitation, the addition of height, antennas or providers shall be constructed in accordance with all applicable ~~County~~ Building Codes and shall meet or exceed current standards and regulations of all applicable Federal, State and Local authorities. Lattice tower structures, self-supporting or guyed structures are prohibited.
- (2) *Setbacks.* Communication tower/antenna setbacks shall be measured from the base of the tower/antenna or protruding building structure at the base of the tower, whichever is closest to the property line, to the property line of the parcel on which it is located. Communication towers/antennas and their accessory structures shall comply with the minimum lot and setback requirements of the district in which they are located. In cases where there is a conflict between the minimum lot setback and street setback requirements, the greater setback shall apply. Guy wires and support anchors of existing towers are required to meet setbacks; they shall not extend outside of the property line and must be contained within the fenced area of the tower site.
- (3) *Separation from residential uses.* Separation requirements for communication towers from residentially zoned lands, as outlined in article III of this resolution except those lands zoned R-A, or residential uses shall be a minimum of 195 linear feet. Communication tower separation shall be measured from the base of the tower to the closest point of off-site uses.
- (4) *Separation distances between communication towers.* Separation distances between communication towers shall be applicable for and measured between the proposed tower and those towers that are

existing and/or have received land use or building permit approval from the county. The separation distances shall be measured by drawing or following a straight line from the base of the existing tower to the base of proposed tower, pursuant to a site plan, of the proposed tower. Minimum separation distances (listed in linear feet) shall be as follows:

**SEPARATION REQUIREMENTS BY TOWER TYPES**

Proposed Tower Types	Lattice, Self-Supporting or Guyed	Monopole 75' in Height or Greater	Monopole Less Than 75' in Height
Camouflaged or Monopole 75' in Height or Greater	15,840 feet	15,840 feet	10,560 feet
Camouflaged or Monopole Less than 75' in Height	10,560 feet	10,560 feet	10,560 feet

- (5) *Fencing.* A chain link fence or wall not less than six feet in height, from finished grade equipped with an appropriate anti-climbing device shall be provided around each communication tower compound. Access to the tower shall be through a permitted driveway and the gate shall be locked gate.
- (6) *Landscaping.* Landscaping shall mitigate the visual impacts of a communication tower compound. Where adequate vegetation is not present, tower facilities shall be landscaped with a landscape buffer that effectively screens the view of the tower compound. The use of existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or in supplement towards meeting landscaping requirements.
  - a. Landscape buffers shall be a minimum of ten feet in width and located outside the fenced perimeter of the tower compound; and
  - b. A row of trees a minimum of eight feet tall (planted height) and a maximum of 20 feet apart shall be planted around the perimeter of the fence; and
  - c. A continuous hedge at least 30 inches high at planting and capable of growing to at least 36 inches in height within 18 months shall be planted in front of the tree line referenced above; and
  - d. All landscaping shall be of the evergreen variety and conform with landscape standards to be approved by planning and development office at the time of permitting.
  - e. If existing foliage is to be used as buffer, it must be labeled and incorporated into the site plan, reviewed and approved through Planning & Development Office.
  - f. Upon final installation of new trees, shrubs or other landscape material planted to meet the requirements of this section and prior to receipt of a certificate of ~~occupancy completion~~ the owner shall either provide proof of warranty or post a maintenance bond or other acceptable surety, warranting the new material for a period of no less than one year. The bond shall be posted in an amount equal to 20 percent of the actual cost of the material and installation.
  - g. The department shall perform an inspection of the plantings and landscape materials required by these regulations prior to the expiration of the one-year warranty or maintenance period. The tower owner shall be notified of any replacements or restoration that must be made to maintain compliance with these regulations.

Required landscape materials found to be dead or near death shall be replaced prior to release by the department of the warranty or maintenance surety. In no case shall replacement be delayed more than

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30 days from notification, unless a performance bond is posted with the department. Such performance shall be completed within six months of posting.

- (7) *Height.* No freestanding communication tower/antenna shall exceed 195 feet in height from ground level. Where installed on top of a building, no communication tower/antenna shall extend greater than 20 percent over the building height. An existing communication tower may be modified to a taller height not to exceed 20 feet over the tower's existing height, never to exceed the maximum height of 195 feet, to accommodate the co-location of an additional communication antenna(s).
- a. The height change referred to in this subsection may only occur one time per communication tower.
  - b. The additional height referred to in this subsection shall not require an additional distance separation. The communication tower pre-modification height shall be used to calculate such distance separations.
- (8) *Illumination.* Communication towers/antennas shall not be artificially lighted.
- (9) *Co-location.* Proposed communication antennas may and are encouraged to co-locate onto existing communication towers, provided such co-location is accomplished in a manner consistent with zoning and performance standards, new or additional special use approval is not required. If it is determined by the county that the proposed tower is situated in a location which will benefit the county's telecommunication systems, then the tower shall be engineered and constructed to accommodate the additional telecommunication equipment beneficial to the public system at a cost to the county no greater than the actual expense of the provider in so engineering and constructing the tower to meet the county's needs.
- a. Monopole communication towers shall be engineered and constructed to accommodate a minimum of three additional communication service providers.
  - b. Camouflaged communication towers may be engineered and constructed without accommodating additional communication service providers.
  - c. Communication towers located within electrical substations may be engineered and constructed without accommodating additional communication service providers. Such towers shall be monopole construction and shall be subject to all of the requirements of article II, communication tower and communication antenna permits and regulations.
- (g) *Noninterference.* No communication tower or antenna shall interfere with public safety communication. Frequency coordination is required to ensure noninterference with public safety system and/or public safety entities.
- (h) ~~*Variations.* Any request to deviate from any of the requirements of this section shall require approval of the planning commission.~~
- (i) *Documentation.* Documentation to demonstrate conformance with the requirements of performance standards shall be submitted by the applicant with all requests to construct, locate or modify a communication tower/antenna. A statement by the applicant as to how construction of the communication tower will accommodate co-location of additional antennas for future users shall be included with the documentation. Documentation evidencing a present commitment from the proposed service providers to locate at the proposed site shall also be included by applicant, at time of permitting.
- (j) *Signs and Advertising.* A small sign placed on the entrance gate of sufficient size, not to exceed four feet in total area shall display the name of the person or corporation owning the tower, the name of the person or corporation owning the property (if different from tower owner), FCC registration number and a current mailing address with a name and phone number of a person to contact in case of an emergency. All other

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signage is prohibited and the use of any portion of a tower for sign or advertising purposes including, without limitation, company name, banners, or streamers, is prohibited.

- (k) *Abandonment.* Without waiving the county's right to determine whether or not a communication tower has been abandoned, it shall be the duty of the tower owner to notify the county in writing of any intent to abandon use of the tower. Said notice shall include steps that tower owner shall take to accomplish removal of the tower structures. In the event the use of any communication tower has been discontinued for a period of 180 consecutive days, the tower shall be deemed to have been abandoned. Upon such abandonment, the owner/operator of the tower shall have an additional ~~6045~~ days within which to: (1) reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower; or (2) dismantle and remove the tower. The owner of the tower shall be ultimately responsible for all costs of dismantling and removal and in the event the tower is not removed within ~~6045~~ days of abandonment, the county may proceed to do so and assess the costs against the tower owner. The lien of such assessment shall bear interest, have priority and be collectable at the same rate and in the like manner as provided for by Georgia law. At the earlier of ~~4661~~ days from the date of abandonment without reactivation or upon completion of dismantling and removal, any special use permit, waiver and/or variance approval for the tower shall automatically expire.
- (l) *Finished color.* Communication towers not requiring FAA painting/marketing shall have either galvanized finish or be painted with a non-reflective paint in a non-contrasting blue, gray or black finish. The color should be selected so as to minimize the equipment's visibility.
- (m) *Maintenance.* To ensure the structural integrity of towers, the owner of a tower shall be maintained in compliance with standards contained in applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the governing authority concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance within such standards. If the owner fails to bring such tower into compliance within said 30 days, the governing authority may remove such tower at the owners' expense. Any such removal by the governing authority shall be in that manner provided in O.C.G.A. §§ 41-2-8—41-2-17.
- (n) *Liability insurance.* Liability insurance in an amount not less than \$1,000,000.00 shall be maintained by the owner and operator of the facility until such facility is dismantled and removed from the parent site. Failure to maintain insurance coverage shall constitute a violation of this Code and grounds for revocation of special use approval. Proof of same shall be supplied to the Department of Planning and Development upon application for permit.
- (o) ~~*Fees-Review by Third-Party consultant.*~~
- ~~(1) The fees for special use approval for a communication tower/antenna shall be \$2,500.00 inclusive of the third party review cost.~~
- ~~(2) The development plan review fees shall be the same as for any commercial development.~~
- ~~(3) The building permit fees shall be set at \$500.00 and shall cover the tower and associated equipment building. Any other permits required shall be charged at the prescribed rate at the time of development or construction.~~
- ~~(4) As with any special use application, the applicant shall be required to submit fee amounts as deemed sufficient and appropriate by the county in order to obtain any needed technological expertise so as to assist county staff in evaluation the request. In order to receive an objective, qualified verification review of the application submitted requesting the approval of a special use permit for a communication tower/antenna, an independent RF consulting company, chosen by Dawson County, may be engaged to ~~will~~ evaluate such application. The independent consulting company will evaluate all RF applications on the merits of the applicant's ability to meet or exceed the standards of this~~

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article. The fee to secure a third-party review shall be inclusive in the special use request fee paid by the applicant at the time of filing for a special use permit with the county. Information to be provided to the independent consultant for review and evaluation is as follows:

- a. No new telecommunications structure may be constructed without providing the following information:
  1. Propagation map of Existing Coverage (scale) on Paper and Proposed Coverage (scale) on Clear Film with RSSI (Received Signal Strength Indicator) or Eb/Io values distinguished by different color criteria.
  2. Latitude/Longitude (NAD 27), Ground Elevation AMSL, Antenna Radiation Center, ERP (watts) out of the antenna, Antenna Manufacturer, Antenna model, Antenna Beam width, Antenna Tilt, Antenna Gain and Antenna Pattern.
  3. Name of propagation tool, propagation parameters specifications.
  4. Frequency TX Band/RX Band, License Block.
  5. Inventory of applicant's existing sites within a five-mile radius.
  6. Name, number and title of submitting engineer.

[Note: If propagation parameters are not submitted then a test transmitter drive shall be conducted after test procedures and hardware are pre-approved and verified on site by the Independent Consulting Company.]

- b. No new telecommunications structure may be constructed if proof of the following ~~can be is~~ made:
  1. Eighty percent of the proposed coverage area can be accomplished by an existing structure or alternate means of transmission (i.e., repeater, carrier system modification).
  2. Proposed telecommunications site exceeds FCC RF emissions Power Density standard of 1 mw/cm<sup>2</sup> for uncontrolled environments.
  3. Telecommunication site does not meet FAA/FCC rules and regulations.
  4. A previously approved site application will meet the current applicant's coverage or capacity objectives.
- c. Any approved wireless telecommunication tower must adhere to the following conditions:
  1. Proof of FAA "No hazard determination assessment" or "No notice of construction needed". If a notice of construction is required, the FAA can only grant the "No Hazard of Determination Assessment". Only an aviation consultant once coordinated with the independent consultant can determine if a no notice of construction is warranted if and only if the tower is greater than five miles from an airport or two miles from a heliport.
  2. Update of ERP (watts) per site, per sector upon filing for new cell tower.
  3. Update of antenna type, antenna beam width, antenna gain, antenna tilt, and radiation center upon filing for new cell tower.

- (p) *Variance.* Any request for variance from the provisions of this article shall be presented directly to the Dawson County Planning Commission per article IX of this resolution.
- (q) *Violation.* Any person violating the provisions of these regulations shall be guilty of violating a duly adopted ordinance of Dawson County, and upon conviction by a court of competent jurisdiction may be penalized pursuant to section 121-377 of this chapter.



~~(Ord. of 8-6-2020(3), § 1(Exh. A, § 410))~~

**Secs. 121-110—121-125. Reserved.**

## **ARTICLE V. (MUV) MIXED USE VILLAGE USE DISTRICT**

### **Sec. 121-126. Purpose.**

The Mixed Use Village (MUV) District is established primarily to encourage the development of mixed use developments consisting of both residential and commercial property. The MUV District is intended to:

- (1) Encourage the development of large tracts of land as planned, mixed use communities;
- (2) Offer enhanced protection of natural resources and sensitive environmental features, including streams, water bodies, floodplains, wetlands, steep slopes, woodlands and native plant communities.
- (3) Encourage flexible and creative concepts in site planning;
- ~~(3)4~~ Preserve the natural amenities of the land by encouraging scenic and functional open space areas; and
- ~~(4)5~~ Provide for an efficient use of land.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 500))

### **Sec. 121-127. Uses Allowed.**

Within the MUV District, land and structures shall be used in accordance with the standards set forth herein. Any use not specifically designated as a permitted use shall be prohibited.

- (1) *Permitted uses.* Structure and land may be used for only the following purposes:
  - a. Single-family attached dwellings; Townhomes;
  - b. Single-family detached dwellings;
  - c. Multi-family dwellings; Apartments.
  - d. Patio homes;
  - e. Townhomes; authentic, non-franchised restaurants
  - f. Condominiums;
  - g. Apartments; Jointly-anchored office-residential buildings with ground floor retail;
  - h. Live work units; residential, above or behind commercial and office uses in the same building;
  - i. Small accessory apartments (guest house);
  - j. Accessory buildings and uses;
  - k. Clubs and lodges (non-commercial);
  - l. Colleges and universities;
  - m. Commercial and office uses;
  - n. Retail and service uses;
  - o. Day care facilities;

- p. Family day care;
- q. Golf courses;
- r. Group homes;
- s. Guest houses;
- t. Home occupations;
- u. Neighborhood recreation centers;
- v. Nursing home facilities; with either ground floor retail or medical services.
- w. Continuum of care retirement facilities
- x. Parks, public and private;
- y. Personal care homes;
- z. Public utility facilities;
- aa. Recycling centers (collecting);
- bb. Religious institutions;
- cc. Retirement centers;
- dd. Schools, public and private;
- ee. Public uses;
- ff. Parking structures.

gg. Professional, Scientific, and Technical Services

hh. Warehouse flex space; not to exceed 75,000 square feet.

- (2) *Special uses.* Low intensity assembly/manufacturing not to exceed 50,000 square feet for the total MUV are permitted subject to the following restrictions. Such facilities must be located in an enclosed building or structure, must be designed to fit the architectural theme of the community, must not emit any noxious odors or noise and shall not be used for the storage of hazardous materials.
- (3) *Prohibited uses.*
  - a. Structure and land shall not be used for the following purposes: Adult entertainment establishments; adult video stores; adult book stores; adult novelty stores; automobile sales, mobile homes, superstores; or any use not designated as a permitted use.

~~(Ord. of 8-6-2020(3), § 1(Exh. A, § 501))~~

### **Sec. 121-128. Land area.**

Land area for the MUV shall be 5300 to 1,000 acres in size.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 502))

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### Sec. 121-129. Density and lot sizes.

The gross overall density of an MUV development shall not exceed 2.85 units per acre; however, to promote innovative design, the intent of the MUV is to be density neutral. There is no specific lot size required or specified. Lot sizes shall be based on the development master plan presented to and approved by the Dawson County Board of Commissioners. ~~Density and intensity of land uses are specified in Table 2-1 "Mixed Use Village" of the latest adopted version of the Dawson County Comprehensive Plan.~~

(Ord. of 8-6-2020(3), § 1(Exh. A, § 503))

### Sec. 121-130. Village Center ~~core~~ area.

The village ~~core~~ center area is defined as the geographic area within the community where the majority of commercial, business and public facilities shall be located that are intended to serve the entire community. ~~The village core area should also contain dense housing as compared to the rest of the community.~~ The village center ~~core~~ area shall be designated on the conceptual plan.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 504))

### Sec. 121-131. Setbacks and buffers.

Front, side and rear setbacks and buffer requirements shall be established as part of the master development plan.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 505))

### Sec. 121-132. Building height.

No building shall be more than ~~three-five~~ stories in height or more than 60-35 feet in height, whichever is less, unless approved by the county board of commissioners as part of the ~~master~~ development plan. The height limitation does not apply to unoccupied and inaccessible architectural features (e.g., church spires, belfries, cupolas and domes, parapet walls, monuments, government-owned observation towers, water towers, chimneys, flag poles, and similar structures).

(Ord. of 8-6-2020(3), § 1(Exh. A, § 506))

### Sec. 121-133. Utility construction.

All water and sewer service construction shall meet the standards of the service provider. Utilities shall be placed underground. Stormwater facilities shall be constructed to the specifications of the applicable local or state authority.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 507))

### Sec. 121-134. Transportation system.

The street network shall be designed in a ~~generally~~ connected pattern limiting cul-de-sacs ~~when possible~~. Street patterns shall be designed to respect and follow existing topography ~~as much as possible~~, to minimize earthmoving and disruption of existing natural features. The applicant may request alternative design standards for infrastructure such as narrower streets or alternative

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stormwater methods to provide for more creative land development and to decrease potential environmental impacts of proposed development. Any proposed alleyways shall be designed in accordance with the approved development plan. Streets shall be designated public or private on the master development plan.

- (1) Streets shall be designed to:
  - a. Preserve existing hardwood tree lines and watercourses;
  - b. Minimize alteration of natural, cultural and historic features;
  - c. Minimize acreage devoted to streets;
  - d. Calm vehicle traffic;
  - e. Promote pedestrian circulation;
  - f. Maximize the view of natural vistas.
- (2) *Street construction.* Street design and construction shall be shown on in the master development plan. In the ~~corecenter~~ village the street shall be designed to meet a the 300 to 600 feet grid. ~~See Section 2-38 of the Community Agenda.~~
- (3) *Parking.* Parking spaces shall be provided in accordance with current Dawson County regulations as to number of spaces for a particular use and dimension of spaces. Parking may be shared between land uses. ~~if no conflicts shall arise from such arrangement.~~ If shared parking is proposed, then the applicant shall submit a plan for such arrangement with the master land development plan.
  - a. On-street parking shall be permitted throughout the district and shall be depicted on the master development plan. On-street parking spaces shall count toward the minimum spaces required based on the land uses proposed. Off-street parking design shall be approved by the Dawson County Department of Public Works.
- (4) *Alleys.* Alleys shall be permitted as appropriate. Alleys shall be designed with a minimum of 12 feet lane width and a minimum R-O-W of 20 feet. Alley design shall be approved by the Dawson County Department of Public Works.
- (5) *Pedestrian circulation.* As part of the ~~master concept development~~ plan, the applicant shall submit a pedestrian circulation plan depicting size and location of all pathways, trails and sidewalks. All proposed land uses shall be connected to the pedestrian circulation system. Multi-use trails shall be noted in the master development concept plan. Golf carts are permitted on the multi-use trails if so designated on the master development plan.
- (6) *Street trees.* As part of the ~~master development land disturbance~~ plan for permit review, the applicant shall provide a street tree plan showing the location, spacing and type of street trees proposed throughout the development. ~~Such plan may be depicted on a section of roadway providing an example of the intended tree planting program for the entire community.~~ Street trees shall not be required in areas where the applicant intends to preserve existing trees. Developments in the MUV District shall meet the provisions of the most current tree preservation and landscaping requirements adopted by Dawson County related to parking areas.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 508))

### **Sec. 121-135. Sign program. Mixed Use Village Design Principals.**

~~The intent of the MUV District is to promote architectural style in signage by encouraging monument type signs using architectural materials. As part of the master development plan, the applicant shall submit a sign plan that illustrates the size and style of signs to be constructed, as well as a description of materials to be used for all freestanding, wall, entrance and directional signage. The intent of these regulations is to promote signs architecturally compatible with surrounding development.~~

(1) A Mixed-Use Village consists of a combination of retail, a chain grocer. service, civic, office, institutional, multi-family, conservation and residential land uses. These uses are coordinated to create a cohesive and master planned neighborhood with the associated needs for convenience and specialty commercial and

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services to serve the neighborhood. The Mixed-Use Village specifications are based on a gross overall density of 2.5 units per acre. This is a density neutral concept, regulated by a binding concept plan.

(2) Each Mixed-Use Village shall include a specific Village center, which should be the focal point of the village with other uses radiating outward in intensity. The village center exact location may vary for topography, constrained lands, and location on major corridors.

(3) The village center shall be designed to serve as the place for daily interaction, shopping, eating, and other personal services within a walking or bicycling distance. Each Village center must include a civic open space. This can be a plaza, square or green, however it must be used and reinforced through appropriate site and building planning as the focal point of the center. The concept plan shall include at least one strong anchor like a chain grocer focused on serving community needs.

(4) Road networks within the Village shall be connected maintaining a subtle sense of hierarchy for separation of commercial traffic from residential traffic. Wider sidewalks, street trees and landscaping as well as street furniture, awnings and cross walks are required for each village.

(5) Upper story uses are permitted for each commercial area.

(6) A minimum of 40 percent of the total land area is required to be designated as open space.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 509))

### **Sec. 121-136. Open space.**

(1) A minimum of ~~40~~ percent of the total land area of the MUV District shall be open space or green space. Open space may include areas for both passive and active recreation. Examples include parks, playgrounds, play fields, plazas, greenways, trails, streams, creeks, ponds and natural areas. The concept plan shall show all proposed areas of open space. For the purpose of this section, the developer or owner may designate a portion of the open space as a wetland, stream and/or wildlife mitigation bank, and such area shall be counted as part of the open space. In addition, such mitigation bank may be placed in the ownership of a third party but shall be considered as part of the overall required development open space as long as such area remains a mitigation bank or is undeveloped.

(2) Prohibited Uses of Open Space:

a. Golf courses;

b. Roads, and impervious parking areas;

c. Agricultural and forestry activities not conducted according to accepted best management practices;

d. Impoundments

e. Use of motorized vehicles, except for maintenance purposes.

### **Sec. 121-137. Architectural standards.**

As part of the concept plan approval process, the applicant shall provide preliminary information regarding the architectural theme of the community. Such preliminary information shall include drawings showing at least ~~two typical residential elevations and drawings showing at least~~ two elevations of typical proposed commercial buildings.



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As part of the master development plan approval process, the applicant shall submit information regarding intended architectural design for the community. Such information shall include at minimum a description of materials and colors of exterior of all buildings, roofing materials and pitches, and requirements (if appropriate) regarding porches and parking garages. ~~Architectural standards may change due to future changes in the real estate market pertaining to household sizes and buyers wants and desires. The planning commission and board of commissioners shall have the authority to approve any modifications to architectural standards within the master development plan.~~

(Ord. of 8-6-2020(3), § 1(Exh. A, § 511))

### **Sec. 121-138. Landscaping.**

Prior to constructing any structure or facility, the applicant shall submit a landscaping plan showing the location of all proposed landscaping for the area to be disturbed. Such plan shall show all proposed planting material (type and size), ground cover, proposed irrigation, and existing vegetation to be preserved. All plantings shall be Georgia native.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 512))

### **Sec. 121-139. Approval process.**

In order to develop in the MUV District, the applicant shall first obtain approval of the concept plan. ~~Thereafter or concurrent with presentation of the concept plan, the applicant shall submit a detailed master development plan that shall be approved before the issuance of a land disturbance permit.~~

- (1) *Concept plan.* In order to rezone to MUV, the developer/applicant must submit a concept plan that shall include, but not be limited to:
  - a. Proposed uses;
  - b. Number of units per use;
  - c. Designated areas of use;
  - d. ~~Open space, amenities, road systems, access points;~~ Location of proposed open space/greenway areas;
  - e. Proposed name of development;
  - f. Location of all wetlands and streams as those terms are defined under state and federal law; and
  - g. ~~Public and private streets.~~ Location of streets, roadways, alleyways, sidewalks, trails and other transportation facilities;
  - h. Location and size of water and sewer facilities;
  - i. Location of all stormwater and sediment control facilities;
  - j. Location and size of lots and building areas along with proposed setbacks;
  - k. Location and designation of all buffered areas; streams, creeks and waterways, wetlands, adjacent property owners;
  - l. Architectural standards as stated in this article;
  - m. Additional items that may be requested by the Dawson County planning staff or the board of commissioners necessary to insure compliance with the terms of this article.

~~A-The~~ concept plan of the development shall be submitted to Dawson County at the time of filing for rezoning to the MUV District. The concept plan shall be prepared by an architect, landscape architect, engineer and/or land surveyor whose state registration is current and valid.

~~After the concept plan is approved, minor variations from the plan shall be permitted if the requirements of the concept plan and site plan amendments section of the Land Use Resolution of Dawson County are met.~~

~~As each phase of the development is developed, the owner shall provide Dawson County with an updated summary of density "used" and remaining density "available" for future phases.~~

~~(2) Master development plan approval. After zoning for the MUV District is approved, which includes approval of the concept plan, or concurrent with applying for re-zoning to MUV District, the developer and/or property owner shall submit the proposed master development plan for any phase to be constructed before a land disturbance permit is approved by Dawson County. The master development plan shall include:~~

- ~~a. Location of streets, roadways, alleyways, sidewalks, trails and other transportation facilities;~~
- ~~b. Location and size of water and sewer facilities;~~
- ~~c. Location and size of all stormwater and sediment control facilities;~~
- ~~d. Location and size of lots and building areas along with proposed setbacks;~~
- ~~e. Location and designation of all buffered areas; streams, creeks and waterways, wetlands, adjacent property owners;~~
- ~~f. Location of proposed open space/greenway areas;~~
- ~~g. Proposed sign program with specifications and locations of signs;~~
- ~~h. Proposed landscaping for the particular phase to be developed;~~
- ~~i. Architectural standards as stated in this article;~~
- ~~j. Additional items that may be requested by the Dawson County planning staff or the board of commissioners necessary to insure compliance with the terms of this article.~~

~~After the master development plan is approved, variations from the master development plan shall be submitted to the planning commission for review and recommendation and then submitted to the board of commissioners for approval or denial.~~

### **Sec. 121-140. Development schedule and progression of phase division or staging.**

~~Development of each village must be phased so that within the development schedule both residential and nonresidential spaces are designed for construction at the same time, as opposed to one or the other being built first. Development of each phase or section shall be permitted so that within phases or staging both residential and non-residential spaces are provided concurrently. In the event the proportion among the residential and non-residential becomes imbalanced permits will not be issued until the development activity is balanced.~~

~~As each phase of the development is permitted, the owner shall provide Dawson County with an updated summary of density "used" and remaining density "available" for future phases.~~

(Ord. of 8-6-2020(3), § 1(Exh. A, § 513))

**Secs. 121-140—121-161. Reserved.**

## **ARTICLE VI. GENERAL PROVISIONS**

### **Sec. 121-162. Purpose.**

The purpose of this article is to provide for general requirements of this chapter to include: Uses prohibited in Dawson County; setback, screening, and buffer and clear vision requirements; access requirements; conditional and nonconforming uses; and maintenance of minimum resolution requirements.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 600))

### **Sec. 121-163. Prohibited uses.**

In order to protect the health, welfare, and safety of the residents of Dawson County, the following uses shall not be permitted in any district in Dawson County:

- (1) Manufacture of hydrochloric, nitric, sulfuric, or picric acids, or other products, which, in case of accidental release, are hazardous to life.
- (2) Production of chlorine or other noxious gases.
- (3) Distillation of bones, rendering or refining of fats, oils, or animal parts.
- (4) Dumping or reduction of garbage, dead animals, or offal, other than at county-operated sanitary landfills according to Georgia Department of Public Health regulations and Department of Agriculture regulations. Dead farm animals, including poultry, will be disposed of according to appropriate regulations on the owner's property, if known.
- (5) Manufacture of explosives or storage of more than 100 pounds of explosives.
- (6) Manufacture of fertilizer.
- (7) Storage or dumping of hazardous, toxic, or radioactive wastes.
- (8) Hair, glue or leather manufacture.
- (9) Smelting of tin, copper, zinc, or iron ores.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 601))

### **Sec. 121-164. Setback, screening, buffer, and vision requirements.**

- (a) Building setback requirements are established to provide for minimum distance from adjacent structures and property lines, minimum distance from streets and highways, clear vision at road intersections, and safe distances from hazards.
- (b) No structure shall be less than ~~ten~~ twenty feet from an adjacent structure unless constructed with common or contiguous walls such as may occur in townhouses, condominiums, apartments, ~~or intensive commercial development~~, and ~~unless~~ structures shall comply with the provisions of ~~the Georgia International Building Code with Georgia amendments. concerning fire safety, e.g., fire-resistant construction, warning systems, barriers, sprinkler systems, and fire escapes, as necessary, or as required by the planning commission.~~

- (c) Building setbacks are established according to the following table 3.1 and 3.2 unless otherwise noted in each respected district ~~(except RPC)- (redundant to have here again)~~

LOCATION	DISTANCE
Front	100 feet form parkways, 60 feet from state or federal highway, and 40 feet from all other streets or roads
Side	25 feet
Rear	35 feet
R-A	50 feet from property line or road or 200 feet from residence on adjacent lot, whichever is greater, for all buildings occupied by animals or animal products
Lake	No setback required from Lake Lanier Government Line
Sewage	Public health department requires 10 feet form property line and 100 feet from a well for septic field lines. (This is subject to change, please check with the Health Department to verify setbacks.)

- (d) A clear vision area shall be maintained on the corners of all property at intersection of two streets or a street and a highway. A clear vision area shall contain no planting, fence, wall, sign, structure, or temporary or permanent obstruction exceeding 36 inches in height.

- ~~(e) ,except for trees with branches and foliage shall be removed to a height of eight feet above the ground at grade level, or open wire fencing that does not obscure sight.~~

~~There must be a sight distance of 200 feet from a point ten feet behind the point of intersection of roadway surfaces. (covered elsewhere)~~

- ~~(e) Screens or buffers may be required by the planning commission to reduce the impact of adjacent incompatible uses, in addition to specific requirements in land use districts. The planning commission shall consider proposed uses, the purpose and effectiveness of a screen or a buffer and its maintenance. Screens and buffers may constitute part of required open space or setbacks of a proposed use. The required screens or buffer shall be only in locations and dimensions necessary to perform a stated function. The width of screens and buffers may be adjusted to take into account the topography and conditions at the specific site and use. Natural screens and buffers are preferred; however, fences, walls, earth berms, or similar techniques may be used. Planted screens should be sufficient to obscure the proposed land use within five years.~~

- ~~(g) Light Trespass from Commercial or Industrial Use – Prohibited. Outdoor lighting of commercial or industrial land uses shall be fully shielded to preclude light pollution or light trespass in excess of the maximum allowed foot-candles.~~

- ~~(f) Uses which are unconventional or incompatible with adjacent or surrounding uses or which involve nudity or other activity which is offensive or otherwise jeopardizes the health, safety, or welfare of Dawson County's citizens, may require special measures to separate the use from surrounding uses, to minimize the offensive nature of the activity or prevent a violation of State or local law. In such cases, the planning commission may require buffers, screens, barriers, or other measures to appropriately address that use.~~

~~(Ord. of 8-6-2020(3), § 1(Exh. A, § 602))~~

## Sec. 121-165. Access requirements.

Every lot shall abut a street or other public or privately maintained roadway for at least 30 feet. Where lots are five acres or more, or are exempted from subdivision requirements, a minimum easement of 30 feet for

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ingress and egress and utilities must be provided to a public road. No property owner shall be deprived of access to his property. Access easements acquired before the enactment of this resolution may be 20 feet wide and property before the effective date of this resolution with at least 20 feet of frontage shall, as an exception, not be required to acquire additional frontage where the necessary property to acquire 30 feet is owned by another person.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 603))

### **Sec. 121-166. Maintenance of minimum resolution requirements.**

No person shall, by deed, gift, or other conveyance, reduce the lot size under minimum requirements unless given for public use. ~~or a variance is approved therefore.~~

(Ord. of 8-6-2020(3), § 1(Exh. A, § 604))

### **Sec. 121-167. Special uses.**

Special uses are those uses that are authorized by the land use resolution but are allowed only upon condition that they are approved by the board of commissioners subject to meeting certain standards or conditions. Special uses may be granted subject to special use approval following the procedures for amendments as set forth in article X and with consideration of additional review criteria that may be established in this chapter.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 605))

### **Sec. 121-168. Nonconforming uses.**

~~Any structure or use of land existing before the enactment of this resolution, unless in violation of subdivision regulations, mobile home park and mobile home regulations, or soil erosion and sediment control resolution previously in effect, not in conformity with district use provisions, may be continued; provided, however, the nonconforming use shall not be:~~

- ~~(1) Changed to another nonconforming use.~~
- ~~(2) Re-established after discontinuance for a period of 90 days.~~
- ~~(3) Expanded except in conformity with this resolution.~~
- ~~(4) Rebuilt, altered, or repaired after damage exceeding 75 percent of the fair market value of the structure immediately before the damage occurred.~~
- ~~(5) Replaced, except the replacement of an old or destroyed manufactured housing with new manufactured housing when the manufactured housing is the primary residence and occupied by the owner.~~
- ~~(6) For commercial and business purposes, a legal nonconforming status is proven by possession of a valid, legally obtained, Dawson County Business License within the past 12 months.~~

~~(Ord. of 8-6-2020(3), § 1(Exh. A, § 606))~~

~~The provisions of this article are designed to provide for the continuation and within a suitable period of time elimination of existing uses of property that do not conform to the requirements of this ordinance or that may not conform to future amendments accomplish this intent. Nonconformity is a characteristic of a building, structure, or area of land, or the use of such building, structure, or area of land, which was lawful prior to the date of enactment~~

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of this ordinance or any amendment thereto that does not conform to the requirements applicable to the land use district, in which it is located.

- (1) Minimize the nuisance, reduction in neighboring property values, and other adverse effects of properties that do not conform to their environs.
- (2) Allows the property owner or lessee to recover all or a substantial part of his investment in the nonconformity, while also minimizing the time period during which, by virtue of the nonconformity, he enjoys a special right not available to other property owners in the same zoning district.

(3) Continuance of nonconforming uses.

The lawful use of any building, structures, land or sign existing at the time of the enactment or amendment of this ordinance may be continued, even though such use does not conform with the provisions of this ordinance, except that the nonconforming use shall not be:

a. Changed or extended so as to increase the portion of the property covered by the nonconforming building, structure, or sign on which the nonconforming use occurs.

b. Extended to occupy a greater area of a building or structure unless such additional area of the building or structure existed at the time of the enactment or amendment of this ordinance and was clearly designed to house the same use as nonconforming use occupying the other portion of the building or structure.

c. Discontinuance of nonconforming uses.

d. Any nonconforming use which is discontinued for a continuous period of two years shall not be resumed, and the premises shall be occupied only by a use which conforms to the use regulations of the district in which it is located.

(4) Continuance of a nonconforming building.

A nonconforming building existing at the time of the enactment or amendment of this ordinance may be retained except as follows:

a. No building other than a single-family detached dwelling may be enlarged, or altered except in conformance with this ordinance but it may be repaired to the extent necessary to maintain it in a safe and sanitary condition.

b. No building other than a single-family detached dwelling shall be rebuilt, altered or repaired after damage exceeding 75 percent of its replacement cost at the time of destruction, except in conformity with this ordinance. Repairs and alterations necessary in the ordinary course and operation of a building or structure may be made to a nonconforming building or structure, except that no structural alterations shall be permitted, unless such structural change is for the purpose of conforming with the use of a nonconforming use, or to introduce new nonconforming uses are prohibited. A nonconforming sign shall not be replaced by another sign, except within the provisions of this article. The substitution or interchange of poster panels, boards or the like on nonconforming signs shall be permitted. Minor repairs and maintenance of nonconforming signs, such as repainting, electrical repairs) and neon tubing shall be permitted. However, no structural repairs or changes in the size or



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shape of the sign shall be permitted except to make the sign comply with the requirements of this article.

c. No building except the replacement of an old or destroyed manufactured home with a new manufactured home when the manufactured home is the primary residence and occupied by the property owner.

(5) Discontinuance of nonconforming building.

When the nonconforming use of a building, structure, or portion of a structure, which is designed or intended for a use not permitted in the district in which it is located, is discontinued for a continuous period of one year, such building, structure, or portion of that shall be occupied only by a use which conforms to the use regulations of the district in which it is located.

(6) Change of nonconforming use.

The nonconforming use of any building, structure, or portion of that which is designed or intended for a use not permitted in the district in which it is located, may not be changed to another nonconforming use.

(7) Enlargement of nonconforming uses.

There shall be no extension or enlargement of a nonconforming uses

(8) Enlargement of nonconforming buildings.

When a building, structure, or portion of that, is designed or intended for a use not permitted in the district in which it is located, it shall not be enlarged, added to, or structurally altered in any manner except as may be required by law, unless the said building or structure and use of that shall be made to conform to the use regulations of the district in which it is located.

(9) Moving.

No nonconforming building or structure shall be moved in whole or in part to any other location on the lot, except as required by law, unless every portion of such building or structure which is moved has the use if that made to conform to all the regulations of the district in which it is located.

(10) Nonconforming uses – accessory uses.

A nonconforming use of land which is accessory to the nonconforming use of a building or structure shall be discontinued on the same date the nonconforming use of the building or structure is discontinued.

(11) Use of a portion of a lot shall not establish a nonconformity as to the entire lot, but only to that portion of the lot actually used at the time of the enactment or amendment of this ordinance.

## **Sec. 121-169. Off-street parking and loading spaces required.**

Except and unless otherwise specifically provided, this section shall apply only to properties located within the RB, CB, HB, OI, CPCD, CIR, and R+A Zoning Districts.

- (1) Off-street automobile parking and loading spaces shall be provided, as specified in this section, for uses and structures hereafter established in the RIA and all commercial districts at the time of initial construction of any principal building, unless otherwise exempted from this chapter. For developments phased in timing, parking and loading requirements may also be phased in accordance with the requirements applying for each particular time phase of development.
- (2) Any building or use that is subsequently enlarged or converted to another use shall meet the off-street parking and loading space requirements of this section, for the enlarged or new use.
- (3) Required parking and loading spaces shall be maintained and shall not be encroached upon by refuse containers, signs or other structures, unless an equal number of spaces are provided elsewhere in conformance with this chapter.
- (4) Required parking and loading spaces shall be provided with vehicular access to a public street or alley, unless such access is prohibited by this chapter.
- (5) Off-street parking and loading facilities required shall be located on the same lot as the principal building or use. However, as much as 50 percent of the required number of parking spaces may be located on a separate lot within 400 feet of the principal building or use, provided proof of ownership or a valid lease agreement for use of such premises is provided to the ~~administrative officer~~ Planning Director. Such distance shall be measured between the nearest point of the parking facility and the nearest point of the principal building or use; ~~safe pedestrian access shall be provided-~~
- (6) Parking lot areas shall be designed to ensure a safe flow of traffic in the business, safe travel of pedestrians, bicyclists and delivery vehicles. The landscape design of the parking area shall maximize natural areas to optimize natural infiltration.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 607))

### Sec. 121-170. Minimum number of off-street parking spaces required.

The minimum number of required off-street parking spaces for each type of permitted use shall be as indicated below. For uses not specifically listed, the off-street parking requirements shall be those of the most similar use as determined by the ~~administrative office planning director~~. The ~~administrative officer-director~~ may also reference the latest ~~American Planning Associations Parking Standards Report, ITE Parking Study.~~ ~~When referencing APA Reports weight should be given to the jurisdiction listed with a population density closest to that of Dawson County.~~ When the application of these parking requirements results in a fractional space requirement, the fractional space requirement shall be construed to mean one additional space.

- (1) Number of parking spaces. The maximum and minimum number of spaces are to be provided in the following amounts per 1,000 square feet (sf) of gross floor area (GFA):

<u>LAND USE</u>	<u>Maximum</u>	<u>Minimum</u>
<u>Automotive and vehicle sales and service</u>	<u>4</u>	<u>2</u>
<u>Bank</u>	<u>4</u>	<u>2</u>
<u>Super Store discount, mercantile retail (60k+)</u>	<u>4</u>	<u>2</u>
<u>Convenience market/store</u>	<u>4</u>	<u>3</u>
<u>Drive-through restaurant</u>	<u>8</u>	<u>2</u>
<u>Free standing retail</u>	<u>3</u>	<u>2</u>

<u>General office building</u>	<u>3</u>	<u>2</u>
<u>Gymnasiums, physical fitness, health spas, dance studio</u>	<u>8</u>	<u>3</u>
<u>Hotels, motels, and extended stay hotels or motels</u>	<u>1.5 per guest room</u>	<u>1.2 per guest room</u>
<u>Industrial: Factory, manufacturing, processing, assembling</u>	<u>2</u>	<u>1</u>
<u>Medical clinic/office</u>	<u>6</u>	<u>3</u>
<u>Personal service</u>	<u>3</u>	<u>2</u>
<u>Places of worship</u>	<u>8</u>	<u>3</u>
<u>Restaurant, full service (sit-down)</u>	<u>9</u>	<u>5</u>
<u>Shopping center</u>	<u>5</u>	<u>3</u>
<u>Warehouse, storage</u>	<u>1</u>	<u>1</u>
<u>Many uses and mixed-use projects have a large variability in parking demand. At the expense of the applicant a parking generation study may be required to validate the parking demand.</u>	<u>To be determined by the director, based on a parking generation study by an engineering firm.</u>	

- (2) Shared parking on adjacent property. Flexible parking design, to include shared parking arrangements, are permitted.
- (3) Pervious parking. Gravel parking surfaces may be permitted for uses which require parking an average of less than three days per week during a month; places of worship (not schools); and outdoor recreational facilities with low parking demand. Pervious parking pavers are permitted for all uses. Any conversion from pervious parking to impervious parking surfaces requires the approval of the county engineer and may require additional site modifications.
- (4) Automobile screening. Parking areas shall be screened from public view with evergreen shrubs. Shrubs shall be no less than three feet in height as measured from the top of curb of the parking area.
- (5) Accessory uses of parking lots and loading areas. Parking and loading areas shall not be used for the sale, storage or repair or dismantling of any equipment, materials or supplies. Semi-tractor trailers may not be used for on-site sales.
- (6) Accessible parking spaces. Accessible parking spaces shall comply with all requirements of the State of Georgia.
- (7) Parking space and aisle specifications. Parking space and aisle specifications shall comply with chapter [section] 17-2.8 of the Dawson County Code, with the exception that the percentage of compact auto parking spaces, may equal up to 30 percent of the entire parking area.
- (8) Service, refuse collection and dumpsters. Service areas, storage areas, and refuse enclosures shall be oriented away from view from the right-of-way and screened from public areas. Service areas and loading areas shall be separated from the primary vehicular and pedestrian circulation areas. All refuse enclosures shall be enclosed on three sides by a brick, masonry, or cement wall. Chain link fencing is prohibited.

<b>TYPE OF USE</b>	<b>PARKING REQUIRED</b>
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Apartment, multiple family residential use	Two spaces per dwelling unit
—a. Clubhouse or recreation center	Ten spaces, minimum
—b. Leasing office	Four spaces
Arcade, game room	One per 200 sq. ft. gross floor area
Art Gallery, Museum, etc.	One per 300 sq. ft. gross floor area
Assembly hall, community centers	One space per four fixed seats
Auditorium, stadium, gymnasium	One space per four fixed seats
Automobile	
—a. Sales and Service	One per 150 sq. ft. gross floor area
Bank or financial institution	One per 200 sq. ft. gross floor area
Barber or beauty shop	Three spaces for each operator or chair
Billiard hall, Poolroom	One per 200 sq. ft. gross floor area
Boarding or rooming houses	One per guest room plus one per employee
Bowling alley	Three spaces per lane
Church or places of worship	One space per four fixed seats in auditorium
Convenience store/Gas Station	One per 200 sq. ft. gross floor area
Correctional Facility	One per each employee on maximum shift, plus one per every 25 inmates
Dance studio	One per emp. + one per 150 sq. ft. gross
Day care center	One per ten children + one per employee
Dormitory	One per 2 beds
Duplex	Two per dwelling unit
Food store, grocery	One per 200 sq. ft. gross floor area
Funeral home or mortuary	One per four seats in largest assembly room
Furniture or appliance stores	One per 600 sq. ft. gross floor area
Golf Course	Three per hole plus one per two employees
Health Club, spa	One per 150 sq. ft. gross floor area
Hospital, clinic Nursing home or other long term care facility	One per two beds + one per 3 employees One per two beds + one per staff
Hotel, motel employees	One per guest room + one per two
Industrial or manufacturing	Two per three employees on largest shift
Laundry, self-service	One per 200 square feet of gross floor area
Library, museum floor area	One per 200 square feet of gross
Lodge, club room	One per three seats in largest assembly
Mini-warehouse or self-storage facility	One per 20 stalls + two per office
Miniature golf course	Three spaces per hole
Mobile home park	Two per dwelling + one per resident manager
Multi-family residential (condominiums, townhouses, etc.)	Two per dwelling unit plus one additional guest space per 4 units in an off-street parking area
Office	One per 250 square feet of gross floor area
—a. Medical or Dental	Six spaces per practitioner
Parks and Subdivision Activity/Amenity Areas	One per 5,000 square feet of land area Ten spaces minimum
Personal services	One per 200 square feet of gross floor area
Restaurant or lounge	One per 100 square feet of gross floor area
Retail, general	One per 200 square feet of gross floor area
School, private	One per 10 classroom seats + one per staff person

School elementary	One per 15 classroom seats + one per staff person
School, high	One per 10 classroom seats + one per staff person
School, college, trade, vocational commuter only	One per 5 classroom seats + one per staff person
School, college, trade, vocational with dormitories	One per 10 classroom seats + one per staff person
	Dormitory facilities not included
Shopping center	One per 200 square feet of gross floor area
Single family residence	Two spaces per dwelling unit
Theater, cinema	One space for each five seats Ref variance 04-06
Warehouse	One per 500 square feet of gross floor
Wholesale	One per 500 square feet of gross floor

This is redundant of verbiage located in the initial paragraph of this section.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 607.1.A.))

**Sec. 121-171. Motor Vehicle Stacking. ~~Maximum number of off-street parking spaces allowed.~~**

- ~~(a) Purpose. Limiting the number of spaces allowed promotes efficient use of land, enhances urban form, encourages use of alternative modes of transportation, provides for better pedestrian movement, and protects air and water quality.~~
- ~~(b) The maximum number of off-street parking spaces for any building or use shall not exceed the amount determined as follows:~~
  - ~~(1) Parking lots of more than 20 and less than 50 spaces. Parking lots may not have more than 120 percent of the minimum number of spaces required as identified in section 121-170.~~
  - ~~(2) Parking lots of 51 spaces or more. Parking lots may not have more than 110 percent of the minimum number of spaces required as identified in section 121-170.~~
  - ~~(3) Parking lots described in the above categories may be allowed up to 150 percent of the minimum number of spaces required as identified in section 121-170. If the parking installed which exceeds the minimum requirement is installed using porous paving techniques or other ecologically friendly techniques. The planning director must approve any parking design, which exceeds the regularly allowed maximum number of spaces.~~

~~(Ord. of 8-6-2020(3), § 1(Exh. A, § 607.1.B.))~~

(1) Stacking Capacity Requirements:

<u>Use</u>	<u>Minimum Vehicle Stacking Capacity per Drive-Through Lane</u>
<u>Car wash—Full service</u>	<u>4 vehicle spaces</u>

<u>Food service</u>	<u>4 vehicle spaces</u>
<u>All other uses</u>	<u>3 vehicle spaces</u>

(2) Each stacking space shall be a minimum of nine (9) feet in width and eighteen (18) feet in length.

(3) Drive-through lanes must be striped and marked.

(4) Pedestrian paths that cross a drive-through aisle shall use a raised platform and be marked with symbols, signage and/or special painting.

**Sec. 121-172. ~~Handicapped parking requirements.~~ 2010 Department of Justice ADA Requirements, as amended.**

In all land use intensity districts each parking area for six or more spaces devoted to uses other than single family residential shall provide handicapped parking spaces (a minimum of twelve feet in width with four feet of the parking space to be designated as loading area), counted as a part of the total parking required, in accordance with the following scale: meet ADA requirements.

**~~TOTAL PARKING REQUIREMENTS HANDICAPPED SPACES REQUIRED~~**

<del>6—25</del>	<del>1</del>
<del>26—50</del>	<del>2</del>
<del>51—75</del>	<del>3</del>
<del>76—100</del>	<del>4</del>
<del>101—150</del>	<del>5</del>
<del>151—200</del>	<del>6</del>
<del>201—300</del>	<del>7</del>
<del>301—400</del>	<del>8</del>
<del>401—500</del>	<del>9</del>
<del>501+</del>	<del>2% of total required</del>

~~{Ord. of 8-6-2020(3), § 1(Exh. A, § 607.2)}~~

**Sec. 121-173. Minimum number of off-street loading spaces required.**

~~(a) —~~

(1) On the same lot with every building, structure or part thereof, erected or occupied for manufacturing, storage, warehouse, truck freight terminal or single unit retail or wholesale store over 25,000 square feet or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for the standing, loading and unloading services to avoid undue interference with public use of streets and alleys.

(2) For the above described uses, one loading space shall be provided for the first 25,000 square feet of gross floor area or fractional part thereof. Uses in excess of 25,000 square feet shall provide loading spaces according to the following schedule:

SQUARE FEET \_\_\_\_\_ NUMBER OF SPACES



<u>5,001- 25,000</u>	<u>1</u>
25,001—50,000	2
50,001—100,000	3
100,001—200,000	4
200,001—300,000	5
For each additional 100,000 or fraction thereof	1 additional

- (b) On the same lot with every building, structure or part thereof under ~~25,000~~ square feet, erected or occupied for retail, wholesale, restaurants, or onsite service providers or other similar uses, there shall be provided and maintained on the lot adequate space for the standing, loading and unloading services to avoid undue interference with public use of streets and alleys.

For the above-described uses, one loading space minimum shall be provided. For multi-unit structures one loading space per every five units shall be provided.

(c) Loading space size requirements:

Each loading space shall be a minimum of 12 feet by 60 feet, with a 14-foot height clearance. Loading spaces must be marked and placed separate from access drives.

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

(Ord. of 8-6-2020(3), § 1(Exh. A, § 607.3))

**Sec. 121-174. Parking and loading area design requirements.**

Improvement of parking lots:

- (1) All parking areas containing more than five spaces shall meet the following requirements:
- a. They shall be graded to insure proper drainage with curb and gutter installed as required to facilitate stormwater management, surfaced with concrete or asphalt, and maintained in good condition free of obstructions.
  - b. Parking areas shall not be used for the sale, repair, dismantling or servicing of any vehicle, equipment, materials or supplies.
  - c. Each parking area shall be clearly marked and directional arrows or signs shall be provided wherever necessary. Markers, directional arrows and signs shall be properly maintained at all times.
  - d. A parking lot pavement setback of ten feet from any public street right-of-way and five-twenty feet from any exterior property line shall be provided, except where access points and interconnections to other parcels have been approved.
  - e. Any Outdoor lighting facilities' installed shall be so arranged to prevent the direct illumination of adjacent residential properties or public streets. Illumination at the property line shall be 0.0 fc to when lighting is located next to a residential land use district.
  - f. No light source shall be located closer than fifteen (15) feet from any property line, except pedestrian, sign, and landscape lighting shall be allowed within fifteen (15) feet of the property line along rights-of-way. Full cut-off fixtures shall be required.

fg. A site plan indicating property lines, parking areas, location of parking spaces, landscaping, pavement setbacks, drainage facilities, paving materials, access, lighting plans, and other features required to ensure compliance with this article shall be submitted to the ~~administrative officer~~ Planning and Development Department as part of the application for land disturbance permit. A permit shall be required prior to the construction of new parking areas, or for the expansion or alteration of existing parking areas.

~~(Ord. of 8-6-2020(3), § 1(Exh. A, § 607.4))~~

### **Sec. 121-175. Landscaping and design in parking areas.**

Refer to the Dawson County Buffer, Landscape and Tree Ordinance for design specifications.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 607.5))

### **Sec. 121-176. Curb cut and access specifications.**

(a) Access from public streets to all parking areas for any permanent or temporary uses, buildings and/or structures, regardless of the number of parking spaces provided, shall meet the following requirement:

- (1) No more than two curb cuts or access breaks shall be permitted for any lot or parcel with a frontage of 200 feet or less on any one street.

All other curb cut and access specification requirements shall ~~be referenced from the comply with~~ Dawson County Driveway Construction and Permitting Ordinance ~~adopted April 15, 2004~~ as amended and ~~are~~ regulated by the Public Works Director of Dawson County.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 607.6))

### **Sec. 121-177. Parking space design requirements.**

(a) All parking spaces installed within parking areas regulated by section 121-174 shall meet the following size requirements:

- (1) All standard spaces shall have a minimum width of nine feet.
- (2) All standard spaces that are installed 90 degrees off of the curb shall have a minimum stall depth of 18 feet.
- (3) All standard spaces that are installed 60 degrees off of the curb shall have a minimum stall depth of 20 feet.
- (4) All standard spaces that are installed 45 degrees off of the curb shall have a minimum stall depth of 20 feet.
- (5) All standard spaces that are installed 30 degrees off of the curb shall have a minimum stall depth of 18 feet.
- (6) All parallel parking spaces shall have minimum width of nine feet off the curb and a minimum length of 22 feet.

(Stall depth is defined as a measurement at 90 degrees from the curb to the end of the parking space striping.)

(7) Compact parking spaces shall be at least eight feet in width and 15 feet in depth

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- (b) Aisle widths in parking areas regulated by section 121-174 shall meet the following requirements:
- (1) The minimum aisle width for spaces installed 90 degrees off of curb shall be 24 feet.
  - (2) The minimum aisle width for spaces installed 60 degrees off of curb shall be 18 feet for one-way traffic and 20 feet for two-way traffic.
  - (3) The minimum aisle width for all other spaces shall be 14 feet for one-way traffic and 20 feet for two-way traffic.

Spaces installed 90 degrees off of curb shall not be allowed on thru streets or aisles.

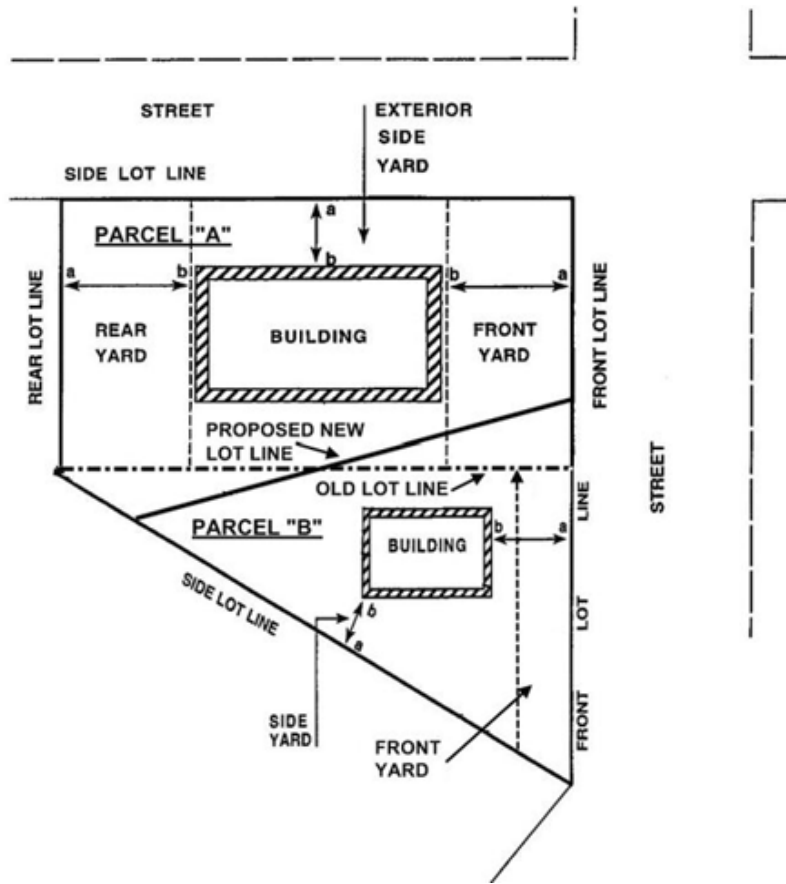
(Ord. of 8-6-2020(3), § 1(Exh. A, § 607.7))

**Sec. 121-178. Reserved**

**Sec. 121-179. Lots of record.**

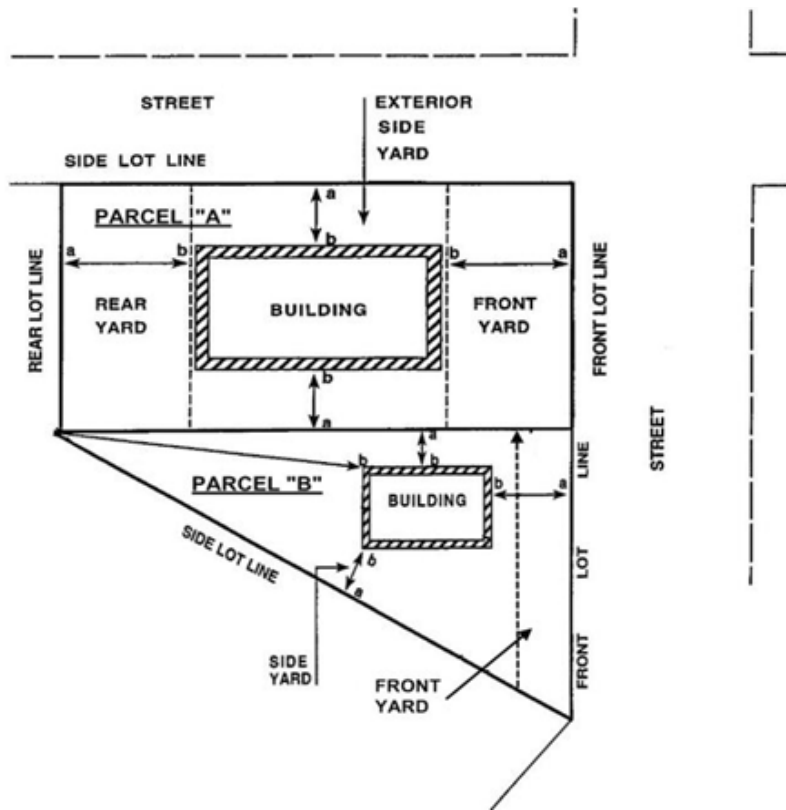
The following allowances and modifications to lots of record can be made, or are deemed to be made by certain actions:

- (1) Although a lot may not contain sufficient land area, width or lot frontage to meet the minimum lot size requirements of this resolution, as amended, such lot may be used as a building site if the lot is part of a plat approved by Dawson County in accordance with land subdivision requirements, which has been recorded in the records of the Clerk, all other requirements of the district are met and that building plans are consistent with all state and local health codes.



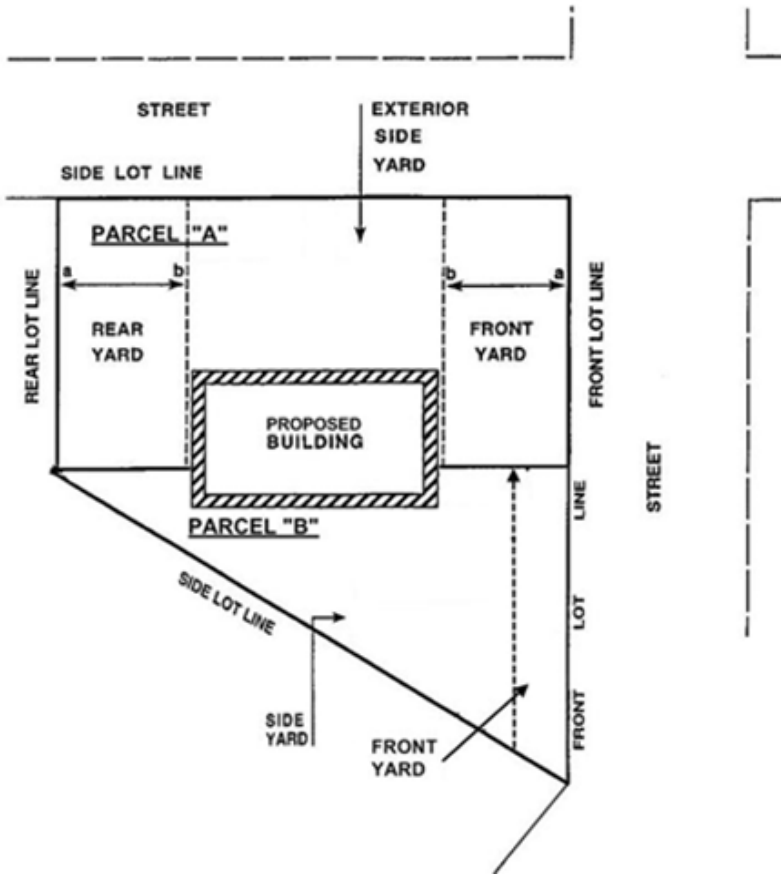
Example A: Parcel A conforms, Parcel B has nonconforming lot size.

- (2) The line between two adjoining lots of record that are nonconforming as to lot size may be modified only such that neither lot becomes smaller. If a nonconforming lot of record adjoins a lot that meets or exceeds lot size standards, then the line may be modified only such that the nonconforming lot does not become smaller, and the conforming lot is not made nonconforming.



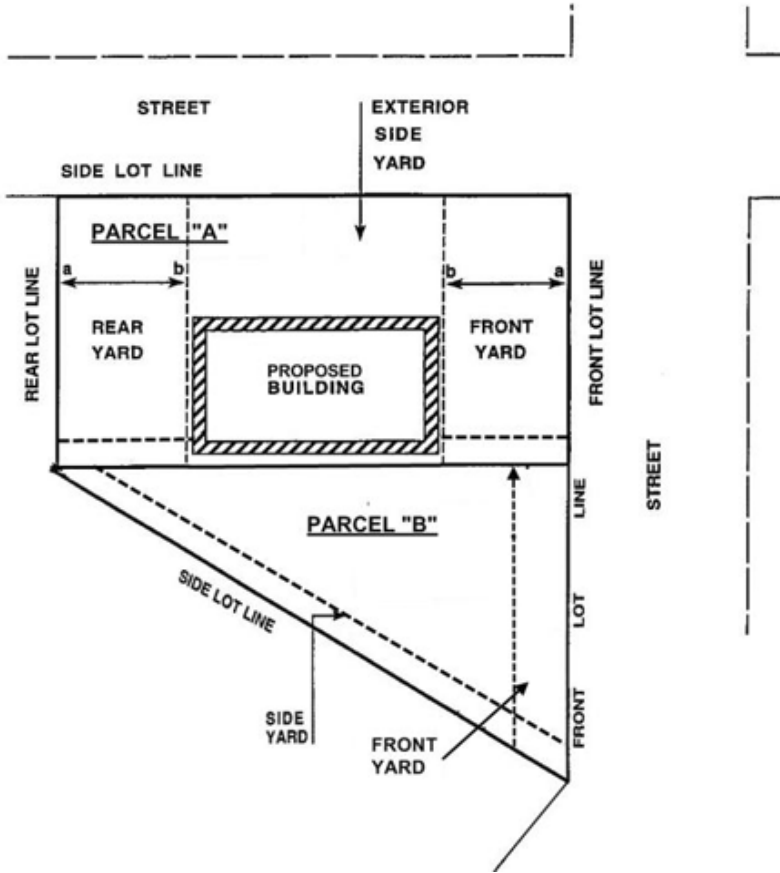
Example B: Re-plat of both lots such that Parcel A is the same size & Parcel B is not smaller.

- (3) If a building is proposed for construction across the line between two lots of record under the same ownership that are nonconforming as to the lot size or frontage, then the lots shall be resurveyed and recorded to be combined. If a building is proposed for construction within a setback between two lots of record under the same ownership that are nonconforming as to lot size or frontage, then the lots must either may be resurveyed and recorded to be combined, or a request for a setback variance may be considered.



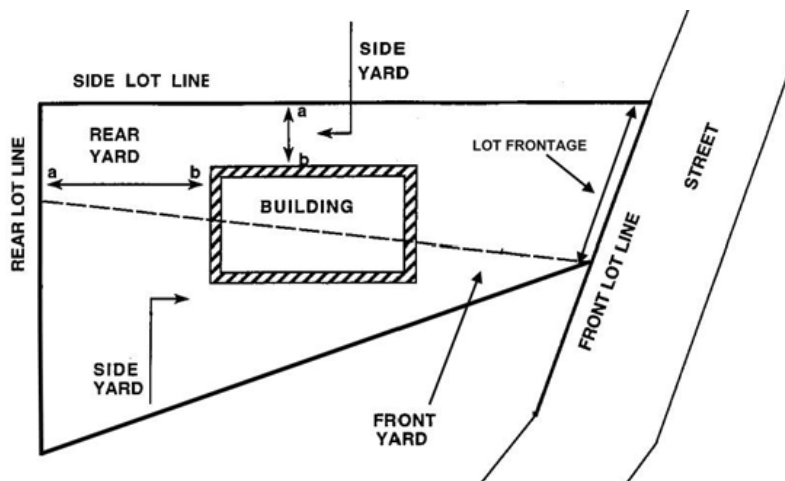
Example C1: Same owner for both parcels Requires re-plot of property to remove separation.



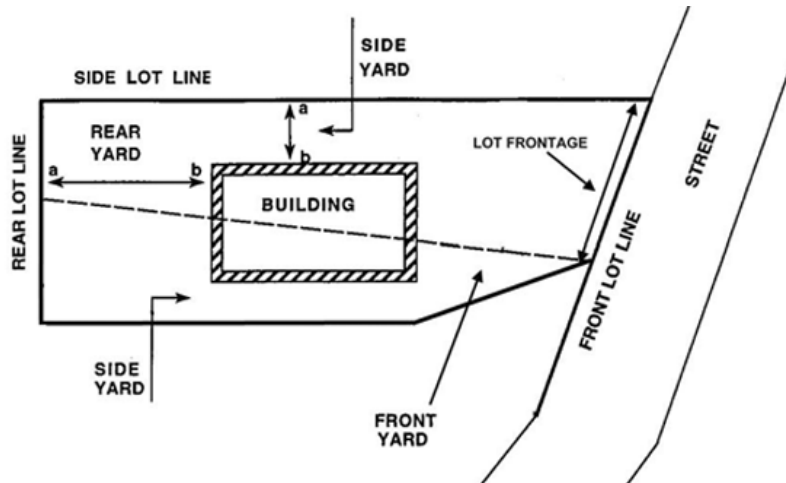


Example C2: Same owner for both parcels. Proposal to build in setback of one parcel requires re-plat or variance approval.

- (4) A lot that is nonconforming in one dimensional ~~criteria~~ criteria, but conforming to other criteria, may be modified such that the conforming criteria is rendered nonconforming, and the nonconforming criteria is not made nonconforming to a greater extent. For example, if a nonconforming lot of record has less than the required lot frontage, but has excess lot area, then the lot area can be reduced as long as the lot maintains the minimum lot area. However, the lot frontage cannot be reduced.



Example D1: Existing lot with less than required lot frontage, but more than the minimum acreage required.



Example D2: Existing lot with new side lot line and minimum required acreage. Note: No change in Lot Frontage.

- (5) If a legal lot of record is resurveyed for combination, line change or other alteration in accordance with this section and recorded with the clerk of court's office, then; the most recent recorded plat takes precedence and shall be considered the new lot of record.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 609))

### Sec. 121-180. Concept plan and site plan amendments.

Concept plan and site plan amendments are broken down into two categories, major amendments and minor amendments.

- (1) Major amendments in the case of a rezoning will require a resubmission and review by the planning commission members and the board of commissioners. All others require the approval of the planning director. Major amendments include but are not limited to:
- ~~Major conceptual change as defined by the planning director. Reduces the amount of open space.~~
  - Increases the density proposed.
  - Increases the square footage of the commercial development by ~~ten~~ 15 percent or greater.
  - Changes the location of collector, arterial or commercial streets.
  - Relocates active amenity area or active open space to exterior of the project.
  - Has an adverse effect on adjoining properties.
  - ~~A request for~~ Requires exemption or relief from a previously approved stipulation.
- (2) Minor amendments ~~may be~~ are approved by the planning director. Minor amendments include anything less than major amendments and ~~but include but~~ are not limited to:
- Changes to the location of minor or residential streets.
  - Relocates passive open space.

- c. Adjusts lot lines not resulting in new lots.
- d. ~~Decreases passive open space up to a maximum of ten percent (while still meeting the minimum open space requirement of zoning).~~
- e. Increases passive open space.
- f. Reduces the approved density.
- g. Increases the square footage of the commercial development by less than ~~ten~~ twenty percent.
- h. Decrease the commercial square footage of an approved development by less than twenty percent.
- i. ~~Has no effect on adjacent or adjoining properties.~~

(Ord. of 8-6-2020(3), § 1(Exh. A, § 610))

### Sec. 121-181. Home-based businesses.

- (a) *Administration and enforcement.* ~~Dawson County enforces the county's business license ordinance.~~ Any person failing to comply with any provision of the Dawson County Business License Ordinance may be subject to article XII of this chapter and may be punished by a maximum fine of \$1,000.00, as well as penalties imposed within the business license ordinance.

Any licensee failing to comply with this section shall have the business license revoked in accordance with Dawson County Business License Ordinance. If a business license application involves a home occupation and is denied by the planning director, then the applicant may file an appeal ~~variance request~~ in accord with article IX of the Land Use Resolution of Dawson County. The approval for a home office or home occupation shall not "run with the land" and shall terminate with a change in location or ownership of the home office or home occupation or ownership of the premises.

- (b) *Exceptions.*

- (1) Uses currently allowed in the RA Zoning District (Agricultural Residential) shall be subject to the requirements for permitted and prohibited uses set forth within the Land Use Resolution of Dawson County, ~~and shall be exempt from any conflicting ordinance, except for parcels zoned R-A that are one acre or less.~~ If a parcel is zoned R-A and is equal to or less than one acre, then the terms of this section shall control. A business that qualifies only as a home office, but not a home occupation, shall be exempt from the terms hereof section 121-181(c) if the property is in the R-A zoning District.
2. ~~Exception to Business License Requirement Only. Secondary Offices. A Home Office in a residential district that is an ancillary office and that is not the primary location for the business of the home office; such ancillary location shall not be required to have a business license issued by Dawson County if: (1) the business activity is subject to a business license issued by Dawson County for another location, or (2) if a business license has been issued for another location by some other jurisdiction in the United States. (move to Business License Chapter)~~

- (c) *Permitted home occupations.* The following activities are permitted as home occupations:

- (1) Offices of professionals including, but not limited to, architects, brokers, counselors, clergy, draftspersons and cartographers, engineers, insurance agents, lawyers, real estate agents, accountants, editors, publishers, journalists, psychologists, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, salespersons and manufacturer's representatives, and travel agents;
- (2) Personal services, including single chair barber shops, single chair beauty parlors, and manicure and pedicure shops, pet grooming, catering, taxidermy services, and chauffeur services;
- (3) Instructional services, including music, dance, art and craft classes, tutoring, and outdoor instruction to include tennis lessons, and swimming lessons;
- (4) Babysitting services, day care homes;

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- (5) Studios for artists, sculptors, musicians, photographers, and authors;
  - (6) Workrooms for tailors, dressmakers, milliners, and craft persons, including weaving, lapidary, jewelry making, cabinetry and wood working;
  - (7) Repair services, including watch and clock, small appliances, computers, and electronic devices; ~~and~~
  - (8) Upholstery and detailing services if and only if an accessory building may be used for the home occupation; ~~and-~~
  - (9) “Cottage food operators” as defined and licensed by the Georgia Department of Agriculture.

This list may not be all-inclusive. The planning director shall determine whether an unlisted business is substantially similar to a permitted use based upon the proposed business activity. A maximum of two home occupations may be granted to the same residence.

(d) *Prohibited home occupations.* The following activities are prohibited as home occupations:

- (1) Kennels, stables, veterinarian clinics/hospitals.
- (2) Outside obedience training of animals.
- (3) Medical and dental clinics/hospitals.
- (4) Restaurants, clubs, drinking establishments.
- (5) Motor vehicles sales, or storage. ~~medium and large engine repair.~~
- (6) Repair and service of small internal combustion motors for powered lawn equipment, motor cycles, scooters, all-terrain vehicles, boat motors or construction tools and equipment powered by internal combustion motors.
- (7) Undertaking and funeral parlors and crematoriums:
  - a. Human or animal cremation facilities.
- (8) Retail sales of goods not made, produced or fabricated on the premises and sold to the general public from the premises.
- (9) Rooming and boarding houses with the exception of bed and breakfast facilities that have been approved in accordance with the land use resolution.
- (10) Adult business uses (See Dawson County Adult Business Establishment Ordinance).
- (11) Private clubs.
- (12) Warehousing and/or storing of material not directly used in a licensee's home occupation.
- (13) Automotive services.
- (14) Other similar uses as determined by the planning director based upon the proposed use being substantially similar to a prohibited home occupation. Manufacturing processes, including but not limited to, the production of goods industrially, making something into a finished product on a large scale, or producing something with machines in an industrial manner.

(e) *Operational standards.*

- (1) *Operating hours.* Customer/client visits to the home occupation are limited to the hours from 8:00 a.m. to 8:00 p.m. The home occupation shall not generate more than ten customer/client visits in any one day nor more than five customers/clients at any one time nor more than two customer vehicles at any one time.
- (2) *Employees.* The home occupation shall have no more than one non-resident employee on the premises at any one time. The number of nonresident employees working at locations other than the premises of the home occupation is not limited.

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- (3) *Vehicles.* Delivery vehicles used to deliver goods to the home occupation business are limited to passenger vehicles, mail carriers, and express carriers such as UPS and FedEx. Deliveries shall be permitted only between 8:00 a.m. and 8:00 p.m. The home occupation shall be limited to the parking/storage of one commercial vehicle on the premises, not exceeding a one-ton capacity. Any commercial vehicle shall be stored such that the vehicle is not visible from a public street. Parking for all customers/clients/employees shall be restricted to the premises and shall not be permitted on public rights-of-way. The home occupation shall allow for on-site customer/client/employee parking.
- (4) *Nuisances.* The equipment used by the home occupation and the operation of the home occupation shall not create any vibration, heat, glare, dust, odors, or smoke discernible at the property lines at any time and shall not generate any discernible noise at the property lines from 8:00 p.m. to 8:00 a.m. and shall not create any electrical, magnetic or other interference off the premises, consume utility quantities that negatively impact the delivery of those utilities to surrounding properties, or use and/or store hazardous materials in excess of quantities permitted within residential structures.
- (5) *Appearance.* There shall be no exterior indication of the home occupation or variation from the residential character of the principal use. Special accessibility such as access ramps may be constructed in order to conform to building codes. No outside displays of sales items, products, or services may be used. All material stored on premises for the use of the home occupation shall be ~~out-of-sight of the public and stored~~ inside a building. All accessory structures shall meet the requirements set forth for the Residential District. No vehicles or other receptacles used for the collection, carrying, storage or transport of commercial garbage, waste, trash or recycled material shall be parked or stored on the property.
- (6) *Ownership.* The business owner ~~of the dwelling associated with of~~ the home occupation request shall occupy the dwelling as a principal residence ~~and shall own the premises, unless the residence is in the RMF District.~~
- ~~a.— An applicant residing in Residential Multi-Family District (RMF) article III, section 121-66 of this chapter shall have owners' written permission to obtain a home-based business license.~~
- (f) *Accessory buildings for home occupation use.*
- (1) The use of an accessory building for a home occupation shall only be permitted in R-A, ~~on lots greater than two acres in size, article III, section 121-69 of this chapter.~~
- (2) Limit. Only one accessory building per parcel shall be allowed for home occupation use.
- (3) Lot size. The use of an accessory building for a home-based business shall be prohibited on parcels less than ~~two five~~ acres in all residential districts.
- (4) Home occupations may operate in an accessory building used for other purposes but the maximum square footage used ~~for the home occupation~~ may not exceed those limits set forth in subsection (f)(6).
- (5) The setbacks for all accessory buildings for use in connection with a home occupation shall meet the setback requirements for a house/residence.
- (6) Accessory building size. ~~The use of a~~An accessory building, ~~where permitted, used~~ for a home ~~based occupation business~~ shall be limited to 0.63% of the parcel ~~or 2,500 square feet, whichever is less,~~ and shall not exceed 30 feet in height from grade.
- (g) *Size of residence used as home occupation.*
- (1) No more than 25 percent of the interior heated space of a residence/home shall be used for a home occupation.
- (h) *Signs.*
- (1) The maximum size of a permanent sign is three square feet in total, which is 432 square inches.
- (2) Only one permanent sign is allowed.
- (3) The permanent sign shall be affixed no higher than six feet from the first floor ~~feet~~ level to the home or to the accessory building used for home occupation.

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(4) The permanent sign shall not be lighted.

(i) *Notification.*

(1) Before issuance of an occupational license for commencement of a home occupation, the licensee shall be submitted on forms provided by the county notify, in writing on forms provided by the county, all adjacent property owners. The licensee shall provide documentation as to the notification.

(2) Notification shall include, at minimum, what type of home occupation the licensee is starting and when the home occupation shall begin.

(j) *Nonconforming use.* Home-based businesses that maintain a valid business license on the effective date of this chapter shall be permitted to continue the operation as a nonconforming use if such business does not comply with the terms hereof until the form of the business changes or the ownership of the business or any portion of the property changes ownership.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 611))

### **Sec. 121-182. Private cemeteries, mausoleums, and burial sites.**

(a) *New cemeteries.* Cemeteries for human interment are required to meet the following minimum requirements:

(1) Minimum lot size of five acres, except for church cemeteries. Private family plots shall have at least one-fourth acres devoted to such use and platted accordingly.

(2) All graves or burial lots shall be set back not less than 50 feet from any property line or street right-of-way lines.

(3) An access easement to the gravesites shall be shown on the property plat. If the land is sold, subdivided or in any other way is received into ownership or control by a nonfamily member, then the owner shall allow the right of access for visitation over, across, and through the access easement shown on the plat.

(b) Unless already platted and recorded in the clerk of court's office, new burial plots or cemeteries shall not be utilized unless a permit plat has been issued by the planning and development director reviewed and approved. ~~Upon burial, the plot shall be surveyed, platted and recorded within 90 days of permit issuance.~~

(Ord. of 8-6-2020(3), § 1(Exh. A, § 612))

### **Secs. 121-183—121-200. Reserved.**



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## **ARTICLE VII. LAND USE RESOLUTION DISTRICT MAP**

### **Sec. 121-201. Purpose.**

The purpose of this article is to establish the land use resolution district map; provide for identification, alteration, and replacement of the district map; criteria to be considered in amending the district map; district boundaries; relationship between district map and future land use map.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 700))

### **Sec. 121-202. Land use resolution district map.**

~~The land use resolution district map is hereby designated to be section 121-207 of this chapter. Any reference to the "district map" in this resolution refers to the official land use resolution district map.~~

(Ord. of 8-6-2020(3), § 1(Exh. A, § 701))

### **Sec. 121-203. Identification, alteration, and replacement of the district map.**

- (a) ~~The district map is signed by the chairman of the board of commissioners with witnessing signature of the county clerk and bears the board of commissioner's seal under the following words: "This certifies that this is the Land Use Resolution of Dawson County, Georgia," together with the date of the adoption of this resolution.~~
- (b) The district map may be ~~altered~~amended from time to time under the procedures in this article. Any alteration to the district map is an amendment to this resolution. The procedure by which amendments are proposed and approved is contained in article XII. Any amendment involving changes in land use district boundaries must be entered on the district map as soon as possible after the amendment has been approved by the board of commissioners. ~~The entry should be as follows: "On (date) by official action of the Board of Commissioners, the following changes (or changes) were made on the Official Land Use Resolution District Map: (Brief description of change.)" It shall be signed by the chairman of the board of commissioners with witnessing signature of the county clerk. No amendment to portions of this resolution that are illustrated on the district map becomes effective until after the change has been entered as described above on the district map. Any authorized alteration of the district map by any person is a violation of this resolution. The official land use resolution district map is located in the planning department and is the final authority as to the current status of land use district boundaries.~~
- (c) ~~If the district map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the board of commissioners may adopt a new district map, which will replace the previous district map. The new district map is identified as such in the same manner as described above. When the a new district map is adopted, a notation there shall be a digital record of the should be made on the~~ previous district map that it is no longer valid, indicating the date that the new district map was adopted, as a reference aid. The previous district maps should be preserved, if it has not been lost or destroyed, for possible future reference.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 702))

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**Sec. 121-204. ~~Criteria to be considered in amending the district map. Reserved.~~**

~~The following points should be addressed when considering proposed amendments to the district map. In determining whether or not a proposed amendment satisfactorily addresses the points stated below, sound planning principles should be followed:~~

- ~~(1) Proposed amendment should be in conformance with the Dawson County Future District Map.~~
- ~~(2) Findings of fact must be presented and accepted in support of such an amendment.~~
- ~~(3) Proposed amendment should meet demonstrated changes in community needs.~~
- ~~(4) The factors indicating suitability of land to be placed within a certain land use district should be considered. These criteria are contained in section 121-313.~~

(Ord. of 8-6-2020(3), § 1(Exh. A, § 703))

**Sec. 121-205. District boundaries.**

Where uncertainty exists with respect to the exact location of the boundary of a land use district shown on the district map, the following guidelines should be followed in establishing the exact location of the boundary:

- (1) Where a land use district boundary is indicated as approximately following the center line of a street or road, or as approximately following the right-of-way line, that line should be considered to be the boundary.
- (2) Where a land use district boundary is indicated as approximately following the corporate limit line of the city, the corporate limit line should be considered to be the boundary.
- (3) Where a land use district boundary is indicated as approximately following a property line or such line extended, the line or lines extended should be considered to be the boundary.
- (4) Where a land use district boundary is indicated approximately following the center of a stream bed, such should be considered to be the boundary.
- (5) Where a land use district boundary is indicated as approximately parallel to the center line of a street, road, railroad, or the right-of-way of such a facility, such boundary shall be interpreted to be parallel to such line and at a distance from it as indicated by scale on the district map.
- (6) Where a land use district boundary line is indicated as dividing a lot in single ownership at the time of the enactment of the resolution, the development standards for the land use district in which the greater portion of the lot lies must be extended to the balance of the lot up to a distance of 35 feet beyond the actual boundary line of the land use district.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 704))

**Sec. 121-206. Relationship between district map and future district land use map.**

- (a) The future land use district map as adopted by the board of commissioners ~~it~~ should provide the best possible indication of desirable future district patterns that will meet projected future demand for land uses of various types.
- (b) The land use districts contained on the district map carry standards which must be met by all new developments and construction in the county. The arrangement of land use districts is based on existing land

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use patterns. ~~Establishment and amendments of land use district boundaries must be based on defensible findings of fact as well as sound comprehensive planning principles.~~

(Ord. of 8-6-2020(3), § 1(Exh. A, § 705))

### **Sec. 121-207. Land use resolution district map.**

The Dawson County Land Use Resolution District Map ~~shall be cited as section 121-207 is adopted and incorporated as part of this section as if fully set out herein~~, and shall be a part of this chapter. The official map shall be ~~located maintained by the in the planning-GIS department and in the office of the planning department.~~ and made available to the public.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 706))

### **Sec. 121-208. Zoning compliance.**

- (a) *Intent.* The primary determination whether a proposed use is proper in a given use district is made by the department of planning and zoning development. ~~Interpretations of the department concerning the meaning of the resolution may be important in a particular case. Persons should not expend money on project development until the department has determined in writing that the proposed use is proper.~~
- (b) *Certificate.* If requested, A certificate of zoning compliance shall be issued on a form to be determined by the planning director department as evidence that a proposed use complies with the resolution.
- (c) *Reliance.* Until a certificate of zoning compliance is obtained with regard to a particular project, a person expending money in any way on project planning or development does so at his own risk. No person shall be deemed to have expended funds in reliance on zoning provisions unless and until the certificate of zoning compliance is obtained.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 707))

### **Secs. 121-209—121-239. Reserved.**

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## **ARTICLE VIII. FUTURE DISTRICT LAND USE MAP**

### **Sec. 121-240. Purpose.**

The purpose of this article is to provide for a future district map; background concepts of the future district map; identification, alteration, and replacement of the future district map; and criteria to be considered in amending the future district map.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 800))

### **Sec. 121-241. Background concepts of the future district land use map.**

The future district map represents a synthesis of data concerning population, land use patterns, transportation, and economic activity, etc. The planning commission has studied these data and conceived a set of goals to provide suitable space for anticipated future development while the public health, safety, and welfare is protected. The map contains an arrangement of land uses, which permits minimum adverse impact on neighboring land uses and on safety conditions, while maximum efficiency in providing community and utility services is achieved. The future district map represents ~~the planning commission's a~~ projection of how land use patterns in Dawson County should look in the medium-to-long-range future. The development standards and other requirements contained in this resolution are intended to encourage the development of the land use patterns depicted on the future district-land use map. Existing and future land uses are not regulated or controlled by the future land use district map as they are by the district map.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 801))

### **Sec. 121-242. Identification, alteration, and replacement of the future district map.**

- (a) ~~The State of Georgia requires that all local governments maintain a comprehensive plan and future land use map to systemize the community's future and to enable access to a variety of state funding tools. This approach requires planning for elements such as land use, capital improvements, economic development, transportation and natural resource protection. The future district map is signed by the chairman of the board of commissioners with witnessing signature of the county clerk and bears the seal of the county or that of a notary public under the following words: "This certifies that his is the Dawson County Future District Map referred to in Article 804 of the Land Use Resolution, Dawson County, Georgia," together with the date of the adoption of the resolution.~~
- (b) The future district map may be altered-amended only if the proposed alteration amendments are-is in conformance with sound comprehensive planning principles. ~~Any alteration to the future district map is an amendment to this resolution.~~
- (c) The procedure by which amendments are proposed and approved is contained in article XII. Any amendment to the future district map must be entered on that map as soon as possible after the amendment has been approved by the board of commissioners. ~~The entry should be as follows:~~

~~"On (date), by official action of the Board of Commissioners, the following change (or changes) were made in the Dawson County Future District Map: (Brief description of change.)" It should be signed by the chairman of the board of commissioners with the witnessing signature of the county clerk. No amendments to the future district~~

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~~map become effective until after the change and only by the procedures contained in this article. Any unauthorized alteration of the future district map is a violation of this chapter.~~

- (d) ~~The future district land use map is maintained by the Department of GIS, located in the department of planning and development. If it becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes or additions, the board of commissioners may adopt a new future district map, which will replace the previous identified as such in the same manner as described above in this section. When the new future district map is adopted, a notation should be made on the previous future district map that it is no longer valid, indicating the date that the new future district map was adopted as a reference aid. The previous future district map should be preserved, if it has not been lost or destroyed, for possible future reference.~~

(Ord. of 8-6-2020(3), § 1(Exh. A, § 802))

### **Sec. 121-243. Criteria to be considered in amending the future district land use map.**

The following ~~points~~criteria should be ~~addressed~~considered when ~~considering~~deciding proposed amendments to the future district map. In determining whether or not a proposed amendment satisfactorily addresses the ~~points~~criteria stated below, sound planning principles should be used.

- (1) ~~Findings of fact must be presented and accepted in support of the proposed amendment. The proposed amendment should be supported by facts and evidence provided by the applicant.~~
- (2) The proposed amendment should meet demonstrated changes in community needs.
- (3) The proposed amendment should be consistent with indications of current available population, economic, and land use data upon which information depicted on the future district land use map is based.

~~(Ord. of 8-6-2020(3), § 1(Exh. A, § 803))~~

### **Sec. 121-244. Future district map.**

The future district map shall be cited as section 121-244, and shall be a part of this chapter. ~~The map shall be located in the department of planning and development.~~

(Ord. of 8-6-2020(3), § 1(Exh. A, § 804))

### **Secs. 121-245~~6~~—121-266. Reserved.**

## **ARTICLE IX. VARIANCES**

### **Sec. 121-267. Purpose.**

The purpose of a variance is to ~~provide relief when a strict application of the district requirements would impose unusual practical difficulties or unnecessary physical hardships on the applicant. Practical difficulties and unnecessary hardships may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or other conditions on the site or in the immediate vicinity. No variance shall be granted to allow the use of property for a purpose not authorized within the district in which the proposed use would be located. A variance should be granted only after evidence is presented and accepted that enforcement of all of the required standards on the property in question would render the property useless. This article establishes conditions; criteria for granting variances; public hearings on proposed variances; variances to road requirements; variance procedures; compliance with conditions of approval; vested interest in approved variances; investigations and reports; revocation; limitations on re-applications; and use variance. grant relief that relaxes the dimensional requirements of this Code to permit construction in a manner that would otherwise be prohibited by this Code. Variances cannot be granted to density or to lot size or to permitted and prohibited uses. (Ord. of 8-6-2020(3), § 1(Exh. A, § 900))~~

### **Sec. 121-268. Conditions.**

- (a) Reasonable conditions may be imposed in connection with a variance as deemed necessary to protect the best interests of the surrounding property or neighborhood, and otherwise secure the purpose and requirements of this article. Guarantees and evidence may be required that such conditions will be and are being complied with.
- (b) The planning commission is responsible for considering and making recommendations on applications for variances. Variances apply only to the land use standards and requirements specified for each district. They do not apply to other provisions of this chapter.
- (c) The variance must specify which development standards and requirements are to be varied from. It must specify alternative standards and requirements to be met, replacing those varied from.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 901))

### **Sec. 121-269. Criteria for granting variances.**

Variances ~~to standards and requirements of this chapter,~~ with respect to land use standards and requirements specified for each district open area, setbacks, yard area, lot coverage, height of structures, vision clearance, and other quantitative requirements may be granted only if, on the basis of the application, investigation, and evidence submitted by the applicant, ~~investigation, and evidence submitted by the applicant,~~ all four ~~expressly written findings criteria~~ below are ~~made~~ found to exist:

- (1) That a strict or literal interpretation and enforcement of the specified standard or requirement would result in practical difficulty or unnecessary hardship; and



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- (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; and
  - (3) That 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
  - (4) That the granting of the variance would support general objectives contained within this chapter.

Variations in accordance with this article should not ordinarily be granted if the special circumstances on which the applicant relies are a result of the actions of the applicant or owner or previous owners.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 902))

### **Sec. 121-270. Public hearing on proposed variances.**

Public hearings on proposed variances shall be in accordance with procedures set forth in article XII, ~~section 121-373~~, of this chapter.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 903))

### **Sec. 121-271. Variances to road and street requirements.**

- (a) Variances to requirements of this chapter with respect to road and street requirements may be authorized as applied for or as modified by the board of commissioners if, on the basis of the application, investigation, and the evidence submitted by the applicant, all three of the following expressly written findings are made:
  - (1) That neither present nor anticipated future traffic volumes generated by the use of the site or use of sites in the vicinity require strict or literal interpretation and enforcement of the requirements of this chapter; and
  - (2) That the granting of the variance will not result in the development or design of public streets in such a manner as to interfere with the free flow of traffic on the streets; and
  - (3) That the granting of the variance will not create a safety hazard or any other condition inconsistent with the general purpose of this chapter.
- (b) The county board of commissioners may establish performance bonds to assure compliance with any requirements it has set for granting a variance. Where a variance is granted for a construction activity requiring a building permit, the building permit must be obtained and construction have begun within six months of the issuance of the variance. Otherwise, the variance expires after six months.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 904))

### **Sec. 121-272. Variance procedures.**

- (a) Before, the planning commission may act on a variance; it shall give notice of a public hearing in the manner prescribed in article XII, section 121-373 e.
- (b) The planning commission shall review the application and ~~investigation-staff~~ report at the public hearing. The planning commission shall determine whether the evidence supports a finding that the required criteria have been met and ~~may approve, recommend approval~~ with conditions, or ~~denial~~ of the application accordingly. Their recommendations shall be in writing and shall include written findings on each of the applicable

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criteria. If the planning commission fails to take action within 30 days after the public hearing, the request shall be deemed to have been ~~approved~~ denied.

- (c) ~~Decision on variance requests shall be the responsibility of the planning commission and shall become final after an elapsed period of 30 days from the date of decision.~~
- (d) The planning commission's decision, ~~with findings~~, shall be sent by mail to the applicant within five ten working days of the date of action.
- (e) From time to time the planning commission may find it necessary to require a variance request to also meet approval of the Dawson County Board of Commissioners. In doing so the variance request must follow the public hearing procedures prescribed in article XII, section 121-373-~~(e)~~
- (f) An application of for a variance which is not acted upon by the board of commissioners within 90 days from the receipt of application ~~may~~ shall be deemed denied.
- ~~(g) Application for a variance shall be filed with the planning director on the form prescribed by the county, by any person with a legal interest in the property.~~

(Ord. of 8-6-2020(3), § 1(Exh. A, § 905))

### **Sec. 121-273. Compliance with conditions of approval.**

Compliance with conditions imposed in the variance, and adherence to the submitted plans, as approved, is required. Any departure from these conditions of approval and approved plans constitutes a violation of this chapter.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 906))

### **Sec. 121-274. Reserved. ~~Vested interest in approved variances.~~**

~~A valid variance supersedes conflicting provisions of subsequent rezonings or amendments to this resolution unless specifically provided otherwise by the provisions of this article or the conditions of approval to the variance.~~

~~(Ord. of 8-6-2020(3), § 1(Exh. A, § 907))~~

### **Sec. 121-275. ~~Investigations and R~~reports.**

The planning director shall make or cause to be made an ~~investigation analysis~~ to provide necessary information to ~~insure assist in consideration of whether an~~ that the action on each application is consistent with the variance criteria ~~and shall make a recommendation to the planning commission. Any report of such investigation shall be included in the application file.~~

(Ord. of 8-6-2020(3), § 1(Exh. A, § 908))

### **Sec. 121-276. Revocation.**

Variances may shall be ~~automatically~~ revoked if not exercised within one year of the date of approval. Upon no land disturbance or residential permit application being tendered within one year of the date of approval, the property shall be placed upon a planning board agenda for consideration of revocation of the variance pursuant to the same procedures for the grant of a variance.

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(Ord. of 8-6-2020(3), § 1(Exh. A, § 909))

**Sec. 121-277. Limitations on re-applications.**

Applications for which a substantially similar application has been denied shall be heard by the planning commission only after a period of 12 months has elapsed from the previous denial or final resolution of any appeal thereof, whichever is later.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 910))

**Sec. 121-278. Use variance.**

No variance may be granted for a use of land or building or structure that is prohibited by this chapter.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 911))

**Sec. 121-279. Withdrawal of application.**

Withdrawals of any application may be accommodated within the planning and development department if requested before the planning commission agenda public notice has been published is set. ~~Therefore, withdrawals may not be made after ten 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. If the withdrawal request is presented after public notice has been published, Following that a~~ written request and publication must be presented to the planning commission will to vote to remove the item from the agenda at the scheduled hearing. ~~Please note that s~~Should the request to withdraw 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 n~~No refund of application fee may be made unless directed by the board of commissioners.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 912))

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**Sec. 121-280. Administrative variances.**

The director of planning and development shall have the power to grant variances (except for density and use) from the development standards of the Land Use Resolution of Dawson County, Georgia if the intent of the ordinance can be achieved and equal performance obtained by granting a variance.

(1) ~~Authority.~~ The authority to grant variances in accord with this section shall be limited to variances from the following requirements:

- a. ~~Front yard or a yard adjacent to a public street.~~ Variances shall not exceed ten feet;
- b. ~~Side yard.~~ Variances shall not exceed five feet;
- c. ~~Rear yard.~~ Variances shall not exceed ten feet;
- d. ~~Building height.~~ A variance may be granted up to, but not exceeding, ten feet if such variance does not allow space habitable by humans and is also approved by the fire marshal and would not result in an increase in the number of stories that would otherwise be allowed by the zoning district;
- e. ~~Buffers the dimensions of a landscaping buffer required by the Land Use Resolution of Dawson County or the Dawson County Tree, Landscape, and Buffer Ordinance may be varied by no more than 25 percent if the adopted comprehensive plan recommends a similar or more compatible use of the neighboring property or in other situations if the intent of the required buffer can be equally achieved; however, no buffer required as a condition of zoning shall be modified;~~
- f. ~~Parking if the required parking standards cannot reasonably be met and if a variance will not adversely affect the spirit or intent of the ordinance or the Land Use Resolution of Dawson County, then a variance of not more than ten percent may be granted;~~
- g. ~~Home occupations.~~ If the intended use is clearly allowed pursuant to the definition of "home occupation", then an administrative variance may be granted to conduct such business.

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

(3) ~~Basis for approval.~~ The following criteria shall be considered by the director before allowing an administrative variance. No variance may be granted administratively for an application for a variance that has been heard by the planning commission within one year or if the application is for the expansion of a nonconforming use or structure.

- a. ~~The variance neither interferes with the rights of others as provided in this chapter nor is injurious to the public health, safety, general welfare;~~
- b. ~~A strict interpretation and enforcement of the standards or requirement would result in practical difficulty or unnecessary hardship;~~

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- c. ~~No exceptional or extraordinary circumstances applicable to the subject property exist that do not generally apply to other properties in the same district;~~
  - d. ~~The variance provides for reasonable use under the specified circumstances of each application;~~
  - e. ~~The variance achieves the general intent of the Land Use Resolution of Dawson County;~~
  - f. ~~The variance is the minimum possible variance under the specific circumstances; and~~
  - g. ~~The variance does not exceed the scope of the authority set forth in subsection (1) hereof.~~
  - (4) ~~*Conditions of approval.* The director of planning and development may impose reasonable conditions upon any administrative variance to ensure that the public health, safety, and general welfare are protected. A violation of any imposed condition shall be a violation of this section.~~
  - (5) ~~*Administration.* After all requirements for a variance application in accord with the terms hereof are received, the planning and development department shall review and certify that all required information is complete and that the request is within the limits of consideration set forth in subsection (1) hereof. The applicant shall then be advised to proceed with public notice in accord with subsection (2) hereof. After required notice has been provided and the time period for response has passed, the planning director shall have ten business days to render a decision. Notice of the decision shall be provided to the applicant by mailing such decision within five business days of the decision. Notice of the action taken by the planning director shall be provided to the Planning Commission of Dawson County and shall be placed as an item of old business for no further action upon the agenda of the planning commission within 31 days.~~
  - (6) ~~*Compliance with other county codes.* The effect of an administrative variance approval shall be that a specific request is determined to be appropriate for a specific location. The administrative variance application shall not approve a site plan nor waive or modify any other requirements of any other county code other than as specifically granted pursuant to the variance.~~
  - (7) ~~*Appeal.* The applicant or an adjoining property owner may appeal to the county board of commissioners the decision of the planning director regarding an administrative variance within ten days of the decision via written objection and appeal. Any such appeal shall be heard by the Dawson County Board of Commissioners in accord with the standard appeal procedure.~~

~~{Ord. of 8-6-2020(3), § 1(Exh. A, § 913)}~~

**Secs. 121-2810—121-308. Reserved.**

## **ARTICLE X. AMENDMENTS**

### **Sec. 121-309. Purpose.**

The purpose of this article is to set forth required procedures for amendments to this chapter, including authorization to initiate amendments; public hearings on proposed amendments; application for amendments; guidelines to be considered in granting amendments; records of amendments; and limitations on re-applications.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 1000))

### **Sec. 121-310. Authorization to initiate amendments.**

- (a) ~~An amendment to the text of this chapter or to the district map may be initiated by the county board of commissioners, the planning commission, or by application of a property owner.~~ The request by a property owner for an amendment shall be accomplished by filing an application with the county using forms prescribed by the county. ~~If a developer or landowner finds that a proposed new use of his land does not meet the requirements of this chapter, he may request that this chapter be amended to permit his proposed use. However, the power to approve and enact an amendment rests with the county commissioners.~~
- (b) All applications for amendments shall first be reviewed by the planning commission. The planning commission shall conduct a public hearing in accord with the ~~terms hereof~~ Georgia Zoning Procedures Law, as amended. After the public hearing, the planning commission' ~~shall submit a recommendation and meeting minutes shall be provided~~ in writing to the Board of Commissioners of Dawson County ~~within 45 days stating the reason for such recommendation.~~

(Ord. of 8-6-2020(3), § 1(Exh. A, § 1001))

### **Sec. 121-311. Public hearing on proposed amendments.**

~~All applications specified in this chapter shall be submitted on forms provided by the county and shall be submitted with the documentation required for each type of application. The director is hereby authorized to establish administrative deadlines for the receipt of applications and associated information in accordance with the provisions of this chapter.~~

Public hearings on proposed amendments shall be conducted in accordance with procedures set forth in article XI, section 121-~~340~~373, of this chapter.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 1002))



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## Sec. 121-312. Application for amendments.

~~(a)~~ All applications for amendments must be in accordance with the procedures set forth in this article, and it shall be the responsibility of the applicant to see that these procedures and required information are completed. County initiated applications are exempt from these requirements, but shall otherwise follow all requirements of the Georgia Zoning Procedures Act.

~~(a)~~ Form. All applications shall be submitted using the appropriate application form as specified by the department.

(1) Review of application completeness. Upon submittal, each application shall be subjected to a review of application completeness prior to being officially accepted by the county. An application shall be considered "complete" if it is submitted on the required form, includes all submittal information, including all exhibits specified by the director, and accompanied by the application processing fee as adopted by the board of commissioners and as may be revised periodically. The review of application completeness shall be conducted by county staff within seven business days of the submittal deadline. If the county determines the application is complete, the application shall be processed pursuant to this chapter. If the county determines that the application is incomplete, county staff shall notify the applicant of that fact via the contact information provided and specify the ways in which the application is deficient. All incomplete applications shall receive no further processing until the deficiencies are corrected. All fees are nonrefundable once the application has been determined complete.

(b) Boundary survey. All applications shall be accompanied a boundary survey prepared by a registered land surveyor, and one copy of the boundary survey shall be reduced to a size of 8.5 inches by 11 inches.

(c) Site plan minimum requirements. All applications shall be accompanied by a site plan and one copy of the site plan reduced to a size of 8.5 inches by 11 inches. For applications for properties greater than 20 acres, the required site plan shall be prepared in full compliance with this subsection by a land surveyor, professional engineer, landscape architect or architect licensed to practice in the state of Georgia and shall be stamped and sealed by such stated professional in accord with Georgia law. The site plan so prepared may contain a disclaimer, as allowed by industry practice or applicable licensure requirements that the site plan is not to be considered an engineered document. For applications regarding properties of 19 acres or less, the site plan shall comply with the minimum information contents described in this subsection, but need not be prepared by a licensed professional as noted above. If details submitted on a site plan do not meet numerical requirements as identified in this Code, a specific variance request shall be included on the submitted application. Unless otherwise specified in the board approval, the site plan submitted as part of the application shall be considered binding on the applicant.

The site plan shall at minimum contain the following information (as applicable):

- (1) Proposed layout of streets, alleys, lots, and pedestrian circulation systems;
- (2) Lot or tract dimensions with required setbacks shown;
- (3) Required and proposed buffers;
- (4) Required and proposed, landscape areas, common areas, and open space;
- (5) Proposed structures with square footages (except for single family residential subdivisions);
- (6) Proposed uses for each structure
- (7) Existing and proposed zoning districts of the subject property and abutting property;
- (8) Proposed and existing location and use of all structures on the subject property;

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(9) Existing and proposed right-of-way locations and dimensions and names of all roads and streets bounding the subject property;

(10) Driveways and parking areas with number of provided parking spaces;

(11) Loading and unloading facilities;

(12) Preliminary and existing locations of storm drainage and structures;

(13) Preliminary and existing locations and point of access for major utility lines.

(14) Preliminary and existing wastewater facilities including areas reserved for drain fields and septic tanks or point of access, sewer easements and manholes;

(15) Tax map/parcel number and owner name of subject property and all abutting property owners as shown on current county tax map records;

(16) General location of existing tree canopy as indicated on the county GIS aerial photography); and

(17) Preliminary locations of environmental conditions such as streams, wetlands, watershed protection districts, flood hazard areas, river corridor boundaries, groundwater recharge areas and constrained lands.

(d) Confirmation of paid taxes. A copy of the paid tax receipt for subject property or a statement by an official in the tax commissioner's office or other official document issued by the tax commissioner's office indicating taxes have been paid for the last year

(e ) Letter of Intent of the proposed use(s) of the property.

*Speculative land use.*

~~(1) —Reclassification of property for speculative purposes is discouraged.~~

~~(2) — Letters of intent, specific plans and site organization plans, construction and development schedules shall be required as part of the application for district classification amendments.~~

~~(3) — Implementation of the requirements of the plans required in paragraph (b) above must started within one year after approval and completed within one year after the starting date unless reasonable progress is maintained according to approved schedules. In the event this requirement is not fulfilled, the applicant or successor shall be given 60 days' notice and 30 days' public notice advertised.~~

~~(4) Uses different from those stated in the application or letter of intent may be considered a violation of this resolution resulting in shall result in a notice being delivered to the owner and the zoning applicant, if different, advising that a county-initiated rezoning to a constitutional zoning designation for the subject property may occur revocation of the land use classification or other remedies under this chapter.~~

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### Sec. 121-313. Guidelines to be considered in granting amendment.

Whenever consideration is being given to an amendment to this chapter, the Planning Commission shall make its recommendations and the Board of Commissioners shall make its decision based on the following criteria:

- (1) The existing uses and classification of nearby property;
- ~~(3) Proposed amendment should meet demonstrated changes in community needs.~~
- ~~(4) The factors indicating suitability of land to be placed within a certain land use district. The existing uses and classification of nearby property;~~
- ~~(2) The extent to which property values are diminished by the particular land use classification;~~
- (3) The extent to which the destruction of property values of the applicant promotes the health, safety, morals, or general welfare of the public;
- (4) The relative gain to the public, as compared to the hardship imposed upon the individual property owner;
- (5) The suitability of the subject property for the proposed land use classification;
- (6) 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; and
- ~~(7) Whether the property has any reasonable economic use as currently zoned;~~
- ~~(8) Whether the requested zoning result in a use which could create an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?~~
- ~~(9) Whether the proposal is in conformity with the policy and intent of the land use plan; and~~
- ~~(7) The specific, unusual, or unique facts of each case, which give rise to special hardships, incurred by the applicant and/or surrounding property owners.~~

(Ord. of 8-6-2020(3), § 1(Exh. A, § 1004))

### Sec. 121-314. ~~Records of A~~amendments implementation.

~~The planning director shall maintain records of amendments to the text and district map of this chapter.~~

~~Any approved rezoning of property to include approval of a special use permit, where there has been no application for land disturbance permit submitted within 24 months from the date of the zoning approval shall result in a notice being delivered to the owner and the zoning applicant if different, advising that a county-initiated rezoning to a constitutional zoning designation land use designation for the subject property may occur if no land disturbance permit application is tendered within 30 days of said notice. Upon no land disturbance permit application being tendered within the timelines set forth in this paragraph, the property shall be placed upon a board agenda for consideration of a county-initiated rezoning. Nothing contained within this paragraph shall impair or otherwise limit the board's authority to initiate a rezoning of the property at any time subject only to vested right considerations. For purposes of this paragraph, an application for a land disturbance shall mean a complete application for a permit submitted to the department and the appropriate fee(s) paid.~~

(Ord. of 8-6-2020(3), § 1(Exh. A, § 1005))

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**Sec. 121-315. Limitations of re-applications.**

No application of a property owner for an amendment to the text of this chapter or to the district map shall be considered by the board of commissioners within a 12-month period immediately following a previous denial of such request or the final conclusion of an appeal thereof, whichever is later, except the board of commissioners may permit a new application, if in the opinion of the board of commissioner's new evidence of a change of circumstances warrants

(Ord. of 8-6-2020(3), § 1(Exh. A, § 1006))

**Sec. 121-316. Withdrawal of application.**

Withdrawals of any application ~~shall may~~ be accommodated ~~within administratively by~~ the planning department if requested before the planning commission or board of commissioner's agenda is set. Therefore, withdrawals may not be made after ten days prior to the scheduled planning commission meeting hearing, or ten days prior to the scheduled board of commissioners 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 scheduled meeting(s).~~ Following that written request ~~and publication to the planning commission or~~ the board of commissioners will vote to remove the item from the agenda at the scheduled hearing. ~~Please note that s~~Should the withdrawal be denied, the item will receive deliberation and public hearing with a recommendation by the planning commission and/or decision by the board of commissioners. 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.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 1007))

**Sec. 121-317. Application fees.**

See Dawson County Fee Ordinance.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 1008))

**Secs. 121-318—121-337. Reserved.**

**ARTICLE XI. POWERS OF COUNTY OFFICIALS**

**Sec. 121-338. Purpose.**

This article formalizes the duties of the planning director, the planning commission and the county board of commissioners, in relation to the provisions of this chapter.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 1100))

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### Sec. 121-339. Powers of the planning director.

The planning director has the authority and responsibility to provide the following services:

- (1) Provide information concerning the requirements of this chapter and require compliance with these requirements.
- (2) Issue permits under the conditions and procedures required by this chapter.
- (3) Dispense and receive applications as required by this chapter.
- (4) Determine the applicable district, uses, and standards for a particular parcel of land.
- (5) Provide assistance and guidance to applicants concerning compliance with this chapter.
- (6) Collect, receive, disburse, and account for fees and monies as required under the provisions of this chapter.
- (7) Serve as the secretary of the planning commission when appointed.
- (8) Act as liaison for the planning commission with other officials.
- (9) Maintain official records and perform administrative duties required in the execution of the provisions of this chapter.
- (10) The planning director is charged with interpretation of the ~~zoning-land use resolution and subdivision ordinance.~~

(Ord. of 8-6-2020(3), § 1(Exh. A, § 1101))

### Sec. 121-340. Powers of the planning commission.

The planning commission has the authority and the responsibility to provide the following services:

- (1) Review, investigate, and recommend action to the county board of commissioners concerning applications under the provisions of this chapter.
- (2) Review, ~~investigate,~~ and render decisions concerning variances; and, as well as, from time to time, recommend action to the county board of commissioners concerning variances and amendments to this chapter.
- (3) ~~Advise and inform the county board of commissioners on development within Dawson County.~~
- (4) Conduct public hearings as required under the provisions of this chapter.
- (5) Propose amendments to this chapter.
- (6) ~~Prepare and maintain a land use district map and a future land use district map, under the provisions of this chapter.~~
- (7) Provide general information concerning the application and administration of this chapter.
- (8) Provide review and recommendations concerning appeals of actions of its decisions to the county board of commissioners.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 1102))

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**Sec. 121-341. Powers of the county board of commissioners.**

The county board of commissioners has the authority and responsibility to provide the following services:

- (1) Render official decisions concerning the recommendations of the planning commission, in relation to actions within the scope of this chapter.
- (2) Hear and decide appeals of actions of the planning director or the planning commission.
- (3) Establish fees ~~upon recommendation of the planning commission~~ for actions, permits, or services under this chapter.
- (4) Conduct public hearings related to the administration of this chapter.
- (5) Require special measures to separate the use from surrounding uses, to minimize the offensive nature of the activity or prevent a violation of State or local law. In such cases, the commission may require conditions of zoning including but not limited to buffers, screens, barriers, greater setbacks or other measures to appropriately ameliorate that use.
- (5) Provide for enforcement of the provisions of this chapter.
- (6) Conduct public hearings related to variances to road and street requirements.
- (7) Conduct public hearings related to county-initiated land use amendments.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 1103))

**Secs. 121-342—121-370. Reserved.**

**ARTICLE XII. ADMINISTRATIVE AND ENFORCEMENT PROCEDURES**

**Sec. 121-371. Purpose.**

The purpose of this article is to provide for administration and enforcement procedures of this chapter, including administration; public hearings, forms of petitions, applications and appeals; interpretation; severability; effective date; and remedies and penalties for violation.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 1200))

**Sec. 121-372. Administration.**

The planning commission or its delegate, the planning director, shall have the power and duty enforce the provisions of this chapter. All departments, officials, and public employees of Dawson County, vested with the duty and authority to issue permits, shall conform to the provisions of this chapter and shall issue no permit, certification, or license for any use, building, or purpose which violates or fails to comply with conditions or standards imposed by this chapter. Any permit, certificate, or license issued in conflict with the provisions of this chapter, intentionally or otherwise, shall be void. No application which is incomplete shall be processed or received by the planning commission or its delegate, the planning director.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 1201))



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## Sec. 121-373. Notices and hearings.

- (a) ~~Amendments to this chapter may be proposed by the county board of commissioners, the planning commission or any individual, firm or organization or any agent or attorney acting on behalf of any individual or legal entity.~~ All proposed amendments, whether an amendment to text or a modification of districts or permissive uses, as well as applications for variances, shall be submitted to the planning director in accordance with the submittal deadline established by the planning department. ~~All applications to change or amend the district map or to establish a new district shall be accompanied by a plat or map drawn to scale designating the area to be changed and shall contain a statement concerning the proposed use of the property.~~ The planning commission shall conduct a public hearing regarding the request. County initiated applications are exempt from these requirements, but shall otherwise follow all requirements of the Georgia Zoning Procedures Law. After hearing testimony from all interested parties, the planning commission shall have 45 days within which to submit a recommendation and a statement of findings unless such period of time is extended upon the request of the applicant and the approval of the planning commission. If the planning commission fails to submit a recommendation and a statement of findings within the specified time period, then the planning commission shall be deemed to have ~~approved~~ denied the proposed amendment or request.
- (b) Any decision of the planning commission that is not automatically placed upon the agenda of the county board of commissioners pursuant to the terms of this resolution may be appealed directly to the county board of commissioners within ten days of such decision by filing a written notice of appeal with the planning director; otherwise, such decisions shall be final.
- (c) The applicant shall notify the ~~planning commission director of planning and development~~ of its desire to appeal the decision of the planning commission. The planning commission shall notify the county board of commissioners of the applicant's desire to appeal and shall arrange with the county board of commissioners a suitable hearing date.
- (d) The board of commissioners shall consider recommendations and findings of the planning commission at a public hearing on the date advertised at which time all ~~interested~~ parties shall have an opportunity to be heard regarding the request. The proponent shall have a minimum time period of ten minutes to present data, evidence, and opinions, and an equal minimum time period of ten minutes shall be permitted for presentation by opponents of each request. No amendment, supplement, change, or appeal by the county board of commissioners shall be effective unless such decision is approved after a public hearing.
- (e) At least ~~1530~~ but not more than 45 ~~days~~ days' notice before the date of the hearings by the planning commission and the county board of commissioners, the county shall publish a notice of the hearing within a newspaper of general circulation within Dawson County. The notice shall state the time, place, and purpose of the hearing.
- (f) If the action for which the hearing is conducted is for amending the land use district map by reclassification of property and is initiated by a party other than ~~local government~~ the County, the notice in addition to the requirements of paragraph (d), above, shall include the location of the property and the proposed change of classification, and a sign containing information specified herein and any other information specified by the planning commission shall be placed on the property not less than 15 days before the date of the hearing.
- (g) Before each hearing, a notification shall be sent by Dawson County to each adjoining property owner within Dawson County by regular mail sent to the address provided by the applicant or the address as shown on the current tax records. The notice shall be mailed within a reasonable time before the meeting.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 1202))

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### **Sec. 121-374. Form of petitions, applications, and appeals.**

All petitions, applications, and appeals provided for in this chapter shall be made on forms ~~prescribed by the planning commission and~~ issued by the planning director. ~~The standard application form shall be used for all district and resolution changes, variances, conditional uses, appeals, and other planning actions.~~

(Ord. of 8-6-2020(3), § 1(Exh. A, § 1203))

### **Sec. 121-375. Interpretations.**

If the provisions of this chapter conflict with or are less restrictive than comparable conditions imposed by any other provision of Georgia statutes or any other Dawson County Resolution or Ordinance, then the most restrictive provision shall apply.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 1204))

### **Sec. 121-376. Severability.**

If any section, subsection, sentence, phrase, or any portion of this chapter be declared invalid or unconstitutional by any court of competent jurisdiction, or if the provisions of any part of this chapter as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this chapter not so held to be invalid, or the application of this chapter to other circumstances not so held to be invalid. It is hereby declared to be the intent of the board of commissioners to provide for separable and divisible parts, and he does hereby adopt any and all parts hereof as may not be held invalid for any reason.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 1205))

### **Sec. 121-377. Remedies and penalties for violation.**

- (a) In the event that any person, form, or corporation violates any provision of this chapter, the county may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful act or to correct or abate such violation.
- (b) In addition to any other enforcement provision provided herein, any person who shall violate the terms of the zoning resolution of Dawson County, Georgia may be punished by a maximum fine of \$1,000.00 or a maximum of 60 days imprisonment or both. The Magistrate Court of Dawson County shall have jurisdiction and power over the trial of charges of violations of these ordinances.

~~(1) The magistrate court shall not conduct jury trials. However, any defendant who is charged with violating these ordinances may, any time before trial, demand that the case be removed for a jury trial to the Superior Court of Dawson County. Such demand shall be written. Upon such demand, the magistrate court shall grant the demand. The failure by an accused to so demand removal of the case shall constitute a waiver of any right to trial by jury that the accused may otherwise have.~~

~~(2)~~ The prosecution for violations of county ordinances shall be upon citation as provided in subsection (c) hereof or upon accusation by the county attorney or such other attorney as the Dawson County Board of Commissioners may designate. Such attorney shall be the prosecuting attorney in cases tried upon accusation.

~~(3) Accusations of violations of these ordinances and citations shall be personally served upon the person accused. Each accusation shall state the time and place at which the accused is to appear for trial. The~~

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~~accused shall not be arrested prior to the time of trial; however, any defendant or accused who fails to appear for trial shall thereafter be arrested on the warrant of the magistrate and shall be required to post a bond for his/her future appearance.~~

- (24) The Dawson County Board of Commissioners may provide that ordinance violations may be tried upon citations with or without a prosecuting attorney, as well as upon accusations.
  - (35) Each citation shall state the time and place at which the accused is to appear for trial, shall identify the offense with which the accused is charged, shall have an identifying number by which the citation shall be filed with the court, shall indicate the identity of the accused and the date of service, and shall be signed by the county agent who completes and serves the citation.
  - (46) Prosecutions for violations of these ordinances and regulations upon citations shall be commenced by the completion, signing and service of a citation by any agent of the county who is authorized by the Dawson County Board of Commissioners to issue citations or by an agent of the State who is authorized to issue citations. The original of the citation shall be personally served upon the accused, and a copy shall be promptly filed with the court.
  - (57) The Chief Magistrate of Dawson County may by written order establish a schedule of cash bonds for the personal appearance in court of any person charged with a violation of these ordinances. The chief magistrate shall designate the officer or officers authorized to accept cash bonds pursuant to the schedule of cash bonds by the court. However, an officer or agent who is authorized to issue citations shall not be authorized to accept a cash bond at the time of or in conjunction with, the issuance of the citation. The officer accepting a cash bond shall issue a receipt for the bond to the person charged with the violation. Any person who is accused by citation, but has not been arrested may, but shall not be required to, give a cash bond for his/her personal appearance at court for trial. If a person who has given a cash bond fails to appear for trial, then the failure to appear shall be deemed to constitute a guilty plea, and such cash bond shall be forfeited upon the call of the case for trial. Dawson County need not take any further action to forfeit the cash bond. The forfeiture of a cash bond shall be deemed to constitute imposition and payment of a fine and shall be a bar to subsequent prosecution of the accused for the violation. However, the court may in any case enter an order pursuant to which bond forfeitures shall not be deemed to constitute imposition of sentence and subsequent prosecution shall not be a bar. In any such case, the amount of the bond forfeited shall be credited against any fines imposed. The clerk of magistrate court shall furnish the officer or officers authorized under the order with a book of blank receipts consecutively numbered in triplicate and readily distinguishable and identifiable. The receipts shall be completed by the officer when accepting a cash bond to show the name of the person cited or arrested, the date of arrest or citation, the nature of the offense, the amount of the cash bond, and the name of the receiving officer. The receiving officer shall deliver a receipt to the person arrested or cited at the time the cash bond is given and shall file the original together with the cash bond with the clerk of the magistrate court not later than the next succeeding business day following the date of issuance of the receipt.
  - (86) Execution may issue immediately upon any fine imposed by the court and not immediately paid. The sheriff of Dawson County shall receive and house all persons sentenced to confinement for contempt or sentenced to confinement for violation of these ordinances.
  - (97) The review of convictions shall be by certiorari to the Superior Court of Dawson County.
  - (108) The county attorney or another attorney designated by the Dawson County Board of Commissioners may act as prosecution attorney for violations of county ordinances.
- (c) Should any work be performed for which a building, grading or development permit is required prior to the issuance of a permit by the Dawson County the fees for such permit shall be doubled or the charge for such permit shall be a minimum of \$100.00 whichever is greater.

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(Ord. of 8-6-2020(3), § 1(Exh. A, § 1206))

**Sec. 121-378. Effective date.**

This chapter shall take effect on August 6, 2020.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 1207))

**Secs. 121-379—121-397. Reserved.**

## **ARTICLE XIII. DEFINITIONS OF TERMS USED**

### **Sec. 121-398. Purpose.**

The purpose of this article is to establish definitions of some terms used in the chapter.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 1300))

### **Sec. 121-399. Definitions.**

When used in this chapter, the following words and phrases have the meaning as defined in this article. Terms not defined here have the same meaning as is found in most dictionaries, where consistent with the content. The terms "must" and "shall" are mandatory in nature, indicating that action shall be done. The term "may" is permissive and allows discretion regarding an action. When consistent with the context, words used in the singular number include the plural, and those used in the plural number include the singular. ~~Words used in the present tense include the singular.~~ Words used in the present tense include the future. The word "developer" includes a firm, corporation, co-partnership, association, institution, or person. The word "lot" includes the word "plot" or "parcel." The word "building" includes the word "structure." The words "used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied."

**Access.** The place means, or way by which pedestrians or vehicles shall have safe, adequate, or usable ingress and egress to a property, use, or parking space.

**Accessory structure or accessory use.** A structure or use ~~incidental~~customarily and subordinate to the main use of property and located on the same lot as the main use.

~~Administrator/director planning. The planning administrator or director shall be recommended by the planning commission and appointed by the board of commissioners and shall be responsible for the enforcement of the provisions of this chapter.~~

**Agriculture.** The tilling of the soil, the raising of crops, dairying, animal husbandry, forestry, and horticulture.

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

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

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

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

**Alley.** A minor public right-of-way, which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

**Alteration.** A change, addition, or modification in construction or occupancy of a building or structure.

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*Amendment.* A change in the wording, context, or substance of the Land Use Resolution, or a change in the district boundaries of district map.

*Apartment.* A ~~one, two or three~~ multi-story multifamily structure, including individual units that are located back-to-back, adjacent and/or one over the other. Access is usually from a common hall, although individual entrances can be provided.

*Assisted living facility.* A state-licensed personal care home serving 25 residents or more that is licensed by the Georgia Department of Community Health to provide assisted living care. "Assisted living care" means the specialized care and services provided by an assisted living community which includes the provision of personal services, the administration of medications by a certified medication aide and the provision of assisted self-preservation. This use shall not include hospitals, convalescent centers, nursing homes, hospices, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

*Automobile service station.* A retail place of business engaged primarily in the sale of motor fuels, but also supplying goods and services required in the operation and maintenance of automotive vehicles.

*Basement.* That portion of a building between floor and ceiling which is partly below and partly above grade but is so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

*Bed and breakfast.* A dwelling occupied by a family and used incidentally to provide overnight accommodation and meals to transient travelers, operated by an owner or designated operator-in-residence, with a maximum number of rented units being six.

*Board of commissioners or board.* The Board of Commissioners of Dawson County.

*Buffer.* An area of natural vegetation or manmade construction providing a horizontal distance designed to provide attractive space or distance, obstruct undesirable views, serve as an acoustic barrier, or generally reduce the impact of adjacent development.

*Building.* A structure built and maintained for the support, shelter, or enclosure of persons, motor vehicles, animals, or personal or real property of any kind. The word "building" shall include the word "structure."

*Building height.* The vertical distance from the average grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or the average point of a pitch or hip roof.

*Building line.* A line that coincides with the front side of the main building.

*Caretaker/employee residence.* A ~~an accessory second~~ dwelling designed and intended for the housing of person's employed principally on-site for the purposes of care, protection, and security of said property. Caretaker/employee residence shall be subordinate to the principal residence.

*Cellar.* That portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

*County.* Dawson County, Georgia.

*Churches.* See definition, "places of worship".

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

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

*Constrained land.* Unbuildable land such as floodplain, as described by FEMA or other suitable study by an engineer (PE), State Water Buffers (streams and lakes), Wetlands – as defined by the US Army Corps of Engineers; and Steep slopes greater than 45%.

*Directional lighting.* Methods of directing light downward, rather than upward or outward, with the intention of directing light where it is needed.



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Foot-candle (abbreviated 'fc'). Means a unit of illuminance defined as one lumen per square foot. One foot-candle is approximately equal to 10.76 lux.

Fully shielded. A light fixture constructed and installed in such a manner that all light emitted, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane through the fixture's lowest light-emitting part.

Glare. Light or illuminance entering the eye directly from a light fixture or indirectly from reflective surfaces that causes visual discomfort, reduced visibility to a reasonable person, or is in violation of this chapter.

Illuminance. The intensity of light falling upon or hitting a given surface, and is measured in units of foot-candles or lux.

Kelvin. The measure of the color temperature of a light source. Warmer temperatures are a lower number, and cooler temperatures are a higher number.

*Continuing care retirement community.* A retirement community with accommodations for independent living units, assisted living facilities, and nursing home care, offering residents a continuum of care in a planned, campus-like setting.

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

*Court.* An open unoccupied space other than a yard, on the same lot with a building and bounded on two or more sides by such building.

*Day care center.* An institution, establishment, or place in which are commonly received at one time four or more children not of common parentage, for a period not to exceed 12 hours, for the purpose of being given board, care, or training apart from their parents or guardians for compensation or reward.

Density. The number of dwelling units per acre of land. Gross density refers to the number of units per acre of the total land to be developed.

*Density net.* The amount of dwellings per net acre, based on the total area of the parcel, including vacated rights-of-way, and excluding separate or non-contiguous lands, previously designated common open space, and excluding rights-of-way or easements.

*Development standard.* A specific requirement of this chapter regulating land use, generally quantitative in nature.

*Duplex.* A building containing two dwelling units, each of which has direct access to the outside and with each unit totally separated from the other by an unpierced common wall.

*Dwelling, apartment or multiple-family.* A building designed and used for occupancy by three or more families, all living independently of each other, and having separate full kitchen facilities for each family.

*Dwelling, single-family".* A detached building, not attached by any means to any other dwelling designed or used exclusively for the occupancy of one family and having housekeeping full kitchen facilities for only one family and surrounded by open space or yards

*Dwelling unit.* One or more rooms designed for occupancy by one family and not having more than one full cooking facility except facilities designed for camping purposes such as tents and recreation vehicles.

*Factory-built housing.* ~~Georgia law has now changed "factory-built housing" to "industrial building."~~ See "industrialized building."

*Family.* One person or two or more persons related by blood, marriage, legal adoption, or guardianship; or a group of not more than five persons (excluding servants) all or part of whom are not related by blood, marriage, legal adoption, or guardianship living together as a single housekeeping unit in a dwelling unit.

Farm Building, Major. A building or structure, larger than 200-square feet in size, associated with and located on land devoted to the practice of farming and that is used essentially for the housing of farm equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds, and as part of or in connection with a bona fide farming operation and includes barns, silos and other buildings or structures ancillary to that farming operation

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*Farm market/on-farm market/roadside stand.* The sale of agricultural products or value-added agricultural products, directly to the consumer from a site on a working farm or any agricultural, horticultural or agribusiness operation or agricultural land.

*Fence, sight obscuring.* A fence consisting of wood, metal, masonry, or similar materials, or an evergreen hedge or other evergreen planting arranged in such a way as to obscure vision at least 80 percent.

*Fill.* The placement by means of sand, sediment, or other material, usually in submerged lands, or wetlands, to create new uplands or raise the elevation of land.

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

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

*Frontage.* Property abutting on a street.

*Goal.* A general statement establishing a direction for policies, resolutions, or actions.

*Grade; ground level.* The average of the finished ground level at the center of all walls of a building. Where the walls are parallel to and within five feet of a public sidewalk, alley, or public way, the ground level shall be measured at the average elevation of the sidewalk, alley, or public way.

Gross Acre. Includes the entire area of a Parcel of Land, excluding natural open water bodies.

*Guest quarters.* An accessory attached or detached dwelling unit designed and intended for the temporary housing of visitors to a property at the request of the primary property residents for no fee or other consideration. Guest quarters shall be subordinate to the principal residence.

*Hazards.* Threats of life, property, or the environment such as land sliding, flooding, subsidence, erosion, or fire.

*Home occupation.* Any business, occupation, or activity undertaken for gain or profit within a residential district, except agriculturally related uses, within a residential structure that is incidental and secondary to the use of that structure as a dwelling unit or within an accessory structure that is incidental and secondary to the use of that structure as attendant to a dwelling unit.

*Home office.* An office use carried on by the occupant thereof that is incidental and secondary to the use of the structure as a dwelling unit that includes, but is not limited to, receiving or initiating correspondence, such as phone calls, mail, faxes or e-mail; preparing or maintaining business records; word and data processing; and telephone, mail, order, direct sales (by invitation only), and off premise sales.

Home workshop. An accessory attached or detached structure that typically contains a workbench, hand tools, power tools and other hardware. Manufacturing processes on an industrial scale in an industrial manner does not qualify as a home workshop activity.

*Horticulture.* The cultivation of plants, garden crops, trees, or nursery stock.

*Hospitals.* Institutions devoted primarily to the rendering of healing, curing, and/or nursing care, which maintain and operate facilities for the diagnosis, treatment, and care of two or more non-related individuals suffering from illness, injury, or deformity or where obstetrical or other healing, curing, and/or nursing care is rendered over a period exceeding 24 hours.

*Hotel (motel, motor hotel, tourist court).* A building or group of buildings used for transient residential purposes containing guest rooms which are designed to be used, or which are used, rented, or hired out for sleeping purposes.

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Impervious Surface. A surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes semi-pervious surfaces such as compacted clay, as well as most conventionally surfaced Street, roofs, sidewalks, parking lots, paved patios, swimming pools and other similar surfaces.

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

*Institution, higher educational.* A college or university accredited by the State of Georgia.

*Intensity.* A measure of the magnitude and negative impact of a land use on the environment and neighboring land uses.

*Junk or wrecking yard.* Any property where a person is engaged in breaking up, dismantling, sorting, storing, distributing, buying, or selling any scrap or waste material.

*Kennels.* A lot or premises on which four or more adult dogs are kept, whether by owners of the dogs or by persons providing facilities and care for compensation. An adult dog is one that has reached the age of six months.

Lamp. A source of optical radiation often called a "bulb" or "tube." Examples include incandescent, fluorescent, high-intensity discharge (HID) lamps, and low-pressure sodium (LPS) lamps, as well as light emitting diode (LED) modules and arrays. Light pollution means the unintended, adverse and/or obstructive effects from the use of outdoor light.

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

~~Land use district. Land use districts are areas of land within the county which have different development standards and criteria. These differences are intended to promote the separation of incompatible uses and to retain the character of the community. See articles III and IV.~~

Light source. A light emitting portion of the luminaire and any diffusing elements and surfaces intended to reflect or refract light emitted from the lamp individually or collectively. Examples include a lamp, bulb, lens, highly reflective surface, or frosted glass.

Light trespass. Artificial light or illuminance that falls beyond the property that it is located on.

*Loading space.* An off-street space or berth on the same lot, or parcel, with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle while loading or unloading persons, merchandise, or materials, and which space or berth abuts upon a street, alley, or other appropriate means of ingress and egress.

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

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

*Lot area.* The total area of a lot measured in a horizontal plane within the lot boundary lines exclusive of public streets.

*Lot coverage.* The portion of a lot or parcel of land, which is covered with buildings, parking and maneuvering area, patios, decks, covered or paved storage area, or other impervious surface.

*Lot depth.* The greater horizontal distance between front and rear lot lines.

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*Lot, flag.* See Dawson County Subdivision Regulations for example of a flag lot.

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

*Lot panhandle.* See Dawson County Subdivision Regulations for example of a panhandle lot.

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

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

*Lots of record.* Whenever a lot or plat has been legally and duly recorded with the County Clerk of Superior Court prior to ~~the effective date of the land use resolution February 23, 1998~~ and actually exists as so shown or described, it shall be deemed a lot of record. In addition, lots legally recorded that met zoning standards in place at the time of recordation, but do not meet standards currently in place are also considered lots of record. Although said lot may not contain sufficient land area or lot frontage to meet the minimum lot size requirements of the current zoning such lot may be used as a building site provided that all other requirements of the district are met and that building plans are consistent with all state and local health codes.

*Lot width.* The greatest horizontal distance between side lot lines.

Lumen means the unit of measure used to quantify the amount of visible light produced by a lamp or emitted from a light fixture (as distinct from "watt," a measure of power consumption).

Lux (abbreviated 'lx') means the unit of illuminance defined as one lumen per square meter. One lux is approximately equal to 0.093 foot-candle

*Manufactured home.* A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

*Manufactured home lot.* A parcel of land for the placement of a single manufactured home and the exclusive use of its occupants.

*Manufactured home park.* A privately owned place where two or more manufactured homes used for human occupancy are parked on a lot, tract, or parcel of land under the same ownership. A manufactured home park may contain either or both single-section and multi-section manufactured homes.

*Manufactured home site.* See "manufactured home lot."

*Manufactured home stand.* That part of an individual lot, which has been reserved for the placement of the manufactured home, appurtenant structures, or addition.

*Mobile home.* See ~~the definition of "manufactured home." The 1980 Housing and Community Development Act, effective October 1980, changed the term "mobile home" to "manufactured home."~~

*Non-agriculturally related products.* Those items not connected to farming or the farm operation, such as novelty t-shirts or other clothing, crafts and knick-knacks. ~~imported from other states or countries, etc.~~

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*Non-agriculturally related uses.* Activities that are part of an agricultural tourism operation's total offerings but not tied to farming or the farm's buildings, equipment, fields, etc. Such non-agriculturally related uses include, but are not limited to amusement rides, concerts, etc. and may be subject to special use permit.

*Nonconforming structure or use.* A lawful existing structure or use, at the time this chapter or any amendment thereto become effective, which does not conform to the requirements of this chapter.

*Nursing home.* A State-licensed facility which admits five or more patients on medical referral only and for whom arrangements have been made for continuous medical supervision; it maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has a satisfactory agreement with a physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the home.

*Open area.* The area devoted to lawns, setbacks, buffers, landscaped areas, natural areas, outdoor recreation areas, and similar types of uncovered open area and maintained in plant cover, and excluding storage areas for materials, boats, or vehicles.

*Open Space, Amenity space. ("Amenity open space")* The amenity space open space is intended to provide small covered or uncovered, unenclosed, outdoor areas on development sites. Amenity spaces are limited to at-grade hardscape or landscape areas improved for pedestrian enjoyment; rooftop decks; patios and porches; balconies; or yards, lawns, and gardens.

*Open Space, Pocket park.* The pocket park open space is intended to provide an open space for unstructured recreation. A pocket park may be spatially defined by buildings or streets at its edges.

*Open space, common ("Common open space")* the central space within a residential or mixed-use development reserved for exclusive use by the occupants and their guests. Examples include protected areas and buffers, lawn, gardens, or on-site forested areas. Common open space does not include golf courses, off-street parking, maneuvering, loading, landscape strips, or delivery areas.

*Open space, conservation .("Conservation open space")* undisturbed open space used for buffering, conservation, flood control, natural resource protection. Conservation open space are those lands that are constrained.

*Open storage yard.* An area(s) dedicated as an exterior depository, stockpiling, or safekeeping of materials, products, vehicles, trailers, boats, and the like. Outside storage yards may be enclosed by a structure that includes a roof, but no side walls, in which case the structure shall be deemed outside storage. Outside storage yards may involve fencing or screening without a roof in which case fencing or screening shall be deemed outside storage. Parking lots do not qualify as outside storage yards. Vending machines accessory to allowable uses do not constitute outside storage. The parking or storage of vehicles, equipment, or merchandise for a period of less than 96 hours does not constitute outside storage. Notwithstanding the foregoing sentence, the parking of vehicles requiring a commercial driver's license for a period of 72 hours or more shall constitute outside storage. For purposes of calculating the length of a period a vehicle is parked pursuant to this definition, holidays as defined by O.C.G.A. § 1-4-1 shall not be included in the calculation.

*Outdoor light fixtures.* Outdoor electrically powered illuminating devices, lamps and similar devices, including solar powered lights, and all parts used to distribute the light and/or protect the lamp, permanently installed or portable; synonymous with "luminaires."

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

*Parcel.* A unit of land that is created by a partitioning of land.

*Parking area, private.* Privately or publicly owned property, other than streets or alleys, on which parking spaces are defined, designated, or otherwise identified for use by the tenants, employees, or owners of the property for which the parking area is required by this chapter and not open for use by the general public.

*Parking area, public.* Privately or publicly owned property, other than streets or alleys, on which parking spaces are defined, designated, or otherwise identified for use by the general public, either free or for remuneration. Public parking areas may include parking lots, which may be required by this chapter for retail customers, patrons, and clients.

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*Parking space.* An area permanently available for the parking of a full-size automobile, having dimensions of not less than nine feet by 18 feet.

*Permanent chassis.* The entire transportation system comprised of the following sub-systems: draw-bar and coupling mechanism, frame, running gear assembly, and lights.

*Person.* Any natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

*Personal care home.* A State-licensed dwelling or facility which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for two to 24 adults.

*"Personal services"; In a Personal care home* includes, but is not limited to, individual assistance with or supervision of self-administered medication, assistance with ambulation and transfer, and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting.

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

*Planning commission.* The Dawson County Planning Commission.

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

~~*Policy.* A definitive statement of requirement of the comprehensive plan or development resolution, generally qualitative in nature.~~

*Prefabricated building.* A broad term applied to any building completed in a factory setting.

*Principal residence.* Any residence ~~which occupies the major portion of a lot or constitutes~~, by reason of its use, that is the primary purpose for which the lot is used.

*Public road.* Roads in the state, county, or city road system.

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

*Quadplex.* A building containing four dwelling units, each of which has two open space exposures, direct separate access to the outside, and with each unit sharing one or two common walls with adjoining units.

~~*Sawmill, Temporary (portable).* A sawing or cutting machine used to turn logs into lumber; whether trailered or truck-mounted; capable of easily being moved, set up and operated on a site; not attached or fixed in location.~~

~~*Sawmill, stationary.* A fixed structure mounted on a foundation for the purpose of turning logs into lumber; includes the entire operational area: e.g., log sorting yard(s), milling machine(s), sorting and storage area(s); administration and maintenance area(s).~~

*School, commercial.* A place where instruction is given to pupils in arts, crafts, trades, or other occupational skills and operated as a commercial enterprise as distinguished from schools endowed or supported by taxation.

*School, primary, elementary, junior high, or high.* Includes public, private, or parochial but not nursery school, kindergarten, or day nursery except when operated in conjunction with a school.

*Screen.* A fence, wall berm, hedge, tree row, or other dense structure intended to perform a buffering effect in a limited space, and may be required in addition to a buffer.

*Seasonal.* A recurrent period characterized by certain occurrences, festivities, or crops; harvest, when crops are ready; not all year round.



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Seasonal lighting. Temporary lighting displays installed and operated on a property, typically in connection with holidays or traditions. Lighting shall not be considered seasonal if the lighting display is installed or operated more than 30 days prior to a holiday or tradition, or more than 30 days after the holiday or tradition.

~~Semi-detached residence.~~ A one-family dwelling attached to another one-family dwelling by a common vertical wall and footing, with each dwelling located on a separate lot, but does not include dwellings one over another. Semi-detached housing has a front, rear and one side open space.

*Setback.* The minimum allowable horizontal distance measured from the furthest projection of the structure to the adjacent property line.

*Short-term home rental.* A single-family residential dwelling offered for rent for a period of less than 30 days per renter. Typically, an owner's vacation home or second home offered for vacation rentals to guests for a fee.

*Shooting preserve and game farming.* The intensive, small pasture production of wild animals for the purpose of hunting, on agricultural land, for a fee, over an extended period of time, in conformance with state and federal game laws.

*Site-built.* Constructed on site ("stick-built") but includes pre-constructed wall units, ~~etc.~~, including "industrialized building."

*Sign.* An identification, description, illustration, or device which is affixed to or represented, directly or indirectly, upon a building, structure, or land and which directs attention to a product, place, activity, person, institution, or business. Each display surface of a sign shall be considered to be a sign.

~~Sign, advertising.~~ A sign which directs attention to a business, product, activity, or service which is not necessarily conducted, sold, or offered upon the premises where such signs is located.

Sky glow. The brightening of the nighttime sky that results from scattering and reflection of artificial light by air molecules, moisture and dust particles in the atmosphere. Sky glow is caused by light directed or reflected upwards or sideways.

*Story.* That portion of a building included between a floor and the ceiling next above which is six feet or more above the grade.

*Street.* An officially approved public thoroughfare or right-of-way dedicated, deeded, or condemned, which has been officially approved by the planning commission and accepted by the board of commissioners for use as such, other than an alley, which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare, except as excluded in this chapter. The word "street" shall include all arterial highways, freeways, traffic collector streets, local streets, and lanes.

String lights. Outdoor light fixtures or light source connected by free-strung wires or inside of tubing resulting in several or many points of light that are

*Structure.* Something constructed or built or having a fixed base on, or fixed connection to, the ground or another structure.

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

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

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

*Subdivision.* All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, or sale, or building development. See also The Dawson County Subdivision Regulations.

Superstore. Establishments known as warehouse clubs, superstores, or supercenters, primarily engaged in retailing a general line of groceries, including a significant amount and variety of fresh fruits, vegetables, dairy products, meats, and other perishable groceries, in combination with a general line of new merchandise, such as apparel, furniture, and appliances.

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*Townhouse.* A one-family dwelling in fee simple ownership constructed in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant unpierced walls.

*Travel trailer.* A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes.

*Triplex.* A building containing three dwelling units, each of which has direct access to the outside and with each unit totally separated from the other by an unpierced common wall.

*Use.* The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

*U-pick.* A fruit or vegetable-growing farm that provides the opportunity for customers to pick their own fruits or vegetables directly from the plant.

*Value-added agricultural product.* The enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to, marketing, agricultural processing, transforming, packaging, and educational presentation, activities and tours that relate to agriculture or agricultural products.

*Vehicle.* A device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, such as such as cars, motorcycles, boats, horse trailers and general trailers, trucks, buses, campers, and recreational vehicles; except devices moved by human power or used exclusively upon stationary rails or tracks.

*Vehicle storage facility is a commercial building or parcel used for storing, stockpiling, or safekeeping of four (4) or more vehicles that are not occupied for living purposes or used as dwellings*

*Water-related uses.* Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of the quality of goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highway, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs.

*Winery.* The retail and/or manufacturing premises of a small winemaker or winemaker licensee as defined by the Dawson County Alcohol Ordinance.

*Yard.* A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

*Yard, front.* A yard extending between lot lines which intersect a street line, the depth of which is the minimum horizontal distance between the street line and a line parallel thereto on the lot.

(Ord. of 8-6-2020(3), § 1(Exh. A, § 1301))