

**DAWSON COUNTY BOARD OF COMMISSIONERS
VOTING SESSION AGENDA – THURSDAY, APRIL 6, 2023
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM
25 JUSTICE WAY, DAWSONVILLE, GEORGIA 30534
TO IMMEDIATELY FOLLOW THE 4:00 PM WORK SESSION**

A. ROLL CALL

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. ANNOUNCEMENTS

D. APPROVAL OF MINUTES

- [1.](#) Minutes of the Work Session held on March 16, 2023
- [2.](#) Minutes of the Voting Session held on March 16, 2023
3. Minutes of the Planning Workshop & Retreat held on March 29, 2023

E. APPROVAL OF AGENDA

F. PUBLIC COMMENT

G. ALCOHOL LICENSE

- [1.](#) New Alcohol License (*Brew Pub to Sell Beer, Wine and Cider*) - Blue Duck Cider Company d/b/a Blue Duck Brewing & Cider

H. UNFINISHED BUSINESS

- [1.](#) Amendments to the Land Use Resolution (*Tabled from the March 16, 2023, Voting Session*)

I. PUBLIC COMMENT

J. ADJOURNMENT

**An Executive Session may follow the Voting Session meeting.*

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

**DAWSON COUNTY BOARD OF COMMISSIONERS
WORK SESSION MINUTES – THURSDAY, MARCH 16, 2023
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM
25 JUSTICE WAY, DAWSONVILLE, GEORGIA 30534
4:00 PM**

Those present were Commissioner Seth Stowers, District 1; Commissioner Chris Gaines (Vice Chairman), District 2; Commissioner Alexa Bruce, District 3; Commissioner Emory Dooley, District 4; Interim County Manager Vickie Neikirk; County Attorney Jeffrey Strickland; County Clerk Kristen Cloud; and interested citizens of Dawson County. Chairman Billy Thurmond was not present.

1. Presentation of Update on the Cumming to Hall County Pipeline Project- Atlanta Gas Light Representatives
This item, presented via a PowerPoint presentation by Atlanta Gas Light's Jodie Hart and Todd Cape, was for information only.
2. Presentation of Application for Parade and Assembly - 2023 4-H Rabies Clinic - Planning & Development Director Sharon Farrell / Extension Coordinator Clark MacAllister
This item will be added to the March 16, 2023, Voting Session Agenda.
3. Presentation of Request to Approve Additional Staff to Create a Pool of Employees for Meals on Wheels Delivery- Senior Services Director Dawn Johnson
This item will be added to the March 16, 2023, Voting Session Agenda.
4. Presentation of Resolution to Initiate Abandonment of a Portion of Hanging Dog Road- Public Works Director Robert Drewry / County Attorney Jeff Strickland
This item was for information only; no action necessary by the Board of Commissioners.
5. County Manager Report
This item was for information only.
6. County Attorney Report
County Attorney Strickland had no information to report and requested an Executive Session.

APPROVE:

ATTEST:

Billy Thurmond, Chairman

Kristen Cloud, County Clerk

**DAWSON COUNTY BOARD OF COMMISSIONERS
VOTING SESSION MINUTES – THURSDAY, MARCH 16, 2023
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM
25 JUSTICE WAY, DAWSONVILLE, GEORGIA 30534
IMMEDIATELY FOLLOWING THE 4:00 PM WORK SESSION**

ROLL CALL: Those present were Commissioner Seth Stowers, District 1; Commissioner Chris Gaines (Vice Chairman), District 2; Commissioner Alexa Bruce, District 3; Commissioner Emory Dooley, District 4; Interim County Manager Vickie Neikirk; County Attorney Jeffrey Strickland; County Clerk Kristen Cloud; and interested citizens of Dawson County. Chairman Billy Thurmond was not present.

INVOCATION AND PLEDGE OF ALLEGIANCE: Vice Chairman Gaines

ANNOUNCEMENTS:

Vice Chairman Gaines announced that the next Board of Commissioners meeting would be held on April 6, 2023.

APPROVAL OF MINUTES:

Motion passed 4-0 to approve the Minutes of the Work Session held on March 2, 2023.
Stowers/Bruce

Motion passed 4-0 to approve the Minutes of the Voting Session held on March 2, 2023.
Dooley/Stowers

APPROVAL OF AGENDA:

Motion passed 4-0 to approve the agenda with the following change:

- Addition of item Nos. 2 and 3 under New Business:
 - Application for Parade and Assembly – 2023 4-H Rabies Clinic
 - Request to Approve Additional Staff to Create a Pool of Employees for Meals on Wheels Delivery

Stowers/Dooley

PUBLIC COMMENT:

None

ZONINGS:

Vice Chairman Gaines announced that if anyone contributed more than \$250 to the commissioners or chairman in the past two years and wished to speak they would have to fill out a disclosure form, which would be made available to them. Under normal program, 10 minutes is given to those who wish to speak in favor of or opposition to with some redirect, time permitting.

ZA 22-25 - Perry Betterton requests to rezone TMP 104-058 from RA (Residential Agriculture) to CHB (Commercial Highway Business) for the purpose of opening a retail trailer sales business.

VR 22-27 - Perry Betterton requests to vary from the Dawson County Land Use Resolution Article IV, Section 400.C.2.d light pole height. (Tabled from the December 15, 2022, Voting Session, at which time a public hearing was held)

Motion passed 4-0 to deny ZA 22-25 and VR 22-27. Stowers/Bruce

SU 22-03 - Karen Mason requests a Special Use to place a manufactured home on less than 5 acres in a RA (Residential Agriculture)-zoned parcel, TMP 056-053 (Summerour Vale Drive).

Planning & Development Sharon Farrell said the Planning Commission recommended approval of the application and that no one spoke in opposition during the Planning Commission's public hearing. Farrell said, "It's kind of an odd-shaped property, but it is just a little hair under 2 acres..."

Applicant Karen Mason said, "I'm here today because I'm trying to establish a home for myself on the west side of Dawson County. It's a new double-wide mobile home that I'm in the process of purchasing right now, but I have to get y'all's permission because the land is zoned for 5 but I have 1.9 [acres]."

Vice Chairman Gaines opened the hearing by asking if there was anyone present who wished to speak either for or against the application.

The following spoke in favor of the application:

- Mattie Summerour, Conley, Georgia

None spoke in opposition to the application.

Vice Chairman Gaines asked if there was anyone else present who wished to speak on the application and, hearing none, closed the hearing.

Motion passed 4-0 to approve SU 22-03. Dooley/Bruce

ZA 22-29 - Miles, Hansford & Tallant LLC requests to rezone TMP L15-116-004 from RA (Residential Agriculture) to RAC (Residential Agriculture Corrective).

VR 22-29 - Miles, Hansford & Tallant LLC requests to vary from the Dawson County Land Use Resolution Article III Section 121-76 Table 3.2 minimum lot width requirement, TMP L15-116-004 (Dogwood Lane).

Planning & Development Director Sharon Farrell said, "This is a 2-acre parcel. The Planning Commission did recommend approval; they also recommended approval of the variance request. This is one of, I believe, over 52 or 55 parcels that have been recognized as lots of record, but they'll get the RAC designation so [basically they can get] all those rights afforded those properties that are 5 acres in size. They did have to come forward to get this designation and the variances because where the home would be located is just not wide enough."

Attorney Bryceson Mercer of Miles, Hansford & Tallant LLC, representing the applicant, displayed a PowerPoint presentation. He said the rezoning request is to bring the property into "compliance and we are requesting a variance to reduce the minimum lot width requirement from

175 feet to 107 feet.” Mercer added, “We believe there’s plenty of lot width there to construct a single-family dwelling, which is the intent with this property here.”

Vice Chairman Gaines opened the hearing by asking if there was anyone present who wished to speak either for or against the application and, hearing none, closed the hearing.

Motion passed 4-0 to approve ZA 22-29 and VR 22-29. Stowers/Dooley

ZA 22-30 - Sharon Jennings requests to rezone TMP 085-092-002 from RSR (Residential Sub-Rural) to RSRMM (Residential Sub-Rural Manufactured/Moved) for the purpose of placing a manufactured home on the parcel (Highway 9 South).

Planning & Development Director Sharon Farrell said the property is under 2 acres and part of a minor plat “approved a few years ago.” She said, “In order to have the mobile home placed on site we need to rezone to RSRMM.” Farrell said the Planning Commission recommended approval of the application.

Applicant Sharon Jennings said, “We would just like to have 1.5 acres rezoned to put a new manufactured home there. It will be a new home with permanent foundation.”

Vice Chairman Gaines opened the hearing by asking if there was anyone present who wished to speak either for or against the application and, hearing none, closed the hearing.

Motion passed 4-0 to approve ZA 22-30. Dooley/Stowers

UNFINISHED BUSINESS:

Amendments to the Land Use Resolution (Tabled from the March 2, 2023, Voting Session)

Commissioner Bruce made a motion to approve Amendments to the Land Use Resolution with changes discussed, but motion died for lack of a second.

Motion passed 4-0 to table Amendments to the Land Use Resolution until April 6, 2023. Dooley/Stowers

NEW BUSINESS:

Consideration of Request for Two Additional Full-Time Parks & Recreation Employees

Motion was made by Commissioner Gaines and seconded by Commissioner Bruce to approve a Request for Two Additional Full-Time Parks & Recreation Employees.

Motion was amended by Commissioner Gaines and seconded by Commissioner Bruce to approve a Request for Two Additional Full-Time Parks & Recreation Employees in an amount not to exceed \$113,812; funds will come from General Fund’s fund balance. The amended motion passed 4-0.

Consideration of Application for Parade and Assembly – 2023 4-H Rabies Clinic

Motion passed 4-0 to approve an Application for Parade and Assembly – 2023 4-H Rabies Clinic. Stowers/Dooley

Consideration of Request to Approve Additional Staff to Create a Pool of Employees for Meals on Wheels Delivery

Motion passed 4-0 to approve a Request to Approve Additional Staff to Create a Pool of Employees for Meals on Wheels Delivery (with no impact to the budget). Dooley/Stowers

PUBLIC COMMENT:

None

ADJOURNMENT:

EXECUTIVE SESSION:

Motion passed 4-0 to enter into Executive Session to discuss personnel and real estate. Dooley/Stowers

Motion passed 4-0 to come out of Executive Session. Bruce/Stowers

APPROVE:

ATTEST:

Billy Thurmond, Chairman

Kristen Cloud, County Clerk

DAWSON COUNTY PLANNING AND DEVELOPMENT

ALCOHOL LICENSING

Location & Mailing Address:

25 JUSTICE WAY, SUITE 2322
DAWSONVILLE, GA 30534

Phone: 706/344-3500 x 42335

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

This application must be signed by the applicant and notarized. Every question must be fully answered with the answer typewritten or printed. If the space provided is not sufficient, answer on a separate sheet and indicate in the space provided that a separate sheet is attached. When completed, the application must be dated, signed, and verified under oath by the applicant and submitted to Planning and Development, together with the license fee(s) and the administrative/investigative fee (separate checks). All fees are payable to Dawson County in certified funds (bank check, certified check, or money order). **The applicant must be not less than 21 years of age.**

NOTICE: Any false answer to any question could result in the denial of a license, or in the event a license is issued, in the revocation or suspension of the license. *****KEEP A COPY OF ALL FORMS SUBMITTED*****

FOR OFFICIAL USE ONLY:

Name of Business: Blue Duck Brewing + Cider

Date Received: 2-10-23 License Fee Enclosed: \$ 2,800

Approved: _____ Denied: _____

State License Number: _____

Local License Number: _____

Administrative/Investigative Fee Enclosed : \$ _____ Advertising Fee Enclosed: \$ _____

1. TYPE OF LICENSE: (check one): NEW AMENDMENT (TRANSFER)

2. ADMINISTRATIVE AND INVESTIGATIVE FEE: \$250.00 (Consumption on Premises)

ADMINISTRATIVE AND INVESTIGATIVE FEE: \$250.00 (Retail Package)

ADMINISTRATIVE AND INVESTIGATIVE FEE: \$250.00 (Transfer of License)

Note: Administrative/Investigative fees may be higher depending on the number of persons for which we conduct a federal and state background check.

ADVERTISING FEE: \$ 40.00 (Distilled Spirits)
(Consumption on Premises & Retail Package)

3. TYPE OF BUSINESS:

Bona Fide Eating Establishment

Indoor Commercial Recreation Facility

Super Market

Hotel/Motel

Convenience Store

Caterer (must have alcohol by the drink license)

Package Liquor Store (see Item 14, Page 5)

Other

Explain: BREW PUB

Will live entertainment be offered? NO If Yes, Explain: _____

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

4. TYPE OF LICENSE AND FEES:
(Check all that apply)

PAYMENT BY CERTIFIED FUNDS ONLY!!

Note: If license is issued after July 1st, fees are one half.

RETAIL PACKAGE: (Total: Beer - Wine - Distilled Spirits = \$5,800)
(Total: Beer - Wine = \$1,300)

- Beer \$650 Wine \$650 Distilled Spirits \$4,500

GROCERY & CONVENIENCE STORES: ATTACH COPY OF DEPT. OF AGRICULTURE FOOD ESTABLISHMENT LICENSE.

RETAIL CONSUMPTION ON PREMISES: (Total: Beer - Wine - Distilled Spirits = \$4,800)
(Total: Beer - Wine = \$1,500)

- Distilled Spirits \$3,300
 Beer \$ 750 Add'l Fixed Bars # _____ \$ 500 (each bar)
 Wine \$ 750 Movable Bars # _____ \$ 250 (each bar)

PRIVATE CLUB:

Note: Must obtain a retail consumption on the premises license.

- Beer \$750 Wine \$750 Distilled Spirits \$3,300

HOTEL IN-ROOM SERVICE:

Note: Must obtain a retail consumption on the premises license before Hotel In-Service License is issued.

- Beer \$750 Wine \$750 Hotel In-Service \$250

SPECIAL EVENT ALCOHOL PERMIT:

Note: Must complete additional Special Event Alcohol Permit Form # 2-B.

- \$25 Per Day

5. BUSINESS

(a) Business Name: BLUE DUCK BREWING & CIDER

(b) Location: 30 Industrial Park Drive Suite 114
Street Number Street Name

Dawsonville, Ga 30534
City State Zip Code Phone Number

(c) Mailing Address: 30 INDUSTRIAL PARK DRIVE SUITE 114
For Renewals: Street Number Street Name

DAWSONVILLE Dawsonville, Ga 30534
City State Zip Code Phone Number

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

10. FOR CORPORATION or LLC ONLY: (Attach Articles & Certificate of Incorporation/ Organization)

- (a) Date of Incorporation/Organization: 5/17/2021
- (b) Place of Incorporation/Organization: GEORGIA
- (c) State Parent Corporation, if applicable: _____
- (d) Number of Shares of Capital Stock Authorized, if applicable: _____
- (e) Number of Shares of Outstanding Stock, if applicable: 1000
- (f) For Corporations or LLC's, list officers, directors, members, and/or principal shareholders with 20% or more of the stock:

Name	Social Security #	Position	Interest %
<u>JAMES E MATZEK</u>	<u>[REDACTED]</u>	<u>PRESIDENT</u>	<u>100</u>

- (g) Is the corporation owned by a parent corporation or held by a holding company? NO
If yes, explain: _____

11. FOR PRIVATE CLUBS ONLY:

- (a) Date of organization under the laws of the State of Georgia: _____
- (b) State the total number of regular dues paying members: _____
- (c) Is any member, officer, agent, or employee compensated directly or indirectly from the profits of the sale of distilled spirits beyond a fixed salary as established by its members at any annual meeting or by its governing board out of the general revenue of the club?

- (d) **Attach minutes of the annual meeting setting salaries.** For private club, list officers, directors and/or principal shareholders with 20% or more of the stock.

Name	Social Security #	Position

12. FINANCING:

- (a) Bank to be used by business, include branch: DELTA CREDIT UNION JOHNS CREEK
- (b) State total amount of capital that is or will be invested in the business by any party or parties: _____
- (c) State total amount of funds invested by the owner: [REDACTED]
- (d) State total amount of funds invested by parties other than the owner: 0
- (e) If any capital is borrowed:

Name of Lender	Date	Amount	Interest Rate
<u>DELTA CREDIT UNION JOHNS CREEK</u>	<u>06/2021</u>	<u>[REDACTED]</u>	<u>3.75</u>

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

13. GENERAL INFORMATION:

(a) Has owner and/or individual partner, shareholder, director, officer or member any interest in any manufacturer or wholesaler of alcoholic beverage? YES

(b) Has owner and/or individual partner, shareholder, director, officer or member received any financial aid or assistance from any manufacturer or wholesaler of alcoholic beverages? NO

(c) If answer is "Yes" to either of immediate foregoing, explain: PRESIDENT BLUE DUCK CIDER, INC.

(d) Show hereunder any and all persons, corporations, partnerships, limited liability companies or associations (other than persons stated herein as owner(s), directors, officers or members) who have received or will receive, as a result of your operation under the requested license, any financial gain or payment derived from any interest or income from the operation. Financial gain or payment shall include payment or gain from any interest in the land, fixtures, building, stock, and any other asset of the proposed operation under the license. In the event any corporation or limited liability company is listed as receiving an interest or income from this operation, show the names of the officers, directors or members of said corporation together with the names of the principal stockholders.

NONE

(e) List all other businesses engaged in the sale of alcohol beverages that you the owner, or any individual, partner, shareholder, officer, director or member has interest in, is employed by or is associated with in any way whatsoever, or has had interest in, has been employed by, or has been associated with in the past.

Name	Name or Business	Interest %
<u>JAMES E MATZEK</u>	<u>BLUE DUCK CIDER, INC.</u>	<u>100</u>

14. FOR PACKAGE LIQUOR STORE APPLICANTS: *State of Georgia Regulations*****

The State of Georgia will not issue a State Alcohol License to any person who has more than two (2) retail package liquor licenses. See official language below. Do not apply for a Dawson County License if you already have (or have interest in) two (2) package liquor store licenses in the State of Georgia.

O.C.G.A. 3-4-21 and Regulation 560-2-2-40.

No person shall be issued more than two retail package liquor licenses, nor shall any person be permitted to have a beneficial interest in more than two retail package liquor licenses issued by the Department regardless of the degree of such interest.

For the purposes of explanation and applicability of the Code:

"Beneficial interest" as used here means: when a person holds the retail package liquor license in his own name, or when he has a legal, equitable or other ownership interest in, or has any legally enforceable interest or financial interest in, or derives any economic benefit from, or has control over a retail package liquor business.

The term "person" shall include all members of a retail package liquor dealer licensee's family, and the term "family" shall include any person related to the holder of the license within the first degree of consanguinity and affinity as computed according to the canon law which includes the following: spouse, parents, step-parents, parents-in-law, brothers and sisters, step-brothers and step-sisters, brothers-in-law and sisters-in-law, children, step-children and children-in-law.

Do you currently hold any package liquor licenses in your own name or have a beneficial interest in any package liquor licenses as described above? Yes No If yes, attach a separate sheet listing names, addresses, and license numbers.

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

NOTE: Before signing this statement, check all answers and explanations to see that you have answered all questions fully and correctly. This statement is to be executed under oath and subject to the penalties of false swearing, and it includes all attached sheets submitted herewith.

STATE OF GEORGIA, DAWSON COUNTY

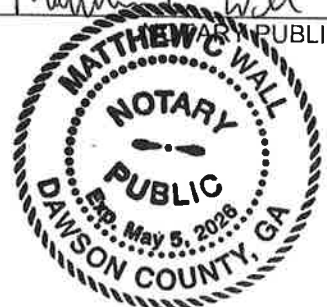
I, JAMES E MATZEK, DO SOLEMNLY SWEAR, SUBJECT TO THE PENALTIES OF FALSE SWEARING, THAT THE STATEMENTS AND ANSWERS MADE BY ME AS THE APPLICANT IN THE FOREGOING APPLICATION ARE TRUE AND CORRECT.

[Handwritten Signature]
APPLICANT'S SIGNATURE

I HEREBY CERTIFY THAT James E Matzek SIGNED HIS NAME TO THE FOREGOING APPLICATION STATING TO ME THAT HE KNEW AND UNDERSTOOD ALL STATEMENTS AND ANSWERS MADE THEREIN, AND, UNDER OATH ACTUALLY ADMINISTERED BY ME, HAS SWORN THAT SAID STATEMENTS AND ANSWERS ARE TRUE AND CORRECT.

THIS 10th DAY OF February, 2023.

[Handwritten Signature]
PUBLIC



FOR OFFICIAL USE ONLY:

PLANNING AND DEVELOPMENT REVIEW:

APPLICANT HAS OBTAINED ALL NECESSARY PERMITS AND LICENSES. (Building Permit / Business License)

APPLICANT HAS COMPLETED ALL NECESSARY INSPECTIONS. (Fire Dept. / Health Dept. / Dept. of Agriculture-Retail Package only)

APPLICANT HAS COMPLETED PREMISE & STRUCTURE FORM # 3 AND ATTACHED ALL REQUIRED INFORMATION IN ITEMS 10 through 15.

FOR OFFICIAL USE ONLY:

SHERIFF DEPARTMENT REVIEW:

APPLICANT HAS COMPLETED ALL REQUIREMENTS FOR FEDERAL AND STATE BACKGROUND CHECK AND IS APPROVED FOR THIS APPLICATION PROCESS.

Date:

Planning and Development Director

Planning and Development Director

Planning and Development Director

Date:

Sheriff

DAWSON COUNTY PLANNING AND DEVELOPMENT

ALCOHOL LICENSING

Location & Mailing Address:

25 JUSTICE WAY, SUITE 2322
DAWSONVILLE, GA 30534

Phone: 706/344-3500 x 42335

STATEMENT OF PERSONAL HISTORY

Instruction: This statement must be typed or neatly printed and executed under oath. Each question must be fully answered. If space provided is not sufficient, answer on a separate sheet and indicate in the space if a separate sheet is attached.

1. **NAME:** MATZEK JAMES E
Last First Middle

RESIDENCE: [REDACTED]
Street Number Street Name
[REDACTED] [REDACTED] [REDACTED] [REDACTED]
City State Zip Code Telephone Number

2. **CHECK:** (all that apply)

- Sole Owner/Proprietor Partner: General Limited Silent
 Director Principal Stockholder (20% or more)
 Registered Agent Officer: PRESIDENT
 Manager Employee: _____

3. **TRADE NAME OF BUSINESS FOR WHICH THIS STATEMENT IS MADE:**

NAME OF BUSINESS: BLUE DUCK CIDER COMPANY, INC. / DBA Blue Duck Brewing Cider

LOCATION: 30 INDUSTRIAL PARK
Street Number Street Name P. O. Box
DAWSONVILLE GA 30022 [REDACTED]
City State Zip Code Telephone Number

4. **STATE THE PERCENTAGE OF OWNERSHIP OR INTEREST, IF ANY, IN THIS BUSINESS:** 100

5. **STATE METHOD AND AMOUNT OF COMPENSATION, IF ANY, DIRECTLY OR INDIRECTLY:** _____
PROFITS FROM THE BUSINESS

6. **DATE OF BIRTH:** 08/11/1970 **PLACE OF BIRTH:** CLEVELAND, OHIO
SSN: [REDACTED] **SEX:** MALE FEMALE **RACE:** CAUCASIAN
COLOR OF HAIR: BROWN **COLOR OF EYES:** BROWN

7. **U.S. CITIZEN** **LEGAL PERMANENT RESIDENT** **QUALIFIED ALIEN OR NON-IMMIGRANT**

Requirements:

Affidavit for Issuance of a Public Benefit and a Secure & Verifiable Document
E-Verify Private Employer Affidavit of Compliance or E-Verify Private Employer Exemption Affidavit

STATEMENT OF PERSONAL HISTORY

8. SINGLE MARRIED WIDOWED DIVORCED SEPARATED

IF MARRIED OR SEPARATED, COMPLETE INFORMATION LISTED BELOW:


FULL NAME OF SPOUSE: _____ SSN# _____

MAIDEN NAME: _____ PLACE OF BIRTH: _____

DATE OF BIRTH: _____ NAME AND ADDRESS OF SPOUSE'S EMPLOYER:

9. STATE ANY OTHER NAMES THAT YOU HAVE USED: MAIDEN NAME, NAMES BY FORMER MARRIAGES, FORMER NAMES CHANGED LEGALLY OR OTHERWISE, ALIASES, NICKNAMES, ETC. SPECIFY WHICH, SHOW DATES, ETC.: ^{N/A} _____

10. EMPLOYMENT RECORD FOR THE PAST TEN (10) YEARS. (LIST THE MOST RECENT EXPERIENCE FIRST).

<i>From Mo/Yr</i>	<i>To Mo/Yr</i>	<i>Occupation & Duties Performed</i>	<i>Salary Received</i>	<i>Employer (Business Name)</i>	<i>Reason for Leaving</i>
10/2012	PRESENT	MERCHANDISING		COSTCO	
2/2008	1/2012	MANAGEMENT- GM STAFFING, ORDERING STORE OPERATIONS		TOTAL WINE	NEW OPPORTUNITY

11. LIST IN REVERSE CHRONOLOGICAL ORDER ALL OF YOUR RESIDENCES FOR THE PAST TEN (10) YEARS:

<i>From</i>	<i>To</i>	<i>Street</i>	<i>City</i>	<i>State</i>
11/2011	PRESENT			
11/2009	11/2011			

STATEMENT OF PERSONAL HISTORY

12. DO YOU HAVE ANY FINANCIAL INTEREST, OR ARE YOU EMPLOYED IN ANY OTHER WHOLESALE OR RETAIL BUSINESS ENGAGED IN DISTILLING, BOTTLING, RECTIFYING, OR SELLING ALCOHOLIC BEVERAGES? NO

IF YOUR ANSWER IS "YES" TO NUMBER 14, GIVE NAMES, LOCATIONS, AND AMOUNT OF INTEREST IN EACH: _____

13. HAVE YOU EVER HAD ANY FINANCIAL INTEREST IN AN ALCOHOLIC BEVERAGE BUSINESS THAT WAS DENIED A LICENSE? NO

IF SO, GIVE DETAILS: _____

14. HAS ANY ALCOHOLIC BEVERAGE LICENSE IN WHICH YOU HOLD, OR HAVE HELD, ANY FINANCIAL INTEREST OF, OR EMPLOYED, OR HAVE BEEN EMPLOYED, EVER BEEN CITED FOR ANY VIOLATIONS OF THE RULES AND REGULATIONS OF THE STATE REVENUE COMMISSIONER RELATING TO THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES? NO

IF SO, GIVE DETAILS: _____

15. IF DURING THE PAST TEN YEARS YOU HAVE BOUGHT OR SOLD ANY BUSINESS ASSOCIATED WITH ALCOHOL, GIVE DETAILS. (DATE, LICENSE NUMBER, PERSONS, AND CONSIDERATIONS INVOLVED):

NO

16. HAVE YOU EVER BEEN DENIED BOND BY A COMMERCIAL SECURITY COMPANY? NO

IF SO, GIVE DETAILS: _____

17. ARE YOU A REGISTERED VOTER? YES IN WHAT STATE? GA

18. HAVE YOU EVER BEEN ARRESTED, OR HELD BY FEDERAL, STATE OR OTHER LAW ENFORCEMENT AUTHORITIES, FOR ANY VIOLATION OF ANY FEDERAL LAW, STATE LAW, COUNTY OR MUNICIPAL LAW, REGULATION OR ORDINANCES? (Do not include traffic violations. All other charges must be included even if they were dismissed. Give reason charged or held, date, place where charged and disposition. If no arrest, write no arrest. After last arrest is listed, please write no other arrest):

1. NA

2. _____

3. _____

4. _____

STATEMENT OF PERSONAL HISTORY

19. LIST BELOW FOUR REFERENCES (PERSONAL AND BUSINESS). GIVE COMPLETE ADDRESS AND PHONE NUMBER INCLUDING AREA CODE. IF GIVING A BUSINESS REFERENCE, NAME A PERSON AT THE LOCATION TO BE CONTACTED. DO NOT INCLUDE RELATIVES OR EMPLOYERS OR FELLOW EMPLOYEES OF PARTICULAR BUSINESS.

1. BRIAN REINERT 119 GRANT RIDGE DRIVE HENDERSON NV 89012 [REDACTED]

2. BOB BUDD 3026 MILL PARK TERRACE Dacula, GA 30019 [REDACTED]

3. ED BARNES 351 E ISLAND VIEW PORT TOWNSEND WA 98365 [REDACTED]

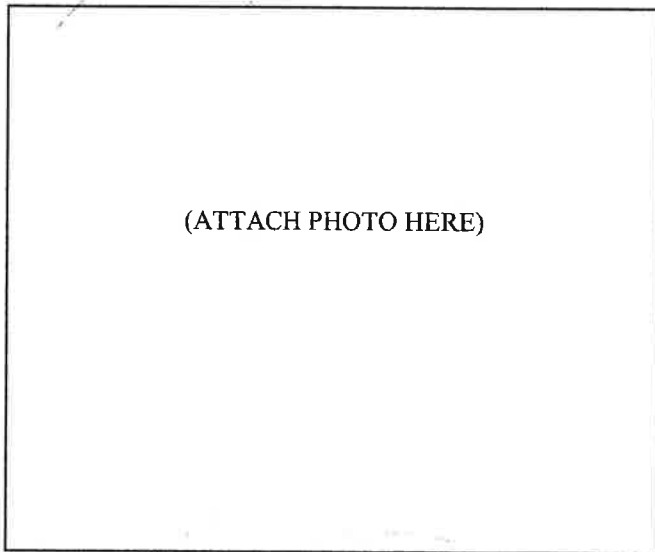
4. TATLOR HARPER 1400 PEACHTREE RD #1513 ATLANTA, GA 30329 [REDACTED]

20. HAVE YOU HAD ANY LICENSE UNDER THE REGULATORY POWERS OF DAWSON COUNTY DENIED, SUSPENDED, OR REVOKED WITHIN TWO (2) YEARS PRIOR TO THE FILING OF THIS APPLICATION?

NO

IF SO, GIVE DETAILS: _____

21. ATTACH PHOTOGRAPH (Front View) TAKEN WITHIN THE PAST YEAR:



NOTE: ATTACH A COPY OF YOUR DRIVER'S LICENSE TO THIS FORM.

STATEMENT OF PERSONAL HISTORY

Before signing this statement, check all answers and explanations to see that you have answered all questions fully and correctly. This statement is to be executed under oath and subject to the penalties of false swearing, and it includes all attachments submitted herewith.

STATE OF GEORGIA, DAWSON COUNTY.

I, James E. Matzel, DO SOLEMNLY SWEAR, SUBJECT TO THE PENALTIES OF FALSE SWEARING, THAT THE STATEMENT AND ANSWERS MADE BY ME AS THE APPLICANT IN THE FOREGOING PERSONAL STATEMENT ARE TRUE AND CORRECT. FURTHER, AS PART OF THE PROCESS RESULTING FROM MY APPLICATION FOR BACKGROUND INVESTIGATION, FOR AN ALCOHOLIC BEVERAGE LICENSE. I HEREBY AUTHORIZE PERSONNEL OF THE DAWSON COUNTY SHERIFF'S DEPARTMENT OR DAWSON COUNTY MARSHAL'S OFFICE TO RECEIVE, VERIFY, AND DISSEMINATE ANY CRIMINAL HISTORY INFORMATION WHICH MAY BE IN THE FILES OF ANY LOCAL, STATE, OR FEDERAL CRIMINAL JUSTICE AGENCY FOR INVESTIGATIVE PURPOSES, DENIAL, OR APPEALS.

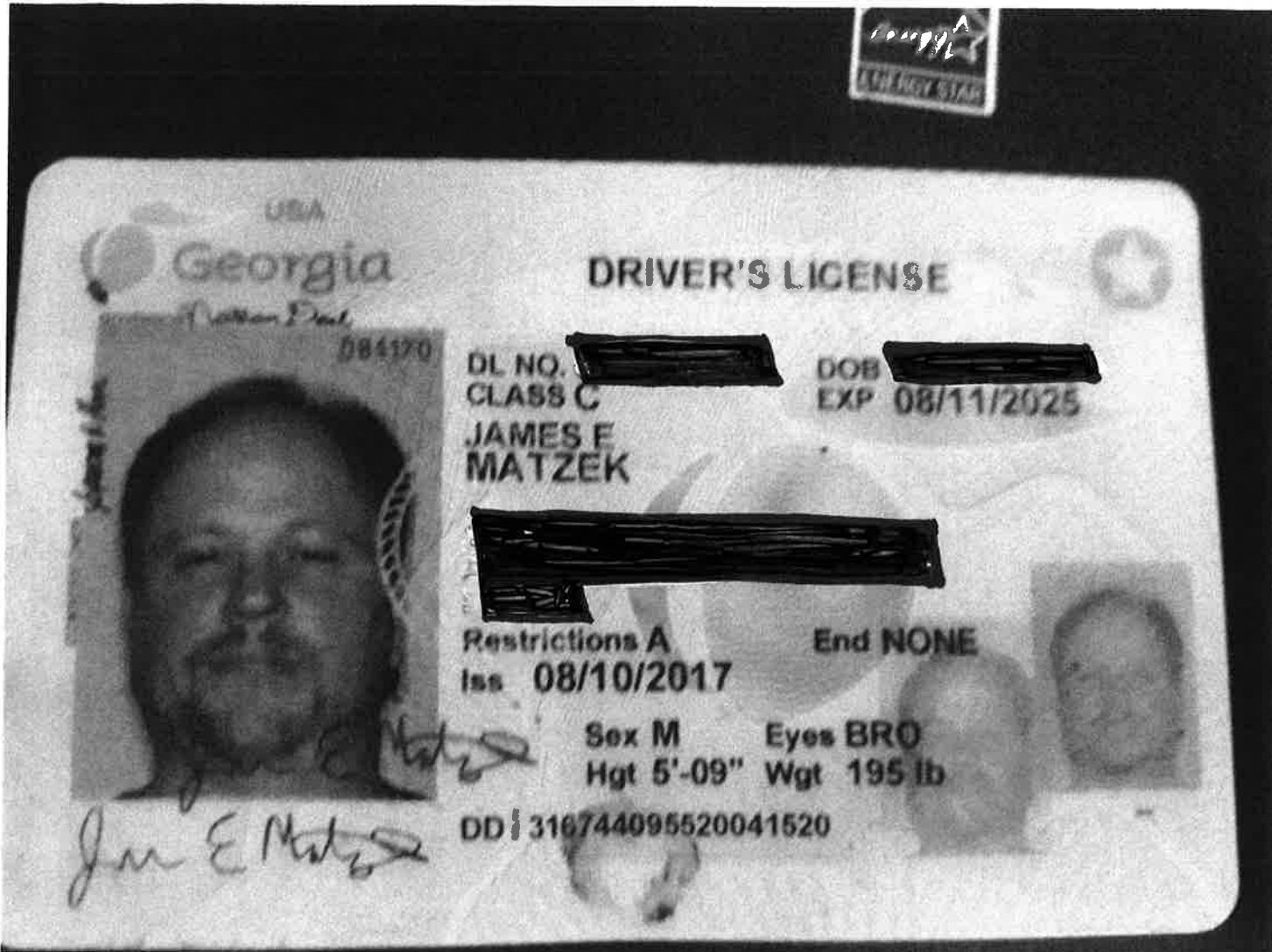
James E. Matzel
APPLICANT'S SIGNATURE

I HEREBY CERTIFY THAT James E. Matzel SIGNED HIS/HER NAME TO THE FOREGOING APPLICATION STATING TO ME THAT HE/SHE KNEW AND UNDERSTOOD ALL STATEMENTS AND ANSWERS MADE THEREIN, AND UNDER OATH ACTUALLY ADMINISTERED BY ME, HAS SWORN THAT SAID STATEMENTS AND ANSWERS ARE TRUE AND CORRECT.

THIS, THE 25th DAY OF February, 2023

Natalie D Watson
NOTARY PUBLIC





USA
Georgia

DRIVER'S LICENSE



James E Matzek
James E Matzek

DL NO. [REDACTED]
CLASS C
JAMES E
MATZEK

DOB [REDACTED]
EXP 08/11/2025

[REDACTED]

Restrictions A End NONE
Iss 08/10/2017

Sex M Eyes BRO
Hgt 5'-09" Wgt 195 lb

DD 316744095520041520



DAWSON COUNTY PLANNING AND DEVELOPMENT

ALCOHOL LICENSING

Locating & Mailing Address:

25 JUSTICE WAY, SUITE 2322
Dawsonville, GA 30534

Phone: 706.344.3500 x 42335

PREMISE AND STRUCTURE FORM

INSTRUCTION: THIS STATEMENT MUST BE TYPEWRITTEN OR PRINTED AND EXECUTED UNDER OATH. EACH QUESTION MUST BE FULLY ANSWERED. IF SPACE PROVIDED IS NOT SUFFICIENT, ANSWER ON A SEPARATE SHEET AND INDICATE IN THE SPACE PROVIDED THAT A SEPARATE SHEET IS ATTACHED.

1. **TYPE OF BUSINESS:**

EATING ESTABLISHMENT

INDOOR COMMERCIAL RECREATION ESTABLISHMENT

CONVENIENCE STORE

SUPER MARKET

PACKAGE LIQUOR STORE

HOTEL OR MOTEL

OTHER (DESCRIBE) Brewpub producing + selling beer + cidr

2. **TRADE NAME OF BUSINESS:** BLUE DUCK BREWING & CIDER

LOCATION: 30 INDUSTRIAL PARK DRIVE SUITE 114
Street Number Street Name

DAWSONVILLE GA 30534 678.523.1266
City State Zip Code Phone Number

Land Lot

Map & Parcel Number

3. **IS THIS LOCATION WITHIN A COMMERCIAL ZONING DISTRICT?** X yes no
PROOF OF ZONING IS REQUIRED FROM PLANNING AND DEVELOPMENT

For package liquor stores, is this zoned Commercial Highway Business (C-HB) or Commercial Planned Comprehensive Development (CPCD) as required by the ordinance?
yes no.

PROOF OF C-HB or CPCD ZONING IS REQUIRED FROM PLANNING AND DEVELOPMENT.

4. **DOES THE COMPLETED BUILDING OR THE PROPOSED BUILDING COMPLY WITH ORDINANCES OF DAWSON COUNTY, REGULATIONS OF THE STATE REVENUE COMMISSIONER, AND THE LAWS OF THE STATE OF GEORGIA?** YES IF NO, EXPLAIN NON-COMPLIANCE AND PROPOSED METHODS

TO RECTIFY SAME: _____

PREMISE AND STRUCTURE FORM

5. (a) DOES THE BUILDING IN WHICH THE BUSINESS IS TO BE LOCATED CONTAIN SUFFICIENT LIGHTING SO THAT THE BUILDING ITSELF AND THE PREMISES ON ALL SIDES OF THE BUILDING ARE READILY VISIBLE AT ALL TIMES FROM THE FRONT OF THE STREET ON WHICH THE BUILDING IS LOCATED AS TO REVEAL ALL OF THE OUTSIDE PREMISES OF SUCH BUILDING? YES

(b) IS THE BUILDING SO ILLUMINATED SO THAT ALL HALLWAYS, PASSAGE WAYS, AND OPEN AREAS MAY BE CLEARLY SEEN BY THE CUSTOMER THEREIN? YES

IF THE ANSWER IS NO TO EITHER OR BOTH (a) OR (b) ABOVE, PLEASE EXPLAIN PROPOSED METHODS TO RECTIFY THE INSUFFICIENT LIGHTING. _____

6. **FOR CONSUMPTION ON PREMISES AND RETAIL PACKAGE APPLICATIONS:**

(Answer "N/A" for items that are not applicable to your business)

(a) NUMBER OF SQUARE FEET OF TOTAL FLOOR AREA: 2000

(b) NUMBER OF SQUARE FEET DEVOTED TO DINING AREA: 1200

(c) SEATING CAPACITY EXCLUDING BAR AREA: 35

(d) DO YOU HAVE A FULL SERVICE KITCHEN? NO

DOES THE FULL SERVICE KITCHEN CONTAIN A THREE (3) COMPARTMENT SINK? _____

IS THE STOVE AND/OR GRILL PERMANENTLY INSTALLED AND APPROVED BY THE HEALTH AND FIRE DEPARTMENTS? NO

IF THE ANSWER TO ANY OF THE IMMEDIATE FOREGOING IS NO, PLEASE EXPLAIN: _____

WE WILL SRVRE FOOD, BUT WILL BE PROVIDED BY OUTSIDE SUPPLIERS. COPY OF EMAIL FROM MARSHAL INCLU

(e) HOURS PREPARED MEALS OR FOODS ARE SERVED: WED- SAT 2-9PM

(f) HOURS THAT ALCOHOLIC BEVERAGES ARE SERVED or SOLD: WED- SAT 2-9PM

(g) HOURS OF OPERATION: WED- SAT 2-9PM

(h) MAXIMUM NUMBER OF EMPLOYEES ON HIGHEST SHIFT: 2 OPENING WITH 1

(i) NUMBER OF PARKING SPACES: 45

(j) NUMBER OF PARKING SPACES DEVOTED TO HANDICAPPED PERSONS: 4

(k) **PACKAGE LIQUOR STORES:**

DO YOU COMPLY WITH ORDINANCE ARTICLE 5 SECTION 503 - POSTING OF LICENSE NUMBER?

Every licensee shall have posted on the front of the licensed premises the name of the licensee together with the following inscription, "County Retail Package Sales of Distilled Spirits License No. _____"

DO YOU COMPLY WITH ORDINANCE ARTICLE 5 SECTION 505 A) (2) - TYPES OF OUTLETS WHERE PACKAGE SALES ARE PERMITTED? _____

Outlets that are devoted exclusively to the retail sale of distilled spirits, malt beverages and/or wine by the package with ingress and egress provided directly to and only to the exterior of the building and not to any other enclosed part of the building or adjoining building.

PREMISE AND STRUCTURE

7. **FOR HOTEL/MOTEL ONLY:**

- (a) NUMBER OF ROOMS AVAILABLE FOR HIRE TO GENERAL PUBLIC: _____
- (b) NUMBER OF SQUARE FEET OF FLOOR SPACE DEVOTED TO RESTAURANT: _____
- (c) NUMBER OF SQUARE FEET OF FLOOR SPACE DEVOTED TO DINING AREA: _____
- (d) SEATING CAPACITY EXCLUDING BAR AREA: _____
EXPLAIN IF MORE THAN ONE DINING AREA: _____

- (e) DO YOU HAVE A FULL SERVICE KITCHEN? _____
DOES THE FULL SERVICE KITCHEN CONTAIN A THREE (3) COMPARTMENT SINK? _____
IS THE STOVE AND/OR GRILL PERMANENTLY INSTALLED AND APPROVED BY THE HEALTH AND FIRE DEPARTMENTS? _____
IF THE ANSWER TO ANY OF THE IMMEDIATE FOREGOING IS NO, PLEASE EXPLAIN: _____

- (f) HOURS PREPARED MEALS OR FOODS ARE SERVED: _____
- (g) HOURS THAT ALCOHOLIC BEVERAGES ARE SERVED: _____
- (h) MAXIMUM NUMBER OF EMPLOYEES ON THE HIGHEST SHIFT DEVOTED TO THE OPERATION OTHER THAN THE RESTAURANT: _____
- (i) MAXIMUM NUMBER OF EMPLOYEES ON HIGHEST SHIFT DEVOTED TO THE RESTAURANT OPERATION: _____
- (j) NUMBER OF PARKING SPACES: _____
- (k) NUMBER OF PARKING SPACES DEVOTED TO HANDICAPPED PERSONS: _____

FOR ALL APPLICATIONS:

- 8. **ATTACH A CERTIFIED SCALE DRAWING OF THE PROPOSED PREMISES BY A REGISTERED LAND SURVEYOR OR PROFESSIONAL ENGINEER, SHOWING THE DISTANCE REQUIREMENT FROM CHURCH, SCHOOL, DAYCARE FACILITY, OR ALCOHOL TREATMENT CENTER.**
(See Survey Form # 3-A)
- 9. **ATTACH APPLICANT'S CERTIFICATION THAT THE LOCATION COMPLIES WITH THE DISTANCE REQUIREMENT FROM CHURCH, SCHOOL, DAYCARE FACILITY OR ALCOHOL TREATMENT CENTER.**
(See Survey Form 3-A)
- 10. **ATTACH EVIDENCE OF OWNERSHIP (DEED, LEASE, SALES AGREEMENT, LETTER OF INTENT).**

PREMISE AND STRUCTURE FORM

- 11. IF THE APPLICANT IS A FRANCHISE, ATTACH A COPY OF THE FRANCHISE AGREEMENT OR CONTRACT.
- 12. IF THE APPLICANT IS AN EATING ESTABLISHMENT, ATTACH A COPY OF THE MENU(S).
- 13. (a) IF THE BUILDING IS COMPLETE, ATTACH COPIES OF DETAILED SITE PLANS OF SAID BUILDING INCLUDING OUTSIDE PREMISES AND FLOOR PLAN.

(b) IF THE BUILDING IS PROPOSED, ATTACH COPIES OF PROPOSED SITE PLAN AND SPECIFICATIONS AND BUILDING PERMIT OF THE PROPOSED BUILDING.

NOTE: Before signing this statement, check all answers and explanations to see that you have answered all questions fully and correctly. This statement is to be executed under oath and subject to the penalties of false swearing, and it includes all attached sheets submitted herewith

STATE OF GEORGIA, DAWSON COUNTY

I, JAMES E MATZEK, DO SOLEMNLY SWEAR, SUBJECT TO THE PENALTIES OF FALSE SWEARING, THAT THE STATEMENTS AND ANSWERS MADE BY ME AS THE APPLICANT IN THE FOREGOING PREMISE AND STRUCTURE STATEMENT ARE TRUE AND CORRECT.

James E. Matzek
APPLICANT'S SIGNATURE

I HEREBY CERTIFY THAT James E Matzek SIGNED HIS/HER NAME TO THE FOREGOING APPLICATION STATING TO ME THAT HE/SHE KNEW AND UNDERSTOOD ALL STATEMENTS AND ANSWERS MADE THEREIN, AND, UNDER OATH ACTUALLY ADMINISTERED BY ME, HAS SWORN THAT SAID STATEMENTS AND ANSWERS ARE TRUE AND CORRECT.

THIS, THE 10th DAY OF February, 20 23.

Matthew C Will
NOTARY PUBLIC



**Blue Duck Brewing & Cider
Warehouse**

at _____

Main Floor Layout

4. Structural info. to S/S details /
bynotes.
5. Mechanical and Electrical info. to
M E P's details/bynotes

Checked By:

J.M

Drawn By:

J.M

Dawson County, Georgia Board of Commissioners

Private Employer Exemption Affidavit Pursuant To O.C.G.A. § 36-60-6(d)

By executing this affidavit, the undersigned private employer verifies that it is exempt from compliance with O.C.G.A. § 36-60-6, stating affirmatively that the individual, firm or corporation employs fewer than eleven employees and therefore, is not required to register with and/or utilize the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable revisions and deadlines established in O.C.G.A. § 13-10-90.

Signature of Exempt Private Employer

JAMES E. MATZEK

Printed Name of Exempt Private Employer

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on Feb, 10, 2023 in _____ (city), _____ (state).

James Matzek

Signature of Authorized Officer or Agent

JAMES E. MATZEK PRESIDENT

Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME

ON THIS THE 10th DAY OF February, 2023.

Matthew C Wall

NOTARY PUBLIC

My Commission Expires: 05/05/2026



STATE OF GEORGIA

Secretary of State

Corporations Division

313 West Tower

2 Martin Luther King, Jr. Dr.

Atlanta, Georgia 30334-1530

CERTIFICATE OF INCORPORATION

I, Brad Raffensperger, the Secretary of State and the Corporation Commissioner of the State of Georgia, hereby certify under the seal of my office that

Blue Duck Cider Company Inc.

is Domestic Profit Corporation

has been duly incorporated under the laws of the State of Georgia on 05/17/2021 by the filing of articles of incorporation in the Office of the Secretary of State and by the paying of fees as provided by Title 14 of the Official Code of Georgia Annotated.

WITNESS my hand and official seal in the City of Atlanta and the State of Georgia on 06/01/2021



Brad Raffensperger

Brad Raffensperger
Secretary of State

STATE OF GEORGIA

Secretary of State

Corporations Division

313 West Tower

2 Martin Luther King, Jr. Dr.

Atlanta, Georgia 30334-1530

CERTIFICATE OF INCORPORATION

I, **Brad Raffensperger**, the Secretary of State and the Corporation Commissioner of the State of Georgia, hereby certify under the seal of my office that

Blue Duck Cider Company Inc.

a Domestic Profit Corporation

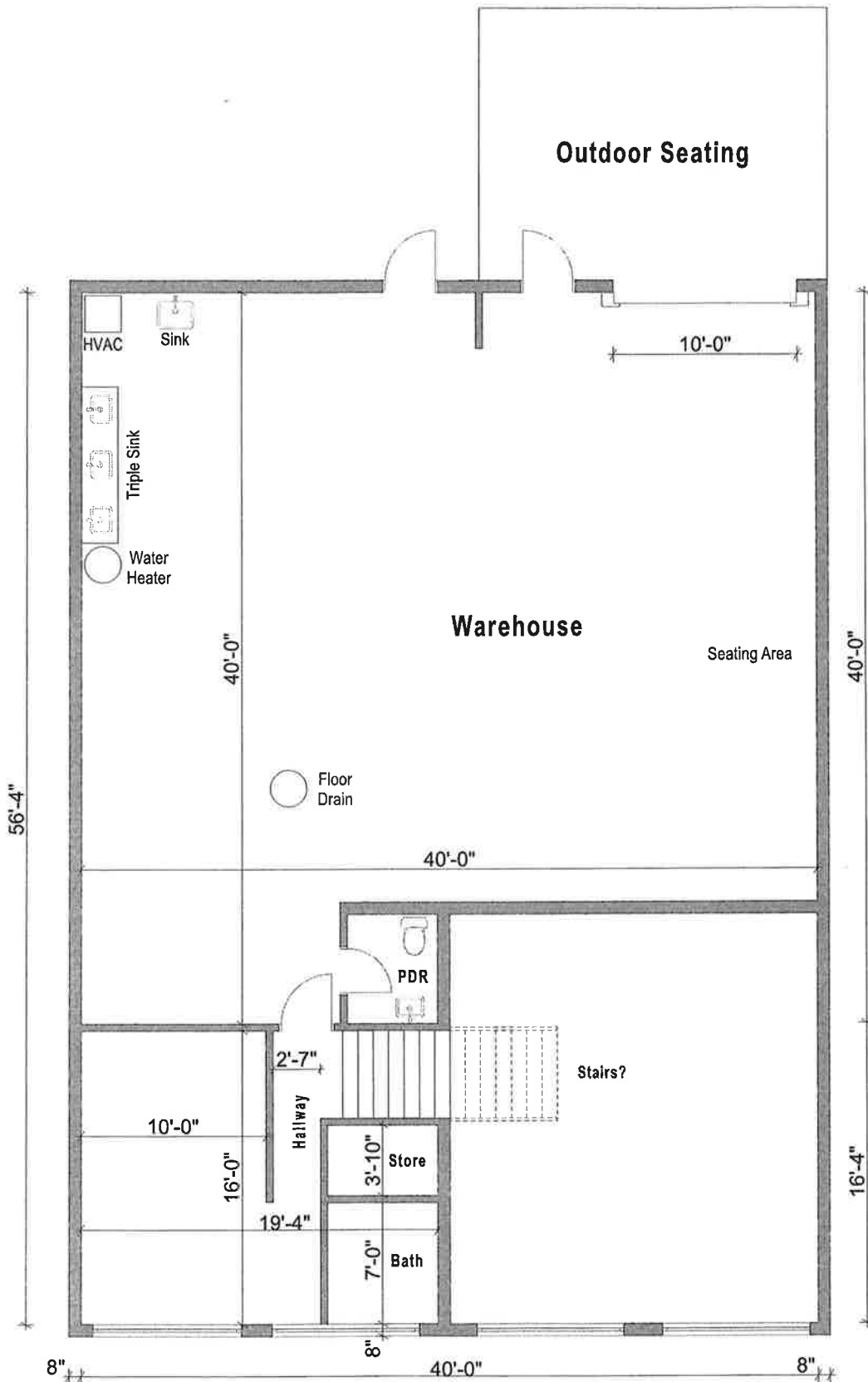
has been duly incorporated under the laws of the State of Georgia on **05/17/2021** by the filing of articles of incorporation in the Office of the Secretary of State and by the paying of fees as provided by Title 14 of the Official Code of Georgia Annotated.

WITNESS my hand and official seal in the City of Atlanta
and the State of Georgia on **06/01/2021**.



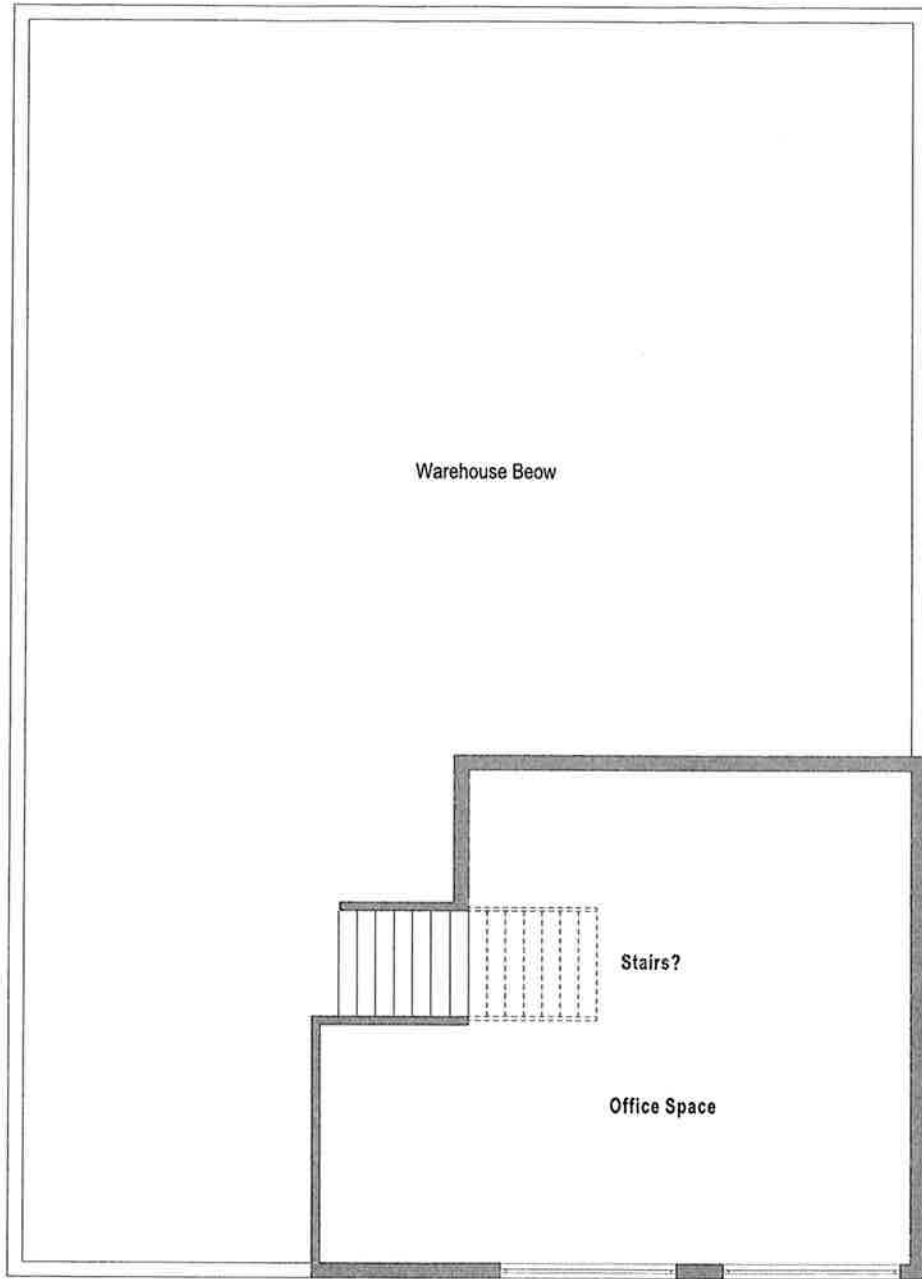
Brad Raffensperger

Brad Raffensperger
Secretary of State



Client:	James Matzek	Project Title:	Warehouse	Drawing Title:	As-Built Layouts Main Floor Layout	Date:	06.28.2021	Sheet:	03
			at _____					Scale:	3/16" = 1'-0"
						Notes:			
						1. All dimensions given are in feet and inches. 2. Contractor to check and verify all dimensions on site and any discrepancies to be reported to the Architect immediately. 3. Storm drainage to C.E.'s details / layouts. 4. Structural info. to S.E.'s details / layouts. 5. Mechanical and Electrical info. to M.E.P.'s details/ layouts.			
						Checked By:	J.M	Drawn By:	J.M






Warehouse Beow

Stairs?

Office Space

	Client:	James Matzek	Project Title:	Warehouse	Drawing Title:	As-Built Layouts Upper Floor Layout	Notes:	1. All dimensions given are in feet and inches. 2. Contractor to check and verify all dimensions on site and any discrepancies to be reported to the Architect immediately. 3. Storm drainage to C.E.'s details / layouts. 4. Structural info. to S.E.'s details / layouts. 5. Mechanical and Electrical info. to M.E.P.'s details/ layouts.	Date:	06.28.2021	Sheet:	04
			at _____				Paper Size: B Arch Scale: 3/16" = 1'-0" Checked By: J.M Drawn By: J.M					

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

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

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

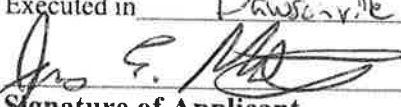
My alien number issued by the Department of Homeland Security or other federal immigration agency is:

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

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

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

Executed in Dawsonville (city), Georgia (state)

 2-20-2023

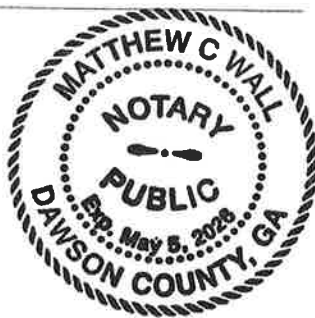
Signature of Applicant Date

JAMES E MATZEK

Printed Name

BLUE DUCK CIDER, INC

Name of Business



SUBSCRIBED AND SWORN BEFORE ME ON
THIS 10th DAY OF February, 20 23

Matthew C Wall Notary Public

My Commission Expires: 05/05/2023

This affidavit is a State of Georgia requirement that must be completed for initial applications and renewal applications for public benefits as referenced in O.C.G.A § 50-36-1(a)(3). The person who has made application for access to public benefits on behalf of an individual, business, corporation, partnership or other private entity must complete and sign the affidavit and provide a secure and verifiable document.

DAWSON COUNTY PLANNING AND DEVELOPMENT

ALCOHOL LICENSING

LOCATION & MAILING ADDRESS:

25 JUSTICE WAY, SUITE 2322
DAWSONVILLE, GA 30534

PHONE: 706.344.3500 x 42335

CERTIFIED REPORT OF SURVEY

FOR ALL CONSUMPTION ON PREMISES AND RETAIL PACKAGE ESTABLISHMENTS

APPLICANT: JAMES E. MATZEK

BUSINESS NAME: BLUE DUCK CIDER COMPANY

ADDRESS OF PREMISES
TO BE LICENSED: 30 INDUSTRIAL PARK DRIVE SUITE 114
DAWSONVILLE, GA 30534

The premises to be licensed must comply with the following minimum distance requirements to comply with the Official Code of Georgia §§ 3-3-2; 3-3-21; Reg. 560-2-2-.32; and the **Dawson County Consolidated Alcohol Ordinance**.

1. CHURCH BUILDING:

"Church building" means the main structure used by any religious organization for purposes of worship.

The premises to be licensed must be a minimum of **600 feet (200 yards)** from the nearest church building, measured in a **straight line from the front door of the licensed facility to the front door of the church building**.

County Ordinance References: Article 5 Section 501(A), Article 6 Section 600(B), Article 7 Section 700 (B)

Name and Address
of Nearest Church Bethel United Methodist
100 Lumpkin Campground

Distance Measured 917 yards

2. SCHOOL BUILDING OR SCHOOL GROUNDS:

"School building or school grounds" shall apply only to state, county, city, or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of this state and which are public schools or private schools.

The premises to be licensed must be a minimum of **600 feet (200 yards)** from any school, educational building or college, measured in a **straight line from the front door of the licensed facility to the front door of the school, educational building or college**. County Ordinance References: Article 5 Section 501(A), Article 6 Section 600(B), Article 7 Section 700 (B)

Name and Address
of Nearest School Kilough Elementary
1063 Kilough

Distance Measured 3,400 Yards

3. **DAYCARE:**

"Daycare" means any place operated by a person, society, agency, corporation, institution, or group wherein are received for pay for group care for less than 24 hours per day, without transfer of legal custody, children under 18 years of age, and is not accredited as a public or private school (except that centers offering state funded pre-K programs are still considered daycares).

The premises to be licensed must be a minimum of **600 feet (200 yards)** from the nearest daycare, **measured in a straight line from the front door of the licensed facility to the front door of the daycare.**

County Ordinance References: Article 5 Section 501(A), Article 6 Section 600(B), Article 7 Section 700 (B)

Name and Address of Nearest Daycare

White Oak Learning Academy
2982 Grizzle Road

Distance Measured

508 Yards

4. **ALCOHOL TREATMENT FACILITY:**

"Alcohol treatment facility" means any alcohol treatment center owned and operated by the State or the County government.

The premises to be licensed must be a minimum of **600 feet (200 yards)** from the nearest alcohol treatment facility, **measured in a straight line from the front door of the licensed facility to the front door of the alcohol treatment facility.** County Ordinance References: Article 5 Section 501(A), Article 6 Section 600(B), Article 7 Section 700 (B)

Note: The only State or County operated alcohol treatment facility is Dawson County Treatment Court, 189 Highway 53 West, Suite 106, Dawsonville, GA 30534.

Name and Address of Nearest Alcohol Treatment Facility

Dawson County Treatment Court
189 Highway 53 W Suite 106

Distance Measured

10,420 yards

5. **ANOTHER PACKAGE STORE:**

*****Applies to Package Liquor Stores Only*****

No license shall be issued under this ordinance for use at a location which is within **one (1) mile** (1,760 yards) of any other business licensed to sell packaged liquor (distilled spirits) at retail. This distance shall be **measured in a straight line from the front door of the licensed facility to the front door of the other package store.** This restriction shall not apply to any location for which a new license is applied if the retail package sale of distilled spirits was lawful at such location during the 12 months immediately preceding such application. County Ordinance Reference Article 5 Section 501(B)

Name and Address of Nearest Package Liquor Store

Distance Measured

5. **HOUSING AUTHORITY PROPERTY:**

*****Applies to Alcohol by the Drink Establishments*****

There is NO housing authority property in Dawson County.

"Housing authority property" means any property containing 300 housing units or fewer owned or operated by a housing authority created under the State Housing Authorities Law.

The premises to be licensed must be a minimum of **600 feet (200 yards)** from the nearest housing authority property, **measured in a straight line from the front door of the licensed facility to the front door of the housing authority property.** County Ordinance Reference Article 7 Section 700(B)

Name and Address of Nearest Housing Authority Property

NONE IN DAWSON COUNTY

Distance Measured

Note:

A scale drawing (by a Georgia Registered Land Surveyor/Engineer) of the location of the premises to be licensed, showing the closest prohibited structures and identifying the minimum distance, must be attached hereto.

THE LICENSE APPLICANT COMPLETES THE FOLLOWING CERTIFICATION:

The undersigned certifies that subject location is in compliance or non-compliance with the distance requirements set forth above. I have found: (check one)

The above listed structures are inside the minimum distance restrictions stated above

OR

The premises to be licensed meets the minimum distance requirements for licensing stated above.

James E. Matzek

Applicant's Printed Name

James E. Matzek

Applicant's Signature

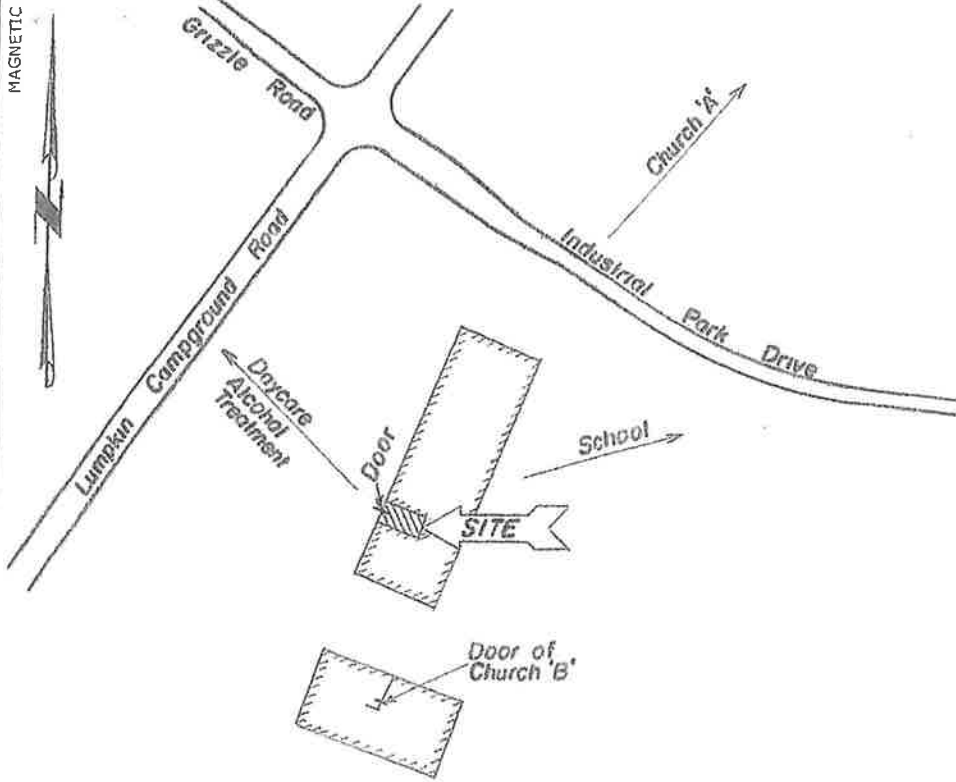
Date of Signature

Matthew C Wall

Notary Signature

02/10/2023
Date of Signature





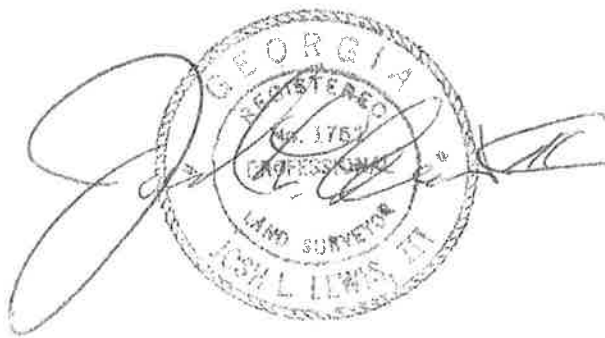
Site Address-
 30 Industrial Park Drive
 Suite 114
 Dawsonville, Georgia
 30534

The following distances were measured in a straight line, per Dawson County code:

- CHURCH- A) 2750' (917 yards) to Bethel United Methodist Church, @ 100 Lumpkin Campground Road.
- B) 200' (67 yards) to Voice of Truth Church, @ 671 Lumpkin Campground Road. (Occupies Suite 220 in adjacent office building)
- SCHOOL- 10200' (3400 yards) to Kilough Elementary School, @ 1063 Kilough Church Road.
- DAYCARE- 1525' (508 yards) to White Oak Learning Academy #3, @ 2982 Grizzle Road.
- ALCOHOL TREATMENT- 31260' (10420 yards) to Dawson County Treatment Court, @ 189 Highway 53 W, suite 106.

There are no housing authority properties within 600' (200 yards) of this site.

Dawson County Alcoholic Beverage License Survey for:
 Blue Duck Cider Company, Inc.



DATE: 7/20/2021	SCALE: 1" = 200'	0 100 200 400	
DRAWN BY: GD		GRAPHIC SCALE IN FEET	
LAND LOT 312	13 S DISTRICT	SECTION	
DAWSON	COUNTY	GEORGIA	
GEORGIA LAND SURVEYING CO. 155 CLIFTWOOD DRIVE, ATLANTA, GA 30328 PH (404) 255-4671 FAX (404) 255-6607 WWW.GLSURVEY.COM			202970

Chapter 121 LAND USE¹

Sec. 121-1. Title.

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

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 ensure 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 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) 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 land use amendment procedures; future and present land use 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.

Sec. 121-3. Jurisdiction.

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

Secs. 121-4. - 121-24. Reserved.

¹Editor'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.

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.

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 (3 du/acre).
 - b. RL Residential Lakefront.
 - c. RS Residential Suburban (1 du/per net acre).
 - d. RS-2 Residential Suburban (2 du/per net acre);
 - e. RS-3 Residential Suburban (3 du/per net 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-OI Office, Institutional.
 - e. C-HI Highway Business Intensive.
 - f. C-IR Industrial Restricted;
 - (3) *C-PCD Planned Comprehensive Development.*
 - (4) *MUV Mixed Use Village.*
-

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 property 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.

Sec. 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 RRE) Adjacency" at the time of application for a building or occupancy permit for property adjacent to an RA or RRE 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/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 RA/RRE District constitute a nuisance) against local governments and adjoining landowners whose property is located in an RA or RRE District. Any such notice or acknowledgment provided to or executed by a landowner adjoining a tract in an RA or RRE 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 only where approved by the Board of Commissioners 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 by the Board of Commissioner subject to special use approval procedures as set forth in the Article X of this code.

(4) Prohibited Uses.

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.

(5) Fire Codes. Greater front setbacks, greater rear setbacks, and greater building separation may be required as established by applicable building or fire codes.

Sec. 121-30. The Etowah River Corridor Protection District.

As found in Sec. 109-87 of the Dawson County Code; the Etowah River corridor protection district provisions are applicable to all areas of land in unincorporated Dawson County within 100 feet horizontally from the riverbank of the Etowah River; downstream from the confluence of the Etowah River and Shoal Creek to the Forsyth County line.

- (1) Dwellings in this district shall be located on a tract of land containing at least two acres.
- (2) The size of the tract of land shall not include any area that lies within the protected river; that is, for tracts of land that include portions of a protected river, the area between the riverbanks cannot be counted towards the two-acre minimum size.

Sec. 121-31. Stream buffer requirements.

- (1) All land development activity in Dawson County 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. No septic tanks or septic tank drain fields shall be permitted within the undisturbed buffer.

Sec. 121-32. Residential Density.

The residential density of a site is expressed in dwelling units per acre of land. The ability to achieve the permitted density may be further restricted by site conditions, environmental constraints, district regulations, or conditions of rezoning.

Sec. 121-33. RAC Residential Agriculture Corrective.

Residential Agriculture Corrective status is a recognition of properties located within the Residential Agriculture District consisting of at least one and one-half acres, but less than five acres that were subdivided from larger R-A zoned parcels, without the benefit of an approved and recorded plat, in order to allow the building of a single-family thereon and other compatible uses as defined herein.

- (1) Eligibility requirements.
 - a. Parcels to be administratively designated as Residential Agriculture Corrective status shall be a minimum of one and one-half acres and less than five acres.
 - b. Parcels must have been zoned R-A as of August 6, 2020.
 - c. To be eligible for the Residential Agriculture Corrective designation a parcel must have been created prior to August 6, 2020.
- (2) Permitted principal uses.
 - a. Principal uses that are allowed by right or by special use approval are those listed on Table 3.1 for the RA district.
 - b. Restrictions that apply to particular uses allowed by right or special use approval in the RA District are referenced on Table 3.1 and are contained in section 121-75 of this article.

(3) Allowed accessory uses.

- a. The following uses are permitted 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; and the parcel is equal to or greater than three acres in size.

(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 three acres in size.
- d. Non dwelling type structures shall not be connected to utilities and used as a dwelling. Non dwelling structures include but are not limited to: campers, travel trailers, recreational vehicles, motor homes, busses, and utility buildings.

(5) Building requirements. The building requirements of parcels determined to be Residential Agriculture Corrective are as set forth for the RA District in Table 3.2.

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 property 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.

Sec. 121-59. RT Residential Town.

Residential town districts are areas where urbanized single family residential growth occurs surrounding the city limits of Dawsonville. These areas are typified by small lot single-family construction with access to public water and sewer.

(1) *Permitted Uses.*

- a. Principal uses that are allowed by right or by special use approval are listed on Table 3.1.
- 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 of this article.
- c. Allowed accessory uses 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.
 3. Accessory structures shall be no larger than 400 square feet in size.
 4. Minimum setbacks for accessory structures:
 - Front yard - 40 feet.
 - Side yard - 10 feet; and
 - Rear yard - 10 feet for structures less than 200 square feet in size.
 - Rear yard – 20 feet for structures over 200 square 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. Horses are prohibited.
- c. Kennels for the breeding of any animal for sale are prohibited.
- d. Swine are prohibited.
- e. Non dwelling type structures shall not be connected to utilities and used as a dwelling. Non dwelling structures include but are not limited to: campers, travel trailers, recreational vehicles, motor homes, busses, and utility buildings.
- f. Vinyl exterior wall cladding of any kind is prohibited.
- g. Non dwelling type structures shall not be connected to utilities and used as a dwelling. Non dwelling structures include but are not limited to: campers, travel trailers, recreational vehicles, motor homes, busses, and utility buildings.

(3) *Exterior Buffer.* A minimum 20-foot-wide vegetation buffer shall be maintained where natural vegetation exists. Where no natural vegetation exists, a landscape strip with evergreen trees six feet in height at time of planting shall be installed and maintained around the entire perimeter of the original parcel along any public roadway. The buffer shall be delineated on the final plat and shall not be part of the individual lots.

(4) *Lot Design.*

- a. As referenced on Table 129-59 A
- b. Corner lots shall be a minimum of 90 feet in width and provide setbacks of twenty feet from each frontage.

(5) *Driveway length.* The setback for the garage door approach (the point where the vehicle accesses the garage) shall be a minimum of twenty-two (22) feet from its access drive. The setback and driveway lengths are designed to provide room for automobiles.

(6) *Building requirements- single family detached.*

- a. No building in an RT district shall exceed two and one-half stories or thirty-five (35) feet in height.
- b. All single-family buildings, including accessory buildings, shall utilize at least two of the following design features to provide visual relief along the street frontage:
 1. Dormers.
 2. Recessed entries.
 3. Cupolas.
 4. Bay or bow windows.
 5. Gables.
 6. Covered porch entries.
 7. Pillars or post.
 8. Eaves (minimum six inches projection); or
 9. Off-sets on building face or roof (minimum sixteen (16) inches).

(7) *Building Regulations – townhouses.*

- a. All townhome buildings shall provide detailed design along all elevations. Detailed design shall be provided by using as many of the following architectural features on all elevations as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):
 1. Dormers.
 2. Gables.
 3. Recessed entries.
 4. Covered porch entries.
 5. Cupolas or towers.
 6. Pillars or post.
 8. Off-sets in building face or roof (minimum 16 inches);
 9. Balconies.
 10. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features);
 11. Decorative cornices and roof lines (for flat roofs).

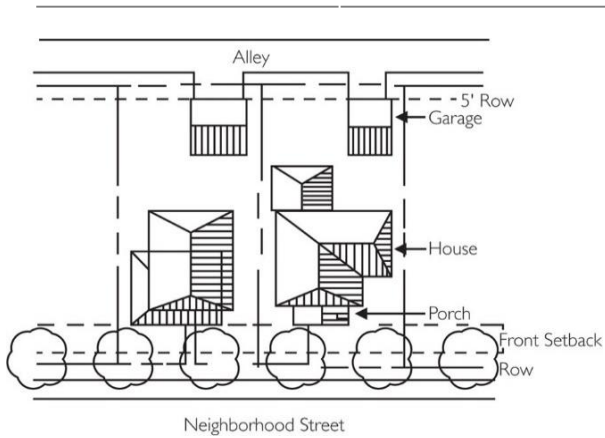
b. *Foundation walls.* Exposed foundation walls must be faced in brick, stone, or manufactured stone to the level of the first finished floor when there is a basement or at least 18 inches above grade for the entire perimeter wall when the building has a slab on grade.

(8) Amenities.

a. For proposed subdivisions in the RT district the community (plat) shall include passive or active use parks at a ratio of seven hundred square feet per dwelling unit.

b. A common mailbox area shall be provided and must include a roofed area to provide shelter to patrons from the elements and provide a fixed trashcan or recycling bin within the covered area.

(9) Sidewalks. For proposed subdivisions in the RT district five-foot wide sidewalks shall be provided and shall connect properties to nearby pedestrian networks; county staff shall coordinate with the City of Dawsonville regarding existing and proposed pedestrian networks.



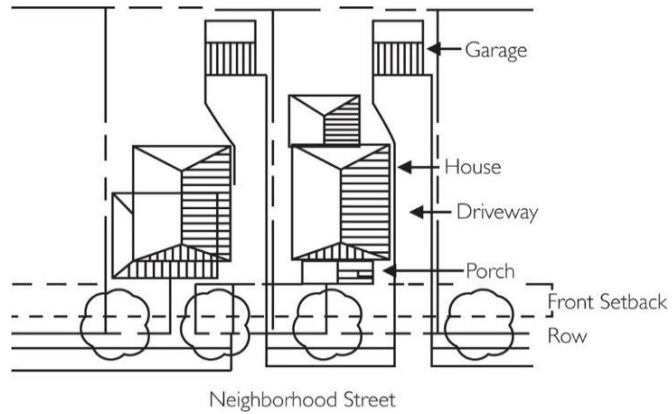
65-foot-wide lot with rear access

- Front Yard setback: 10 feet
- Side Yard setback: 10 feet
- Rear Yard garage setback: 12 feet

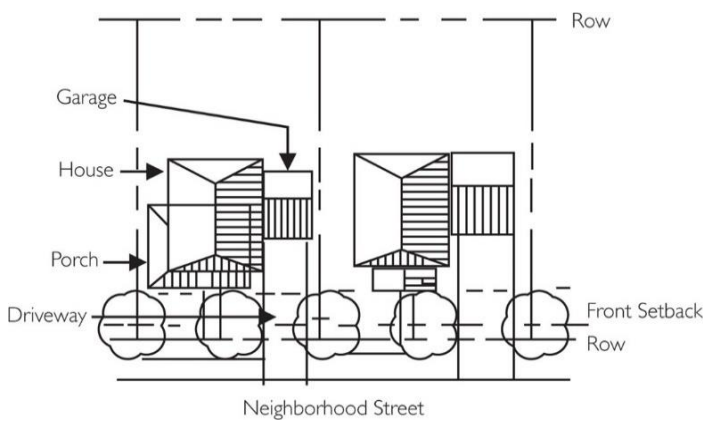
Corner lots with rear access driveway must be a minimum of 85 feet in width.

65-foot-wide lot with rear yard garage:

- Front Yard setback: 15 feet
- Side Yard setback: 10 feet
- Rear Yard setback: 12 feet



Neighborhood Street



75-foot-wide lot with front driveway:

- Front yard setback: 20 feet
- Side Yard setback: 10 feet
- Rear Yard setback: 20 feet

Driveway minimum length: 22 feet from property line to structure.

Corner lots with front driveway access must be 90-feet in width.

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 extremely near, the lake shore. Substantial investment in permanent residences has been and will be made.

(1) *Permitted uses.*

- a. Principal uses that are allowed by right or by special use approval are listed on Table 3.1.
- 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 of this article.
- c. Allowed accessory uses are limited to private garages, private boat storage, 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.
 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 - 100 feet on parkways, 60 feet on state highways, 40 feet on others.
Side yard - 10 feet; and
Rear yard - 10 feet.

Notwithstanding the foregoing setback requirements, no setbacks are required from the U.S. Army Corps of Engineers line on Lake Lanier. Front yard setback applies to all frontages.
- 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. Horses on lots less than three acres; are prohibited.
- c. Stables housing horses other than those owned by the resident are prohibited.
- d. Kennels for the breeding of any animal for sale are prohibited.
- e. Swine are prohibited.
- f. The use of an accessory building for a home occupation is prohibited on parcels less than three acres in size.
- g. Non dwelling type structures shall not be connected to utilities and used as a dwelling. Non dwelling structures include but are not limited to campers, travel trailers, recreational vehicles, motor homes, busses, and utility buildings.

(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.

Sec. 121-61. RS Residential Suburban.

Residential suburban districts are areas where low density single-family residential growth occurs south and east 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.

(1) *Permitted uses.*

- a. Principal uses that are allowed by right or by special use approval are listed on Table 3.1.
- 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 of this article.
- c. Allowed accessory uses 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.
 - 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. Pet fowl or birds may be kept in cages which shall meet all setback requirements.
 - 5. Minimum setbacks for accessory structures:
 - Front yard - 40 feet.
 - Side yard - 10 feet.
 - 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. Horses are prohibited on parcels less than three acres in size.
- c. Kennels for the breeding of any animal for sale are prohibited.
- d. Swine are prohibited.
- e. The use of an accessory building for a home occupation on parcels less than three acres in size.
- f. Non dwelling type structures shall not be connected to utilities and used as a dwelling. Non dwelling structures include but are not limited to campers, travel trailers, recreational vehicles, motor homes, busses, and utility buildings.

(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.

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 south and east of the Etowah River. These areas are typified by conventional subdivision development and suburban style, single-family, on-site construction.

(1) *Permitted uses.*

- a. Principal uses that are allowed by right or by special use approval are listed on Table 3.1.
- 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 of this article.
- c. Allowed accessory uses 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.
 3. Accessory structures shall be no larger than the footprint of the primary structure or one-half the gross square footage, whichever is greater.
 4. 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 - 10 feet
 - 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. Horses are prohibited.
- c. Kennels for the breeding of any animal for sale are prohibited.
- d. Swine are prohibited.
- e. The use of an accessory building for a home occupation is prohibited.
- f. Non dwelling type structures shall not be connected to utilities and used as a dwelling. Non dwelling structures include but are not limited to campers, travel trailers, recreational vehicles, motor homes, busses, and utility buildings.

(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. Density standards refer to net density or net buildable area, which excludes wetlands, state waters, constrained lands, and water bodies.

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 south and east of the Etowah River. These areas are typified by conventional subdivision development and suburban style, single-family, on-site construction.

(1) *Permitted uses.*

- a. Principal uses that are allowed by right or by special use approval are listed on Table 3.1.
- 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 of this article.
- c. Allowed accessory uses 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.
 3. Accessory structures shall be no larger than the footprint of the primary structure or one-half the gross square footage, whichever is greater.
 4. 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. Horses are prohibited.
- c. Kennels for the breeding of any animal for sale are prohibited.
- d. Swine are prohibited.
- e. The use of an accessory building for a home occupation is prohibited.
- f. Non dwelling type structures shall not be connected to utilities and used as a dwelling. Non dwelling structures include but are not limited to campers, travel trailers, recreational vehicles, motor homes, busses, and utility buildings.

(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. Density standards refer to net density or net buildable area, which excludes state waters, wetlands, constrained lands, and water bodies.

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.

(1) *Permitted uses.*

- a. Principal uses that are allowed by right or by special use approval are listed on Table 3.1.
- 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 of this article.
- c. Allowed accessory uses 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.
 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 - 100 feet on parkways, 60 feet on state highways, 40 feet on others.
Side yard - 10 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. Kennels for the breeding of any animal for sale are prohibited
- d. No swine are allowed.
- e. Horses are prohibited on lots less than three acres.
- f. The use of an accessory building for a home occupation is prohibited on parcels less than three (3) acres in size.
- g. Non dwelling type structures shall not be connected to utilities and used as a dwelling. Non dwelling structures include but are not limited to campers, travel trailers, recreational vehicles, motor homes, busses, and utility buildings.

(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. Density standards refer to net density or net buildable area, which excludes wetlands, state waters, constrained lands, and water bodies.

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

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

(1) *Permitted uses.*

- a. Principal uses that are allowed by right or by special use approval are referenced on Table 3.1
- 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 of this article.
- c. Allowed accessory uses 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.
 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 - 10 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. The use of an accessory building for a home occupation is prohibited.
- c. Kennels for the breeding of any animal for sale are prohibited.
- d. Swine are prohibited.
- e. Horses are prohibited on lots less than three acres.
- f. Non dwelling type structures shall not be connected to utilities and used as a dwelling. Non dwelling structures include but are not limited to campers, travel trailers, recreational vehicles, motor homes, busses, and utility buildings.

(3) *Building requirements.* Unless a variance is approved, the minimum area, yard, principal building setback, and building requirements in the RSRMM District are set forth in Table 3.2.

(4) *Manufactured home compatibility standards.* See Chapter 105, Building and Building Regulations.

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

Residential multi-family districts are intended to provide suitable land for a variety of dwelling types at 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.
- 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 of this article.
- c. Allowed accessory uses are limited to mailbox kiosks, private laundry facilities, parking garages, waste receptacle loading areas, and private amenities.
 1. Accessory uses must be located within the interior of the proposed development.

(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. Vinyl exterior wall cladding of any kind is prohibited.
- c. The use of an accessory building for a home occupation is prohibited.

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

- a. Site plan approval required. All multi-family developments including apartments, duplexes, triplex, quadplex, 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 submitted for a land use amendment shall, at a minimum, contain the following information:
 1. Title of the proposed development
 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.
 5. Buildings; water courses; parking and loading areas; flood plain; storm water detention; open space, undisturbed open space, passive recreation, active recreation areas; and other physical characteristics, of the property and proposed development.
 6. Building setbacks, buffers, landscape strips, and common areas.
 7. Topographic contours at two feet intervals
 8. All accessory structure's locations delineated.

-
9. Streetscape plan delineating on-street parking; parallel parking and 90-degree parking may be incorporated to address parking demand, i.e., mail kiosks, school bus stops, and seasonal activities.
10. No multi-family development may be approved or constructed in whole or part without being served by both public water and public sewer facilities.
- c. Regulations. All condominium developments shall meet all applicable state laws, including the Georgia Condominium Act, as amended.
- d. Driveways and interior roads.
1. An interior road(s) serving any multi-family development shall be paved and include curb and gutter. Parking on interior roads is to be regulated by section 121-169, off-street parking and loading spaces.
 2. Access from a street to an individual townhouse or residential unit shall be restricted to a driveway a minimum of 24 feet in length from the face of the unit to the curb or sidewalk; two such units may combine and share driveways along a common property line if the width of the common drive does not impact drainage. Side-by-side parking spaces between a street and a townhouse, duplex, triplex, or quadplex residence is not allowed.
 3. Design criteria and standards not specifically set forth herein shall conform to the latest edition of the AASHTO Policy on Geometric Design of Highways and Streets, as applicable.
 4. Sidewalks and pedestrian ways shall connect to streets and adjoining developments.
- e. Fire protection.
1. All multi-family developments shall be designed and constructed as required by local and state fire codes.
 2. Roadway widths and design must comply with Fire Code access codes.
- f. Open Space.
1. Each development shall have a minimum of 30 percent of the development's total land area as open space, i.e., pocket parks, tot lots, stream buffers, vegetative buffers, passive amenities, neighborhood greens, and community gardens.
 2. A buffer of at least twenty feet in width shall be provided and maintained around the entire exterior perimeter of all apartments, condominium, duplex, triplex, quadplex, and townhouse developments. Utilization of existing native to Georgia trees and vegetation is appropriate for inclusion within the buffer, or when not found to screen the development, the buffer shall be supplemented with additional Georgia native landscaping and plantings.
- g. 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. Such structures may include, but are not limited to 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 width. The minimum lot width for a townhouse shall be twenty-four feet.
- c. Frontage. The minimum frontage of the site for a townhouse development project on a public street shall be at least 100 feet.
- d. Setbacks for Principal and Accessory structures.
 - 1. All units shall be a minimum of twenty-two feet from the front property line.
 - 2. Driveway length. All units shall have a driveway that is a minimum of 24 feet from the face of the unit to the back of curb or sidewalk, whichever is more restrictive
 - 3. Between buildings, there shall be no less than a 20-foot separation.
 - 4. A minimum 50-foot exterior setback from any adjoining parcel boundary is required.
 - 5. The rear setbacks for lots 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 curb or property line, whichever is greater.
- e. *Building height.* No townhouse building or structure shall exceed the height of 35 feet.
- 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 1,200 square feet.
- h. *Maximum density.* Townhouse developments shall not exceed a density of six units per acre.
- i. *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.
- j. *Enclosed Garage.* All units shall include an enclosed garage a minimum of 400 square feet in size.
- k. *Allowed accessory uses.* Limited to swimming pools, home workshops, children's playhouses, 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 300 square feet in size.
- l. To allow for a diversity of housing product within a neighborhood, up to 25% of the total units may be constructed as traditional single-family detached residential homes.

(5) *Residential duplex, triplex, or quadplex development regulations.*

- a. Minimum parcel size. Each development shall have a minimum parcel 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 a 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.
- 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 1,200 square feet.
- g. Maximum density. All developments shall not exceed a density of six units per acre.

(6) *Apartment regulations.*

- a. *Minimum parcel size.* Each apartment development shall have a minimum parcel size of ten acres.
- b. Access frontage. The minimum frontage for each development on a public street shall be at least one hundred feet.
- c. *Structure separation.* Apartment buildings shall be constructed with a separation of at least twenty (20) feet.
- d. *Setbacks.* All apartment developments shall have a minimum setback of fifty (50) feet from all property lines.
- e. *Building height.* No apartment building or structure shall exceed the height of four stories or 50 feet whichever is the lesser.
- f. *Minimum heated floor area.* All units shall have minimum heated floor area of 1,200 square feet.
- g. *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 acre.
- i. *Exterior Lighting.* Full cutoff fixtures shall be required for all exterior lighting except for 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 or a person holding a certification with CFLC (Smart Outdoor Lighting Alliance), CLC (American Lighting Association), CLD (International Association of Lighting Designers), or CLEP (Association of Energy Engineers) shall stamp or certify a prepared lighting plan that ensures that all exterior lighting adheres to design standards.

Sec. 121-67. VCR Vacation Cottage Restricted.

[The VCR District has been removed.] No applications to rezone property to this district will be heard by the planning commission or the board of commissioners, however other public hearing applications and development permits within those districts shall be accepted. Vacation Cottage Restricted districts are areas where substantial investment in permanent residences has been and will be made. 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.
- 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 of this article.
- c. Allowed accessory structures 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.
 3. Accessory structures shall be no larger than the footprint of the primary structure or one-half the gross square footage, whichever is greater.
- d. Pet fowl or birds may be kept in cages that shall meet all setbacks.

(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. Kennels for the breeding of any animal for sale are prohibited.
- c. Swine are prohibited.
- d. Horses are prohibited on lots less than three acres.
- e. The use of an accessory building for a home occupation is prohibited on parcels less than three acres.
- f. Non dwelling type structures shall not be connected to utilities and used as a dwelling. Non dwelling structures include but are not limited to campers, travel trailers, recreational vehicles, motor homes, busses, and utility buildings.

(3) *Building requirements.* The minimum requirements for the VCR Land Use District are:

- a. Minimum square footage for all residential structures in this district is eight hundred 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 as per Dawson County Environmental Health Department. A Minimum lot size of 16,000 square feet if served by an approved public water system and an approved public sewerage system.

c. Minimum setbacks for principal structures.:

Front yard 100 feet on parkways, 60 feet on state highways, 35 feet on others.

Side yard - 15 feet.

Rear yard - 20 feet.

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 streets except for 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 10 feet; and 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, fire and building codes impose certain requirements.

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, 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.
- 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 of this article.
- c. Allowed accessory uses 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. 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 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. Kennels for the breeding of any animal for sale are prohibited.
- c. Swine are prohibited.
- d. Horses are prohibited on lots less than three acres.
- e. The use of an accessory building for a home occupation is prohibited on parcels less than three acres in size.
- f. Non dwelling type structures shall not be connected to utilities and used as a dwelling. Non dwelling structures include but are not limited to campers, travel trailers, recreational vehicles, motor homes, busses, and utility buildings.

(3) *Building requirements.* The minimum requirements for the VC Land Use District are:

- a. Minimum square footage for all residential structures in this district is eight hundred square feet (heated). Mobile/manufactured homes must comply with compatibility standards of 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 as per Dawson County Environmental Health

Department. A Minimum lot size of; 16,000 square feet if served by an approved public water system and an approved public sewerage system.

c. Minimum setbacks for principal structures.

Front yard 100 feet on parkways, 60 feet on state highways, 35 feet on others;

Side yard 10 feet.

Rear yard 20 feet.

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 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 fire and building codes impose certain requirements.

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

Residential agricultural/residential exurban districts are areas that consist of mainly larger parcels primarily agricultural in land use with residential or other use incidental to the agricultural use, or areas that are not under intensive development pressures. Agricultural uses range from farmsteads, pastures, horticulture, animal husbandry, poultry, and forestry, including intensively managed tree farms to non-managed woodlands. The conservation of prime agricultural and forestry resources 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 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. These areas do not have existing public sanitary sewer facilities and are mainly accessed by rural roads.

(1) *Permitted principal uses.*

- a. Principal uses that are allowed by right or by special use approval are listed on Table 3.1.
- 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 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 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 parcel in accordance with 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.
- d. Home occupations are allowed if requirements in article VI, section 121-181 are met.
- e. Direct marketing of produce grown on site is allowed in a farm market, one farm market or one roadside stand no greater than 500 square feet of building area.

-
- 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.
- g. Agricultural farm operations may include any or all 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 product 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 hayrides.
 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 of people 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)g. 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.
 5. All lighting and parking lighting shall 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, and festivals with a special 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. Manufacturing operations related to allowed agricultural uses are prohibited.
- c. Horses are prohibited on lots less than three acres.
- d. Meat processing and food franchises or franchise products are prohibited.
- e. Non dwelling type structures shall not be connected to utilities and used as a dwelling. Non dwelling structures include but are not limited to campers, travel trailers, recreational vehicles, motor homes, busses, and utility buildings.

(5) *Building requirements.* The minimum area, yard, and building requirements in the R-A Residential Agricultural District are as set forth in Table 3.1.

Sec. 121-70 Reserved.

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. Typical rural residential estate district uses range from horticulture, Agri-tourism, livestock, animal husbandry, and 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 to maintain the rural character. Some prime agricultural land is geographically located on land with constraints, such as steep forested slopes or river valley flood plains; therefore, thorough impact analysis should be 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.
- 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 of this article.

(2) *Allowed accessory uses.*

- a. Agriculture, floriculture, horticulture, silviculture, cultivation of field, 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 home offices.
- 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 parcel of land in accordance with 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.
- f. 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.

- a. The use of an accessory building for a home occupation is prohibited on properties less than 3 acres in size.
- b. Non dwelling type structures shall not be connected to utilities and used as a dwelling. Non dwelling structures include but are not limited to: campers, travel trailers, recreational vehicles, motor homes, busses, and utility buildings.

(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.

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 shall be shown as part of a specific phase(s) of the master plan and must be constructed accordingly.

(2) The minimum acreage permitted for RPC is 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 active courts is required.
- c. The overall net density shall be no more than 1.5 units per acre.
- d. The minimum lot size shall be 5,000 square feet.

(3) An application for zoning and any development permits shall be preceded by an 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.
 4. Existing topographic conditions to include a contour interval of a minimum five feet based on field surveys or photogram metric photogrammetric methods;
 5. Amenity areas and buildings, including defined open space;
 6. Traffic impact study.
 7. Environmental Impact report.
- 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.

(4) The approved rezoning to RPC shall be conditioned upon the approved conceptual master plan 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.

(5) 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.

(6) Permitted uses.

a. Principal uses that are allowed by right or by special use approval are listed on Table 3.1. In addition, a limited commercial component to the project is allowed, clubhouse, market, offices, salon, 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 shall be presented to the board of commissioners and delineated on the master plan. The community 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 121-75 of this article.

c. Allowed accessory uses 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 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.

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

(7) *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. Horses are prohibited.

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

d. Swine are prohibited.

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

(8) *Open space requirements.*

- a. *Minimum area.* Each separate tract of open space shall contain at least two acres.
- b. *Minimum width.* Walkways or "fingers" of open space created to provide access from individual lots to a larger expanse of open space shall have a minimum width sufficient to accommodate a path, given the existing terrain, the center of which path shall be at least twenty-five 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 riparian habitats and 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, constrained lands, including swamps, floodplains, wetland areas, steep slopes (45 percent or more for one hundred feet or more), lakes, ponds, and streams - may 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.

(9) *Roads and utilities.*

- a. All roads shall have sidewalks and 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. Responsibility for maintenance of utilities and lighting shall be held by the Homeowners or Property Owner's Association as appropriate.
- c. Sidewalks shall be required along both sides of roadways.

(10) *Annual review.* To ensure continued progress toward completion, the approved master development plan with updated accomplishments shall be submitted to the Dawson County Planning and Development Department for annual review.

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

(1) *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, which are served by public water, public sanitary sewer, and recreational amenities.

(2) *Permitted uses.* The following uses are permitted:

- a. 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.
- b. Administration buildings and customary laundry and service buildings.
- c. Community centers and recreation facilities intended to serve residents of the district.
- d. Customary accessory uses and structures clearly incidental to one or more permitted uses.
 - 1. Accessory structures shall be no larger than the footprint of the primary structure or one-half the gross square footage, whichever is greater.
- e. Public and semi-public buildings and uses.

(3) *Mobile home park development regulations.* Development for mobile home parks in the MHP District shall conform to the following regulations:

- a. *Site plan approval required:* All mobile home park developments shall require site plan submittal to the Planning and Development Department.
- b. *Location and frontage:* A mobile home park development shall be located on property with a minimum frontage of two hundred feet on a public street.
- c. *Street requirement:* Interior roads serving the development shall be constructed to county standards, and shall include curb and gutter. All interior roads within the development are the responsibility of the property owner(s) and shall be adequately maintained to county standards.
- d. *Lot area and width:* A mobile home park development shall have a minimum area of five contiguous acres and a lot width of at least 200 feet.
- e. *Density:* The maximum density of a residential mobile home district development is six units per acre.
- f. *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 mobile home parks designed for or containing ten or more mobile homes.
- g. *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.
- h. *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.

-
- i. *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.
- j. *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.
- k. *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.
- l. *Fire protection:* All mobile home park developments shall supply adequate fire protection in the form of placement of water lines and fire hydrants and added protection measures according to fire codes.
- m. *Service buildings:*
1. Subordinate accessory structures are hereby required for maintenance and other incidental uses supportive to the primary use of the property. A minimum 100 square feet of storage space shall be required by the developer for each unit in a mobile home park. 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.
 2. Community service facilities and related accessory structures 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.
 3. All mobile home park developments shall provide a covered bus stop shelter accessible to a designated bus route.
- n. 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 plat.
- o. *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.
- p. *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.
- q. *Miscellaneous:*
1. Junk vehicles or vessels shall not be allowed to be stored or placed at any location within a mobile home park. The owner(s) of the mobile home park shall be responsible for compliance with this requirement.
 2. Covenants required by the owner(s) of all mobile home parks shall be submitted with the site plan.
 3. Non dwelling type structures shall not be connected to utilities and used as a dwelling. Non dwelling structures include but are not limited to campers, travel trailers, recreational vehicles, motor homes, busses, and utility buildings.
-

(4) *Mobile home and mobile home space requirements.* Each mobile home shall be located on a separate pad per the following regulations:

- a. *Space size and width:* Each mobile home space within the development shall contain a minimum size of 4,000 square feet and a minimum width of forty feet.
- b. *Setbacks:* Each mobile home shall be setback a minimum of ten feet from the front space line or street right-of-way, five feet from the side space line, and ten feet from the rear space line.
- c. *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
- d. *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.

Sec. 121-74. Chart of uses in residential land use (zoning) districts.

Purpose.

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 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.

In the following chart an "A" means that the use is 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 by the Board of Commissioners. A blank space indicates that the use is not allowed under any circumstances.

1) *Allowed principal uses.*

A principal use is the specific, primary purpose for which land, or a building is used.

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.

2) *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.

3) *Restrictions on Particular Uses.*

Restrictions that apply to certain principal uses and to certain zoning districts are listed in section 121-75. The restrictions also apply to special uses unless specifically waived or modified as a stipulation of special use approval.

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 121-75.

4) *Interpretation of uses.*

Some degree of interpretation will occasionally be needed. It is not possible to list each, and every variation or name of a given use.

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), shall be referred 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.

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, outdoor storage, traffic generation, and availability of infrastructure, as determined by the Planning and Development Director.

5) *Future abutting developers in non-RA or RRE 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 compatible with the applicant's development. Nevertheless, understanding the effects of the adjacent RA or 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 RA or RRE District constitute a nuisance) against local governments and adjoining landowners whose property is located in an RA or RRE District.

6) *On-site sewage management systems.* The Dawson County Board of Commissioners may require larger minimum lot sizes for use of on-site sewage management systems in zoning or land use districts providing for septic service. If there is a conflict between the minimum lot size(s) established by the Dawson County Board of Health and that established by the Dawson County Board of Commissioners, the larger lot size(s) established by the board of commissioners shall control.

Sec. 121-75. Restrictions on particular uses.

(1) *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 land use districts where the particular uses are allowed, whether by right or through special use approval.

(2) *Bed and breakfasts and Short-term rentals.* See Chapter 30, Article V

(3) *Manufactured homes.*

- a. Manufactured homes shall meet the compatibility requirements of Chapter 105, Division 3.
- b. 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 three acres

(4) *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:

- a. Adequate parking area is provided for the amenity area; a minimum of 15 parking spaces, and one bicycle rack.
- b. The area is fenced and landscaped. All pools should be landscaped and screened such that at least 50 percent of the view from the road is obscured.
- c. The amenity area must be under construction and completed during the first phase of the development. 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.
- d. Lighting must be provided for the parking area and all walkways and pedestrian access points.
- e. Full cutoff fixtures shall be required.

(5) *Public utilities.*

- a. Public utilities shall have a maximum gross total of 400 square feet of structure per parcel unless a variance is approved.
- b. 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.

(6) *Solar farms.*

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

(7) *Portable sawmills.*

- a. One portable sawmill on property a minimum of five acres in size is allowed; the activity shall not interfere with the quiet use and enjoyment of the outside environment of neighboring property owners.
- b. 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.
- c. A portable sawmill shall not be operated for more than four (4) hours on Saturday or Sunday.
- d. A portable sawmill shall not be operated after dark.

(8) *Wineries.* Wineries may sell wine in a tasting room, subject to the following conditions:

- a. Wineries must be licensed according to the Dawson County Alcohol Ordinance.
- b. Retail sales and ancillary restaurant facilities are allowed if approved as a special use.
- c. Retail sales and restaurant or food service facilities shall be clearly accessory to the production of wine.
- d. Any restaurant facilities shall be approved by the Dawson County Health Department.

(9) *Animal hospitals, veterinary clinics, dog kennels, and 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 with due consideration given to all relevant data relating to the public health, safety and welfare including:

- a. Noise factors that may impact adjacent residential areas,
- b. Isolating factors, such as topography or buffers, and
- c. Noxious odors affecting adjacent properties.
- d. Potential traffic generated by the use.

(10) *Campgrounds and Recreational Vehicle Parks.*

Commercial Campgrounds and Recreational Vehicle (RV) Parks may be permitted by special use in the RA zoning district. The minimum parcel size for a Commercial Campground or Recreational Vehicle Park is ten (10) acres.

- a. 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.
- b. Commercial Campgrounds and RV parks shall be served by a central water (community or public) supply.
- c. 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.
- d. Length of the stay for all but permanent staff shall not exceed 30 consecutive days.
- e. 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.
- f. 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 forty (40) foot- wide vegetated buffer.
- g. Light posts shall not exceed a height of 20 feet from finished grade.
- h. The park shall not provide long term RV or semi-truck storage.

- i. Sanitary facilities and trash receptacles shall be located a minimum of 200 feet from any residential district.
- j. Recreational facilities associated with the use shall be for staff and guests only.
- k. RV units shall be fully licensed and ready for highway use, i.e., licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached structures or additions.
- l. Service areas and loading areas shall be separated from the primary vehicular and pedestrian circulation areas.
- m. Storage areas and refuse enclosures shall be oriented away from view from the right of way and screened from view.
- n. All refuse enclosures shall be enclosed on three sides by a brick, masonry, or cement wall; chain link fencing is prohibited.

(11) *Open Space permitted Uses.*

- a. Conservation of natural, archeological, or historical resources.
- b. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
- c. Walking or bicycle trails, provided they are constructed of porous paving with pervious materials;
- d. Passive recreation areas, such as open fields and community gardens;
- e. Defined passive amenity space.
- f. 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;
- g. Nonstructural stormwater management practices and structural stormwater management practices that allow for infiltration, such as bioretention areas;
- h. Septic systems comprised of single or multiple septic tanks and leach fields located on soils particularly suited to such uses; and not located within state waters undisturbed buffers.
- i. Easements for drainage, pedestrian access; or
- j. Other conservation-oriented uses compatible with the purposes of this ordinance.

(12) *Heavy Industrial Uses.*

- a. Traffic generated from the use shall not use local roads unless located within an approved master development plan.
- b. Vehicle access shall be arranged to minimize conflict with vehicular traffic.
- c. Outdoor storage shall meet minimum building setbacks; and
- d. A landscape strip shall be planted to provide a vegetative screen along 70% of the road frontage, except for approved access points.

Table 3.2 Dimensional Requirements by Residential Zoning District*

- ¹ Unless otherwise indicated, the minimum square feet required for a residential unit is eight hundred square feet (heated).
- ² Community or public water.
- ³ Public water and sewer; net density calculation
- ⁴ Width at the building line; frontage minimum for an individual lot is 30-feet
- ⁵ Front yard setback applies to all frontages on streets with the exception of rear alleys.
- ⁶ See Sec. 121-59 for development of an RT district community.
- ⁸ Or as determined by the Dawson County Health Department, whichever is larger in size.
- ⁹ 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 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.
 - c) No setback is required from U.S. Army Corps of Engineers line on Lake Lanier
 - d) State Health Department regulations require a minimum of 10 feet from property line and 100 feet from wells for septic field lines.
- ¹⁰ A manufactured home may be located on a lot of record that is less than 3 acres with Special Use Approval.
- ¹¹ 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 U.S. Army Corps of Engineers line on Lake Lanier.
 - c) The height of farm related buildings and structures shall not be over 35 feet.
- ¹² No setback is required from U.S. Army Corps of Engineers line on Lake Lanier Government Line

Secs. 121-77—121-98. Reserved.

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.

(1) *Setbacks.* The minimum setbacks from the right-of-way for all commercial districts (unless otherwise indicated) are as follows:

- a. 100 feet on parkways and divided state highways,
- b. sixty feet on collector roads and state highways,
- c. 40 feet on all other county roads and interior development streets.
- d. The minimum setback for parking areas is 20 feet from all rights-of-way. (If no right-of-way is established the right-of-way shall be considered 20 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. 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.

(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 ensure 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.

d. *Light levels.* Light levels shall be as follows:

	At property lines and rights-of-way	Minimum foot-candles	Maximum foot-candles
1.	At property line abutting a residential zoning district	-0-	-0-
2.	At property line abutting an office-professional zoning district	-0-	.5
3.	At property line abutting a commercial or light industrial zoning district	-0-	1.0

4.	Off-street parking lots	Minimum foot-candles	Average foot-candles	Maximum foot-candles
5.	Office-professional districts	-0-	4	8
6.	Commercial districts	-0-	4	8
7.	Light industrial districts	-0-	4	8

e. *Security and parking lot lighting.*

1. All security and parking lot lighting shall be full cutoff fixtures
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 feet in height from finished grade.

f. *Sign lighting.* See Dawson County Sign Ordinance.

g. *Building lighting and landscape lighting.* Building facade lighting and landscape lighting shall be as follows: light fixtures shall be selected, located, 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.

h. *Architectural lighting.*

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.

-
- i. *Nonconforming light fixtures.* Nonconforming Light Fixtures shall be allowed as follows:
1. All light fixtures lawfully permitted and in place before the date of this article shall be allowed to remain. However, any light fixture that replaces a light fixture or any light fixture that is moved shall meet the standards of this article;
 2. Exterior light fixtures that direct light toward a street or parking lot that causes disabling glare to motorists shall be shielded within 90 days of notification from Dawson County so that the light fixtures do not cause a potential hazard to motorists;
 3. 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 nonconforming light fixtures that do not comply with the terms of this article may not replace bulbs or repair offending light fixtures. Instead, the nonconforming fixture(s) shall be replaced.

j. *Submission of plans.* All sites of non-residential 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 technical specification of all light fixtures to be installed.

- (4) Single-family residential use is permitted in any commercial zoning district at a density of one unit per acre.

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 crossroads 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.
- b. Non dwelling type structures shall not be connected to utilities and used as a dwelling. Non dwelling structures include but are not limited to campers, travel trailers, recreational vehicles, motor homes, busses, and utility buildings.

(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,
- c. *Maximum building height:* No structure shall be higher than 35 feet. 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.
- d. *Maximum building size:* No building or other use permitted in this district may occupy more than 7500 gross square feet of floor area.

(4) *Full disclosure.* 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 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.

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.
 - b. Those uses which generate sounds, odors, or visual effects, which are reasonably objectionable.
- (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)
 - b. *Minimum setbacks:* Front yard - See section 121-99(1) ; side yard - 25 feet; rear yard - 25 feet.
 - c. *Maximum building height:* shall not be higher than forty feet. 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.
 - d. *Maximum building size:* No building or other use permitted in this district may occupy more than 7,500 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 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.

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

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.

- (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 reasonably objectionable and noticeable beyond property boundaries.
- (3) *Building requirements.* The minimum area, yard, setback, and building requirements in the C-HB District are as follows:
 - a. *Minimum lot size:* Two acres except that where part of a master plan.
 - b. *Minimum setbacks:* Front yard: See section 121-99(1), side yard – 25 feet; rear yard – 50 feet.
- (4) *Maximum building height.* Buildings designed for human occupancy shall not be higher than 50 feet or four stories whichever is the lesser. 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.
- (5) *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.
- (6) *Full disclosure.* 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.

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

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 storage of merchandise.

(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 121-108of 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, setback, and building requirements in the C-HI District are as follows:

- a. Minimum lot size: Three acres unless part of a master plan.
- b. Minimum setbacks: Front yard: see section 121–99(1), side yard - 25– feet; rear yard - 50 feet.
- c. Maximum building height: Buildings shall not be higher than 50 feet or four stories whichever is the lesser. 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.

(4) *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 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.

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

Commercial planned developments are areas which would otherwise be suited for classification as C-CB,C-HB, or C-OI, but which, due to their size and scope, or the need to provide for a planned or phased development, or the need to combine commercial, institutional, office and/or attached single family residential 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 have 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 thirty 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 50 feet or four stories whichever is the lesser. 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. Cornices on buildings shall align where possible within the development and the height shall transition in a step-down approach when adjacent to residential development.

d. 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.

e. Parking shall be oriented behind or to the side of a building if possible and shared parking shall be incorporated into the design.

f. 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 courts, or an equivalent amenity area;
2. Commercial and residential components shall be integrally designed to provide vehicular and pedestrian interconnectivity throughout the development;
3. Townhouse units may be developed up to a maximum density of six units per acre

g. 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 must be maintained by a mandatory property owners association formed by the developer.
3. Private roads 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.
7. A traffic study shall be required prior to or concurrent with the submittal of the initial land disturbance permit.

h. Utilities:

Access and connection to public water and sewer shall be required for development in the CPCD zone.

i. Lighting:

1. Building entrances and parking areas and pathways shall be designed to include pedestrian scale lighting.

-
2. Parking area lighting shall have an average of no more than four-foot candles for the projects.
 3. Lights 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 zero-foot candles.

j. 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 including constrained land, swamps, floodplains, wetland areas, steep slopes (45 percent or more for a distance of 100 feet or more), 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 permitted to utilize Low Impact Design methods for stormwater management and quality when such methods provide additional open space.
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) Use of motorized vehicles, except for maintenance purposes as provided for in the open space management plan or electric carts.

(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 (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, 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, 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;
- c. Additional information may be required by the planning director to properly evaluate the proposal; the additional information may include the following:
- 1. An off-street parking and loading plan; to include a streetscape design
 - 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.
- d. The land use intent narrative submitted with the development plan shall include the following items:
- 1. An explanation of the character of the proposed development, including a summary of acres, development units, and gross density by type of land use;
 - 2. Minimum standards for floor area, lot size, buffers, open space, 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; and
 - 4. Proposed agreements, provisions, and covenants, which govern the use, maintenance, and protection of the development and any common or open areas.
- e. A conceptual master drainage plan to identify major forms of detention/retention and to encourage creative water quality and quantity treatment processes shall be provided.

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

(6) *Building and occupancy permits.* When application is made therefore, the department, 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.

(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 after 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.

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

Within the commercial 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 arterial roadways but can also be located in an area dominated by institutions, such as a 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)
- b. *Minimum setbacks.* Front yard: see section 121-99(1), side yard – 25 feet; rear yard – 40 feet.
- c. *Maximum building height.* Buildings designed for human occupancy shall not be higher than 50 feet or four stories whichever is the lesser. 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.

(4) *Full disclosure.* 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 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.

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

Restricted industrial commercial districts are areas where there 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:

- 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:

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, 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:

- a. *Minimum lot size.* four acres except that where part of a master park plan.
- b. *Minimum setbacks.* Front yard: see section 121-99(1), side yard – 50 feet; rear yard – 50 feet. Additional conditions and requirements for buffers, open space, right of way, 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.
- c. *Maximum building height.* Buildings shall not be higher than 50 feet or 4 stories whichever is the lesser. 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.
- d. *Screening.* All mechanical equipment, and refuse areas shall be within an enclosed building, or screened by a solid wall at least six (6) feet in height if visible from any right of way.

(4) *Full disclosure.* Applicants shall 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 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, and the sheriff's department prior to certificate of occupancy.

Sec. 121-107. Chart of uses.

Purpose.

This section lists in matrix charts 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.

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.

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

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.

Restrictions on particular uses. 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.

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.

Interpretation of uses. Some degree of interpretation will occasionally be needed. It is not possible to list each, and every variation or name of a given use.

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), shall be referred 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.

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, traffic volume and intensity, as determined by the planning and development director.

Sec. 121-108. Restrictions on particular uses.

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.

Animal hospitals, veterinary clinics and kennel 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 affecting adjacent properties.

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.

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.

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.

Petroleum product storage. The provisions relating to the storage and handling of liquefied petroleum gases shall be those in NFPA 58, Liquefied Petroleum Gas Code, as adopted by Chapter 120-3-16, Rules and Regulations of the Safety Fire Commissioner, as amended.

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. Open storage shall not be visible from collector or arterial roadways.

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.

Gasoline service stations.

1. There shall be a building setback from all street right-of-way lines a distance of not less than 60 feet.
2. Other yard setbacks shall conform to the zone in which the station is located.
3. Gasoline pump islands shall not be located closer than 25 feet to any street right-of-way line; however, when pump islands are constructed perpendicular to the pavement edge, the pump island shall be located not less than 40 feet from the right-of-way lines.

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. 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 affect 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 supply 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.
- (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.

(c) *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 [] 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.

(d) *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 looking 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; 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.

(e) *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) 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.
 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.

(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.

(f) *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 in size.

(6) C-RB.

(7) CT, if zoned prior to May 1, 2010.

(g) *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 following all applicable 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 a suitable 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.

(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 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 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 the requirements of article II, communication tower and communication antenna permits and regulations.

(h) *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.

(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 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 decide whether 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 carry out 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 60 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 60 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 61 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/markings 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 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) *Review by Third-Party consultant.*

(1) In order to receive an objective, qualified 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 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 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 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/cm² 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.

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.
- (4) Preserve the natural amenities of the land by encouraging scenic and functional open space areas; and
- (5) Provide for an efficient use of land.

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. Apartments.
 - d. Patio homes.
 - e. Non-franchised restaurants.
 - f. Condominiums.
 - g. 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 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.

Sec. 121-128. Land area.

Land area for the MUV shall be 300 to 1,000 acres in size.

Sec. 121-129. Density and lot sizes.

The gross overall density of an MUV development shall not exceed 2.8 units per acre; however, to promote innovative design, the intent of the MUV is to be density neutral. There is no specific lot size required or specified. Lot sizes shall be based on the development master plan presented to and approved by the Dawson County Board of Commissioners.

Sec. 121-130. Village Center area.

The village 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 center area shall be designated on the conceptual plan.

Sec. 121-131. Setbacks and buffers.

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

Sec. 121-132. Building height.

No building shall be more than five stories in height or more than 60 feet in height, whichever is less, unless approved by the county board of commissioners as part of the 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).

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.

Sec. 121-134. Transportation system.

The street network shall be designed in a connected pattern limiting cul-de-sacs. Street patterns shall be designed to respect and follow existing topography, to minimize earthmoving and disruption of existing natural features. The applicant may request alternative design standards for infrastructure such as narrower streets or alternative stormwater methods to support 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 center village the street shall be designed to meet a 300 to 600 feet grid.
- (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.
 - 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 concept t 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 concept plan. Golf carts are permitted on the multi-use trails if designated on the master development plan.
- (6) *Street trees.* As part of the land disturbance plan for permit review, the applicant shall supply a street tree plan showing the location, spacing and type of street trees proposed throughout the development. Street trees shall not be needed 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.

Sec. 121-135. Mixed Use Village Design Principals.

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 services to serve the neighborhood. The Mixed-Use Village specifications are based on a gross overall density of 2.8 units per acre. This is a density neutral concept, regulated by a binding concept plan.

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.

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. Upper story uses are permitted for each commercial area.

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.

Sec. 121-136. Open space.

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, 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 if such area remains a mitigation bank and 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. Use of motorized vehicles, except for maintenance accesses.

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 elevations of typical proposed commercial buildings.

As part of the master development plan approval process, the applicant shall submit information regarding intended architectural design for the community. Such information shall include at minimum a description of materials and colors of exterior of all buildings, and requirements (if appropriate) regarding porches and parking garages.

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.

Sec. 121-139. Approval process.

To develop in the MUV District, the applicant shall first obtain approval of the concept plan.

(1) *Concept plan.* 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 uses.
- d. 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. 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 ensure compliance with the terms of this article.

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.

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.

Secs. 121-140—121-161. Reserved.

ARTICLE VI. GENERAL PROVISIONS

Sec. 121-162. Purpose.

The purpose of this article is to support 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.

Sec. 121-163. Prohibited uses.

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.

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

- (1) 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.
- (2) No structure shall be less than twenty feet from an adjacent structure unless constructed with common or contiguous walls such as may occur in townhouses, condominiums, apartments, , and structures shall comply with the provisions of International Building Code with Georgia amendments.
- (3) Building setbacks are established according to table 3.1 and 3.2 unless otherwise noted in each respected district
- (4) 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.
- (5) Trees with branches and foliage shall be removed to a height of eight feet above the ground at grade level.

-
- (6) 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 more than the maximum allowed foot-candles.

Sec. 121-165. Access requirements.

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

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.

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 with conditions 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.

Sec. 121-168. Nonconforming uses.

The provisions of this article are designed to provide for the continuation and within a suitable period 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 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.

Minimize the nuisance, reduction in neighboring property values, and other adverse effects of properties that do not conform to their environs.

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.

(1) 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 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.

(2) Discontinuance of nonconforming uses.

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.

(3) 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 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.

(4) 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.

(5) 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.

(6) Enlargement of nonconforming uses.

There shall be no extension or enlargement of a nonconforming use.

(7) 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.

(8) 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.

(9) 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.

(10) 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 non-residential and RA 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 RA 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 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.
- (7) On-street parking is permitted if presented as part of a comprehensive streetscape design for master planned developments.
- (8) The landscape design of the parking area shall maximize natural areas to optimize natural infiltration.

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 planning director. The director may also reference the latest, ITE Parking Study. 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.

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):

LAND USE	Maximum	Minimum
Automotive and vehicle sales and service	4	2
Bank	4	2
Super Store discount, mercantile retail (60k+)	4	2
Convenience market/store	4	3
Drive-through restaurant	8	2
Free standing retail	3	2
General office building	3	2
Gymnasiums, physical fitness, health spas, dance studio	8	3
Hotels, motels, and extended stay hotels or motels	1.5 per guest room	1.2 per guest room
Industrial: Factory, manufacturing, processing, assembling	2	1
Medical clinic/office	6	3
Personal service	3	2
Places of worship	8	3
Restaurant, full service (sit-down)	9	5
Shopping center	5	3
Warehouse, storage	1	1
<i>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.</i>	<i>To be determined by the director, based on a parking generation study by an engineering firm.</i>	

(2) *Shared parking on adjacent property.* Flexible parking design, to include shared parking arrangements, are allowed.

(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 follow 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.

Sec. 121-171. Motor Vehicle Stacking.

Stacking Capacity Requirements:

Use	Minimum Vehicle Stacking Capacity per Drive-Through Lane
Car wash—Full service	Four vehicle spaces
Food service	Four vehicle spaces
All other uses	Three vehicle spaces

- 1) Each stacking space shall be a minimum of nine (9) feet in width and eighteen (18) feet in length.
- 2) Drive-through lanes must be striped and marked.
- 3) 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. 2010 Department of Justice ADA Requirements, as amended.

Accessible parking spaces shall comply with all requirements of the Department of Justice ADA requirements.

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

(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 5,000 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) Uses more than 5,000 square feet shall provide loading spaces according to the following schedule:

SQUARE FEET	NUMBER OF SPACES
5,001- 25,000	1
25,001—50,000	2
50,001—100,000	3
100,001—200,000	4
200,001—300,000	5
For each added 100,000 or fraction thereof	One additional

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.

(3) Loading space size requirements:

- a. Each loading space shall be a minimum of twelve feet by 60 feet, with a 14-foot height clearance.
- b. Loading spaces must be marked and placed separate from access drives.
- c. All plans for off-street loading areas shall be subject to the approval of the planning department.

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

(1) All parking areas having more than five spaces shall meet the following requirements:

- a. They shall be graded to ensure 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 twenty feet from any exterior property line shall be provided, except where access points and interconnections to other parcels have been approved.
- e. Outdoor lighting facilities' 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 low voltage lighting shall be allowed within fifteen (15) feet of the property line along rights-of-way. Full cut-off fixtures shall be required.

g. 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 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.

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

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

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

- (1) 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:
- (2) No more than two curb cuts or access breaks shall be permitted for any lot or parcel with a frontage of two-hundred feet or less on any one street.
- (3) All other curb cut and access specification requirements shall comply with Dawson County Driveway Construction and Permitting Ordinance as amended and regulated by the Public Works Director of Dawson County.

Sec. 121-177. Parking space design requirements.

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 fifteen feet in depth
- (8) Aisle widths in parking areas regulated by section 121-174 shall meet the following requirements:
 - a. The minimum aisle width for spaces installed 90 degrees off curb shall be 24 feet.
 - b. 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.
 - c. The minimum aisle width for all other spaces shall be 14 feet for one-way traffic and 20 feet for two-way traffic.
 - d. Spaces installed 90 degrees off of curb shall not be allowed on thru streets or aisle unless presented and approved as part of a comprehensive streetscape design for a master planned development.

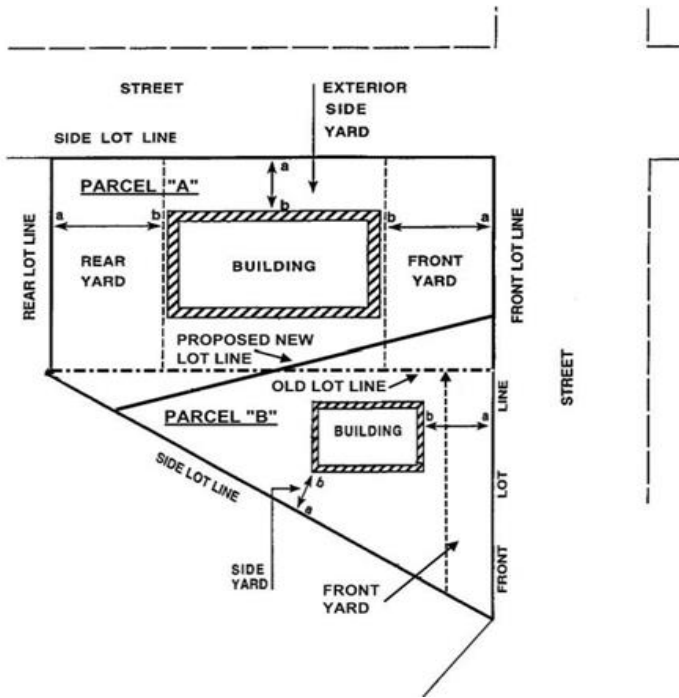
Sec. 121-178. Reserved.

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:

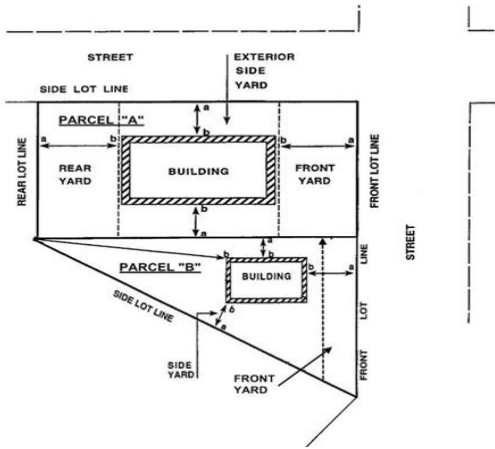
Although a lot may not contain sufficient land area, width or lot frontage to meet the minimum lot size requirements of this resolution, as amended, such lot may be used as a building site if the lot is part of a plat approved by Dawson County in accordance with land subdivision requirements, which has 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.

All building setbacks, buffers, stream buffers or other development standards required by this Ordinance and/or other County or State regulations, which have been delineated and documented on a recorded plat approved by Dawson County in accordance with land subdivision requirements, shall be upheld as the minimum requirements for any permits issued for development upon the area of land encompassed within such plat.



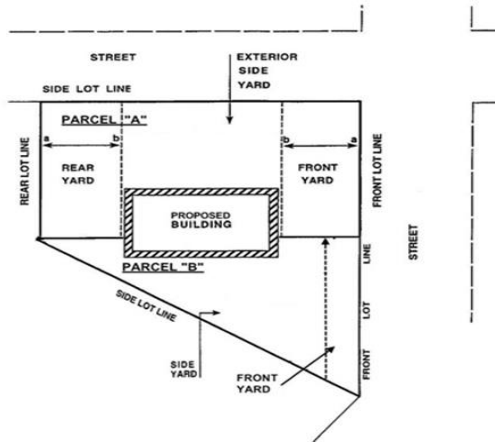
Example A: Parcel A conforms, Parcel B has nonconforming lot size.

A. 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.

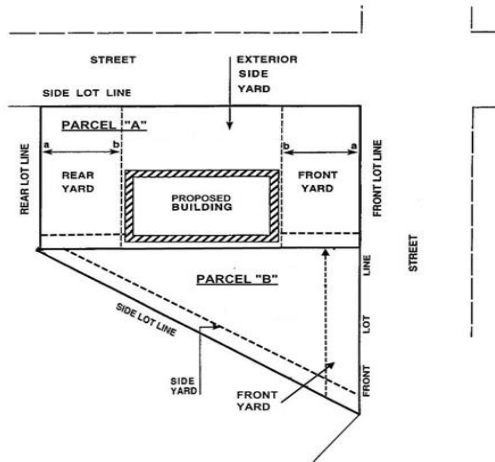


Example **B**: Re-plat of both lots such that Parcel A is the same size & Parcel B is not smaller.

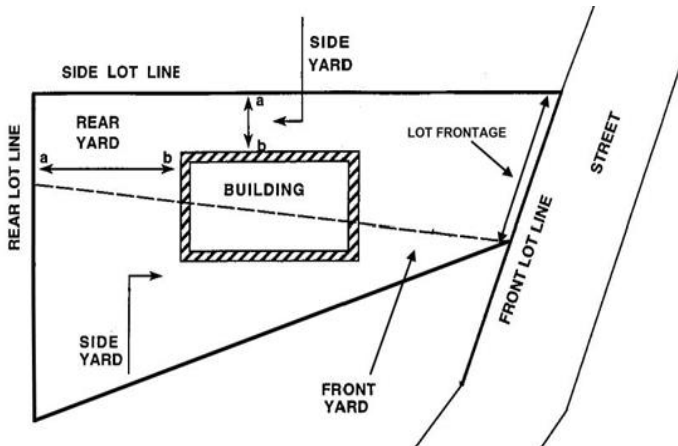
B. If a building is proposed for construction across the line between two lots of record under the same ownership that are nonconforming as to the lot size or frontage, then the lots shall be resurveyed and recorded to be combined. If a building is proposed for construction within a setback between two lots of record under the same ownership that are nonconforming as to lot size or frontage, then the lots must either be resurveyed and recorded to be combined, or a request for a setback variance may be considered.



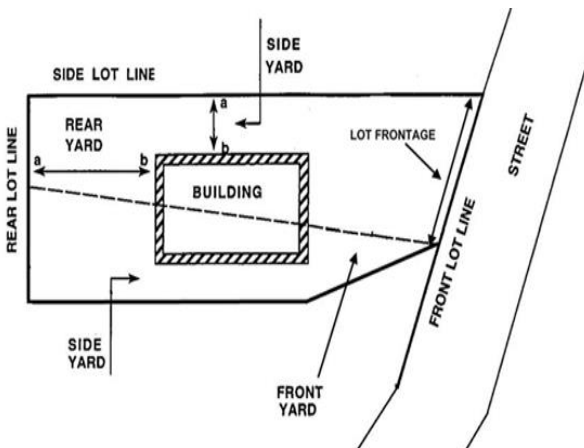
Example **C1**: Same owner for both parcels Requires re-plat of property to remove separation.



Example **C2**: Same owner for both parcels. Proposal to build in setback of one parcel requires re-plat or variance approval.
C2. A lot that is nonconforming in one dimensional criterion, 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 if 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.

D. 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.

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:
 - a. Reduces the amount of open space.
 - b. Increases the density proposed.
 - c. Increases the square footage of the commercial development by 15 percent or greater.
 - d. Changes the location of collector, arterial or commercial streets.
 - e. Relocates active amenity area or active open space to exterior of the project
 - f. Has an adverse effect on adjoining properties.
 - g. Requires exemption or relief from a previously approved stipulation.

- (2) The planning director may approve minor amendments. Minor amendments include anything less than major amendments and include but are not limited to:
 - a. Changes to the location of minor or residential streets.
 - b. Relocation of passive open space.
 - c. Adjusts lot lines not resulting in new lots.
 - d. Increase passive open space.
 - e. Reduce the approved density.
 - f. Increases the square footage of the commercial development by less than twenty percent.
 - g. Decrease the commercial square footage of an approved development by less than twenty percent.

Sec. 121-181. Home-based businesses.

Administration and enforcement. Any person not complying 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, Chapter 30. If a business license application involves a home occupation and is denied by the planning director, then the applicant may file an appeal 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.

1) *Permitted home offices.* The following activities are permitted as home offices:

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 conventional office uses carried on by the occupant that is incidental and secondary to the use of the structure as a dwelling unit.

2) *Exception to Business License Requirement - 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 the business activity is subject to a business license issued by Dawson County for another location, or if a business license has been issued for another location by some other jurisdiction in the United States.

3) *Permitted home occupations.* The following activities are permitted as home occupations:

- a. “Cottage food operators” as defined and licensed by the Georgia Department of Agriculture.
- b. Personal services, including single chair barber shops, single chair beauty parlors and manicure and pedicure shops, pet grooming, catering, taxidermy services, and chauffeur services.
- c. Instructional services, including music, dance, art and craft classes, tutoring, and outdoor instruction to include tennis lessons, and swimming lessons.
- d. Babysitting services, day care homes.
- e. Studios for artists, sculptors, musicians, photographers, and authors.
- f. Workrooms for tailors, dressmakers, milliners, and craft persons, including weaving, lapidary, jewelry making, cabinetry and wood working.
- g. Repair services, including watch and clock, small appliances, computers, and electronic devices.
- h. Upholstery services if and only if an accessory building on a minimum of three (3) acres may be used for the home occupation.

This list may not be all-inclusive. The planning director shall decide 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.

(4) *Prohibited home occupations.* The following activities are prohibited as home occupations:

- a. Kennels, stables, veterinarian clinics/hospitals.
- b. Outside obedience training of animals.
- c. Medical and dental clinics/hospitals.
- d. Restaurants, clubs, drinking establishments.
- e. Motor vehicles sales, or storage.
- f. Repair and service of small internal combustion motors for powered lawn equipment, motorcycles, scooters, all-terrain vehicles, boat motors or construction tools and equipment powered by internal combustion motors; medium and large engine repair.
- g. Undertaking and funeral parlors and crematoriums: Human or animal cremation facilities.
- h. Sales of goods to the public from the premises.
- i. Adult business uses (See Dawson County Adult Business Establishment Ordinance)
- j. Private clubs.
- k. Warehousing and/or storing of material not directly used in a licensee's home occupation.
- l. Automotive services.
- m. 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.

(5) *Operational standards.* The following are operational standards for home occupations:

- a. *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.
- b. *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.
- c. *Off-premises employees.* Employees of the home occupation shall not congregate on the premises for any purpose concerning the home occupation.
- d. *Vehicles.* 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/employee 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.
- e. *Delivery vehicle.* Goods delivered 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.
- f. *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.

-
- g. *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 stored inside a building. All accessory structures shall meet the requirements set forth for the Residential District.
 - h. 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.
 - i. *Ownership.* The business owner of the home occupation request shall occupy the dwelling as a principal residence.

(6) *Accessory buildings for home occupation use.*

The use of an accessory building for a home occupation shall be permitted in residential districts on lots equal to or greater than three acres in size, except for RS-2, RS-3, RT and RMF. One accessory building per parcel shall be allowed for home occupation use.

- a. Lot size. The use of an accessory building for a home-based business shall be prohibited on parcels less than three acres in all residential districts; except for RS-2, RS-3, and RMF where it is prohibited to use an accessory building for a home occupation.
- b. 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 the limit set forth in subsection (f)(6).
- c. The setbacks for all accessory buildings for use in connection with a home occupation shall meet the district setback requirements of the primary residence.
- d. Accessory building size. The use of an accessory building, where permitted, for a home-occupation shall be limited to 1800 square feet and shall not exceed the height of the principal residence.
- e. Access to the accessory structure utilized for a home occupation shall be from the same driveway as the principal residence.

(7) *Size of residence used as homebased business.*

No more than 25 percent of the interior heated space of a residence/home shall be used for a home occupation.

(8) *Signs.*

- a. The maximum size of a permanent sign is three square feet.
- b. Only one permanent sign is allowed.
- c. The permanent sign shall be affixed no higher than six feet from the first-floor level to the home or to the accessory building used for home occupation.
- d. The permanent sign shall not be lighted.

(9) *Notification.*

Before issuance of an occupational license for a home occupation, the licensee shall submit forms provided by the county to notify, in writing, all adjacent property owners. The licensee shall provide documentation as to the completion of this notification.

- a. Notification shall include, at minimum, what type of home occupation the licensee is requesting, when the home occupation may begin, the nature of the occupation, and the hours of operation.

(10) *Nonconforming use.* Home-based businesses that hold and continue to maintain a valid business license on the effective date of this chapter shall be permitted to continue the operation as licensed 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 changes or any portion of the property changes ownership.

Sec. 121-182. Private cemeteries, mausoleums, and burial sites.

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.
- (4) Unless already platted and recorded in the clerk of court's office, new burial plots or cemeteries shall not be utilized unless a plat has been reviewed and approved.

Secs. 121-183—121-200. Reserved.

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.

Sec. 121-202. Land use resolution district map.

The land use resolution district map, also referred to as zoning 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.

Sec. 121-203. Identification, alteration, and replacement of the district map.

The district map may be 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.

When a new district map is adopted, there shall be a digital record of 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.

Sec. 121-204. Reserved.

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.

Sec. 121-206. Relationship between district map and future land use map.

The future land use district map as adopted by the board of commissioners should provide the best possible indication of desirable future district patterns that will meet projected future demand for land uses of various types.

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 use patterns.

Sec. 121-207. Land use resolution district map.

The Dawson County Land Use Resolution District Map 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 maintained by the GIS department and made available to the public.

Sec. 121-208. Zoning compliance.

Intent. The primary determination whether a proposed use is proper in each use district is made by the department of planning and development.

Certificate. If requested, a certificate of zoning compliance shall be issued on a form to be determined by the planning director as evidence that a proposed use complies with the resolution.

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 their 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.

Secs. 121-209—121-239. Reserved.

ARTICLE VIII. FUTURE LAND USE MAP

Sec. 121-240. Purpose.

The purpose of this article is to provide for a future land use 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.

Sec. 121-241. Background concepts of the future land use map.

The future land use map represents a synthesis of data concerning population, land use patterns, transportation, natural resource protections and economic activity. These data and a set of goals and policies 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 land use map represents 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 land use map.

Sec. 121-242. Identification, alteration, and replacement of the future land use map.

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 land use map may be amended only if the proposed amendment is in conformance with sound comprehensive planning principles.

The procedure by which amendments are proposed and approved is contained in article XII. Any amendment to the future land use map must be entered on that map as soon as possible after the amendment has been approved by the board of commissioners.

The future land use map is maintained by the Dawson County Department of GIS.

Sec. 121-243. Criteria to be considered in amending the future land use map.

The following criteria should be considered when deciding proposed amendments to the future land use map. In determining whether or not a proposed amendment satisfactorily addresses the criteria stated below, sound planning principles should be used.

- (1) 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 land use map is based.

Sec. 121-244. Future land use map.

The future land use map shall be cited as section 121-244 and shall be a part of this chapter.

Secs. 121-246—121-266. Reserved.

ARTICLE IX. VARIANCES

Sec. 121-267. Purpose.

The purpose of a variance is to grant relief that relaxes the dimensional requirements of this Code to allow 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.

Sec. 121-268. Conditions.

Reasonable conditions may be imposed in connection with a variance as believed 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.

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.

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.

Sec. 121-269. Criteria for granting variances.

Variances with respect to land use standards and requirements specified for each district may be granted only if, based on the application, investigation, and evidence submitted by the applicant, all four criteria below are 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
- (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.

Variances 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.

Sec. 121-270. Public hearing on proposed variances.

Public hearings on proposed variances shall be in accordance with procedures set forth in article XII, of this chapter.

Sec. 121-271. Variances to road and street requirements.

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, based on 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.

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.

Sec. 121-272. Variance procedures.

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.

The planning commission shall review the application and 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, approve with conditions, or deny of the application accordingly. Their recommendations shall be in writing and shall include written findings on each of the applicable criteria. If the planning commission fails to take action within 30 days after the public hearing, the request shall be deemed to have been denied.

The planning commission's decision, shall be sent by mail or e-mail to the applicant within ten working days of the date of action.

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)

An application for a variance which is not acted upon by the board of commissioners within 90 days from the receipt of application shall be deemed denied.

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.

Sec. 121-274. Reserved.

Sec. 121-275. Reports.

The planning director shall make or cause to be made an analysis to provide the necessary information to assist the planning commission in the consideration of whether an application is consistent with the variance criteria.

Sec. 121-276. Revocation.

Variances may be 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.

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.

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.

Sec. 121-279. Withdrawal of application.

Withdrawals of any application may be accommodated within the planning and development department if requested before the public notice has been published. If the withdrawal request is presented after the public notice has been published, a written request must be presented to the planning commission to vote to remove the item from the agenda at the scheduled hearing. Should the request to withdraw 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. No refund of application fee may be made unless directed by the board of commissioners.

Secs. 121-280—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.

Sec. 121-310. Authorization to initiate amendments.

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.

All applications for amendments shall first be reviewed by the planning commission. The planning commission shall conduct a public hearing in accordance with the Georgia Zoning Procedures Law, as amended. After the public hearing, the commission's recommendation and meeting minutes shall be provided in writing to the Board of Commissioners of Dawson County.

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 planning 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 121-373, of this chapter.

Sec. 121-312. Application for amendments.

All applications for amendments must be in accordance with the procedures 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.

- 1) *Form.* All applications shall be submitted using the appropriate application form as specified by the department.
- 2) *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.

-
- 3) *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.
 - 4) *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.
 - 5) The site plan shall at minimum contain the following information (as applicable):
 - a. Proposed layout of streets, alleys, lots, and pedestrian circulation systems;
 - b. Lot or tract dimensions with required setbacks shown.
 - c. Required and proposed buffers.
 - d. Required and proposed, landscape areas, common areas, and open space;
 - e. Proposed structures with square footages (except for single family residential subdivisions);
 - f. Proposed uses for each structure.
 - g. Existing and proposed zoning districts of the subject property and abutting property.
 - h. Proposed and existing location and use of all structures on the subject property;
 - i. Existing and proposed right-of-way locations and dimensions and names of all roads and streets bounding the subject property;
 - j. Driveways and parking areas with number of supplied parking spaces;
 - k. Loading and unloading facilities.
 - l. Preliminary and existing locations of storm drainage and structures.
 - m. Preliminary and existing locations and point of access for major utility lines.
 - n. Preliminary and existing wastewater facilities including areas reserved for drain fields and septic tanks or point of access, sewer easements and manholes;
 - o. Tax map/parcel number and owner name of subject property and all abutting property owners as shown on current county tax map records;
 - p. General location of existing tree canopy as indicated on the county GIS aerial photography; and
 - q. Preliminary locations of environmental conditions such as streams, wetlands, watershed protection districts, flood hazard areas, river corridor boundaries, groundwater recharge areas and constrained lands.
 - 6) *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.
-

-
- 7) *Letter of Intent of the proposed use(s) of the property.* Uses different from those stated in the application or letter of intent may be considered a violation of this resolution and may 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 or other remedies under this chapter.

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.
- (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 requested zoning would result in a use which could create an excessive or burdensome use of existing streets, transportation facilities, utilities or schools
- (8) Whether the proposal is in conformity with the policy and intent of the future land use plan; and
- (9) The specific, unusual, or unique facts of each case, which give rise to special hardships, incurred by the applicant and/or surrounding property owners.

Sec. 121-314. Amendment implementation.

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.

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.

Sec. 121-316. Withdrawal of application.

Withdrawals of any application shall be accommodated 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. Following that written request to the planning commission or the board of commissioners will vote to remove the item from the agenda at the scheduled hearing. 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.

Sec. 121-317. Application fees.

See Dawson County Fee Ordinance.

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.

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 land use resolution

Sec. 121-340. Powers of the planning commission.

The planning commission has the authority and the responsibility to provide the following services:

- (1) Review and recommend action to the county board of commissioners concerning applications under the provisions of this chapter.
- (2) Review, and render decisions concerning variances; and, as well as recommend action to the county board of commissioners concerning variances and amendments to this chapter.
- (3) Conduct public hearings as required under the provisions of this chapter.
- (4) Propose amendments to this chapter.
- (5) Provide general information concerning the application and administration of this chapter.
- (6) Provide review and recommendations concerning appeals of actions of its decisions to the county board of commissioners.

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 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.
- (6) Provide for enforcement of the provisions of this chapter.
- (7) Conduct public hearings related to variances to road and street requirements.
- (8) Conduct public hearings related to county-initiated land use amendments.

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.

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.

Sec. 121-373. Notices and hearings.

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.

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 denied the proposed amendment or request.

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.

The applicant shall notify the 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.

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 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.

At least 30 but not more than 45 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.

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 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.

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.

Sec. 121-374. Certiorari , petitions, applications, and appeals.

Authority to Approve Certiorari Documents. In order to comply with O.C.G.A. § 36-66-5.1(c), the Chair of the Board of Commissioners, and/or Planning Commission, as appropriate, is authorized to issue certiorari bonds and certificates of costs upon confirmation with County staff that such approvals are appropriate.

Authority to Accept Service. For purposes of certiorari proceedings, the Chair of the Board of Commissioners, Planning Commission, and/or Zoning Board of Appeals, as appropriate, is authorized to accept service on behalf of the Respondent. The Chair to the Board of Commissioners is authorized to accept service of process on behalf of Forsyth County as opposite party.

All petitions, applications, and appeals provided for in this chapter shall be made on forms issued by the planning director.

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.

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 does hereby adopt all parts hereof as may not be held invalid for any reason.

Sec. 121-377. Remedies and penalties for violation.

If 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.

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 prosecution for violations of county ordinances shall be upon citation 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.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) 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.

(6) 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.

(7) The review of convictions shall be by certiorari to the Superior Court of Dawson County.

(8) The county attorney or another attorney designated by the Dawson County Board of Commissioners may act as prosecution attorney for violations of county ordinances.

(9) 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.

Sec. 121-378. Effective date.

This chapter shall take effect on April 7, 2023

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.

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 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 customarily and subordinate to the main use of property and located on the same lot as the main use.

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/hayrides, and educational events, such as farming and food preserving classes, etc.

Agricultural products include but are 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.

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 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 twenty-five 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 manufactured 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 for 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 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. Also referred to as a conservation 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% for a distance of 100-feet or more.

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 number of dwellings per net acre, based on the total developable area of the parcel, including vacated rights-of-way, and excluding separate or non-contiguous lands, constrained lands, previously designated common open space, and excluding rights-of-way or easements.

Development standard. A specific requirement of this chapter regulating land use, quantitative in nature.

Directional lighting. Methods of directing light downward, rather than upward or outward, with the intention of directing light where it is needed. *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 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." 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 () 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 400 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

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 merchandise or land uses at least 80 percent.

Fill. The placement with sand, sediment, or other material 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.

Foot-candle (abbreviated 'fc'). A unit of illuminance defined as one lumen per square foot. One foot-candle is approximately equal to 10.76 lux.

Frontage. Property abutting on a street.

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.

Goal. A general statement establishing a direction for policies, resolutions, or actions.

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 as temporary abiding place of individuals containing guest rooms which are designed to be used, rented, or hired out for sleeping purposes.

Illuminance. The intensity of light falling upon or hitting a given surface and is measured in units of foot-candles or lux.

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 streets, 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.

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 supply 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 combination of complete *lots of record*, complete lots of record and portions of lots of records, or of portions of lots of record.
3. 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 another impervious surface.

Lot depth. The greater horizontal distance between front and rear lot lines.

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 (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 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.* 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') 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 one 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 have 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 "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.

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 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. The amenity space open space is intended to supply 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; patios and porches; 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. 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. 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 considered 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 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 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 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.

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: drawbar 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 twenty-four adults.

Personal services. In a Personal care home includes, but is not limited to, individual aid with or supervision of self-administered medication, aid 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.

Prefabricated building. A broad term applied to any building completed in a factory setting.

Principal residence. Any residence 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, 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.

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.

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, in conformance with state and federal game laws.

Site-built. Constructed on site ("stick-built") but includes pre-constructed wall units, 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.

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 visible from the exterior of the building.

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 affect a subdivision of land hereunder for himself or for another.

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.

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.

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, commonly referred to as an RV.

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) 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 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.

Table 3.1 Principal Uses Allowed by Residential Zoning District

NAICS Ref.	Principal Uses ↓ → Zoning Districts	RT	RL	RS	RS-2	RS-3	RSR	RSRMM	RMF	VCR	VC	RA		RRE	RPC	RMHP	See Section:
		A = Allowed					S = Allowed if Approved as a Special Use					Blank Space = Prohibited					
<i>Agricultural Uses</i>																	
111	Crop Production, including Greenhouse, Nursery (non-retail), and Floriculture Production											A					
112	Animal Production and Aquaculture (except for: Dog or Cat Breeding Kennel; and, Animal Slaughtering and Processing)											A					
112990	Dog or Cat Breeding Kennel											S		S			121.75 (9)
113	Forestry and Logging											A					
114210	Hunting Preserve											S		S			121.75 (9)
1151	Support Activities for Crop Production											A					121-76
115210	Support Activities for Animal Production (including Livestock Breeding Services)											A					121-76
1153	Support Activities for Forestry											A					
321113	Portable Sawmill											A					121.75(7)
312130	Winery, no retail and/or restaurant											A					121.75 (8) Chapter 6 - ALCOHOLIC BEVERAGES
312130	Winery, with retail and/or restaurant											S					121.75 (8) Chapter 6 - ALCOHOLIC BEVERAGES
424410	Farmers Market (wholesale)											A					
541940	Animal Hospital and Veterinary Clinic											A		S			121.75 (9)
712190	Wildlife Preserve											S		S			121.75 (9)
713990	Horse Riding Stables											S		S			121.75 (9)

Table 3.1 Principal Uses Allowed by Residential Zoning District

NAICS Ref.	Principal Uses ↓ → Zoning Districts	RT	RL	RS	RS-2	RS-3	RSR	RSRMM	RMF	VCR	VC	RA		RRE	RPC	RMHP	See Section:
Residential Uses																	
n/a	Single-Family Detached: Site-Built or Modular Home	A	A	A	A	A	A	A		A	A	A		A	A		
n/a	Single-Family Detached: Manufactured Home							A			A	A/S		A/S		A	121-75 (3)
n/a	Residential Uses within the <i>Etowah River corridor protection district</i>	A	A	A	A	A	A	A	A	-	-	A		A	A	A	109-87
	Two-Family Dwelling: Duplex								A						A		
	Three-Family Dwelling: Triplex								A						A		
	Four-Family Dwelling: Quadruplex								A						A		
	Single Family Attached: Townhouses	A							A						A		121-66 (4)
	Multi-Family: Apartments								A								121-66 (6)
	Manufactured Home Park															A	
721191	Bed and Breakfast		A									A		A	A		Ch. 30, Article V
721199	Short Term Home Rental	A	A	A	A	A	A	A		A	A	A		A	A		Ch. 30, Article V
Public / Institutional Uses																	
813110	Churches and Other Facilities for Religious Organizations Worship	A	A	A	A	A	A	A	A	A	A	A		A	A		
Recreation Uses																	
711212	Commercial Racetrack											S					
711310	Commercial Arena											S					
713990	Private Amenity Area that is a part of and serves a residential development but is located on a separate lot	A	A	A	A	A	A	A	A					A			121-75 (4)
721211	RV Parks and Campgrounds											S					121-75 (10)
Communications & Utilities																	
221	Public Utilities	A	A	A	A	A	A	A	A	A	A	A		A	A	A	
221114	Solar Farm											A					121-75 (6)
517312	Telecommunication Facility											S					121-109

121-76 Dimensional requirements.

PERFORMANCE STANDARD	LAND USE DISTRICT								Table 3.2
	RT	RL	RS	RS-2	RS-3	RSR	RSRMM	RA	RRE
Minimum lot size in acres of land area with individual on-site sewage disposal and private well ¹	-	1.5	1.5	-	-	1.5	1.5	5	3 ¹⁰
Minimum lot size when connected to approved public or private water system and on-site septic ²	.75	.75	1	-	-	1	1	5	3
Minimum lot size when connected to approved public or private water system and sewer system ³	Sec. 121-59	-	1	-	-	.75	-	5	3
Minimum lot depth (feet)	100	100	100	100	100	100	150	200	200
Minimum lot width (feet) ⁴	Sec. 121-59	85	100	85	75	100	100	175	150
Minimum front or side building ⁵ setback/yard from right-of- way of Parkway; or minimum front setback/front yard from State Road; or from all other streets	80 60 -	80 60 40	80 60 40	80 60 30	80 60 30	100 60 40	100 60 40	100 60 40	100 60 40
Minimum side building setback/side yard (feet)	Sec. 121-59	10	10	10	10	10	10	25	25
Minimum rear building setback/rear yard	Sec. 121-59	20	20	20	20	20	20	35	35
Minimum heated floor area per dwelling unit	800	800	800	800	800	800	800	800	800
Height	35'	35'	35'	35'	35'	35'	35'	35'	35'

Requirements of VCR, VC, RPC, RT, and RMHP district are not incorporated into table 3.2; see respective sections that address these land use districts for performance standards.

Table 3.3 Principal Use Table: Commercial Land Use Districts

NAICS Ref.	Principal Uses ↓	Zoning Districts →	C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	Restrictions See Section ¹ :
	A = Allowed		S = Allowed if Approved as a Special Use				Blank Space = Prohibited			
Residential Uses			C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
N/A	Single-Family Detached: Site-Built or Modular Home		A	A	A	A		A		
N/A	Single Family attached: Townhouses						A			121-66(4)
623	Residential Care Facilities		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
623110	Assisted Living Facility				A	A	A	A	A	
623110	Nursing Home				A	A	A	A	A	
623311	Continuing Care Retirement Communities (CCRC)				A	A	S	A	A	
623990	Personal Care Home			A	A	A	A	A	A	
Institutional Uses			C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
611	Educational Services: Academic Schools		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
611110	Private Schools: Elementary, Middle, and High School				A		A	A	A	
611210	Private Schools: Junior Colleges				A		A	A	A	
611310	Private Schools: Colleges and Universities				A		A	A	A	
<i>For non-academic schools and for educational support services, see Commercial Services, beginning under NAICS Ref. # 6114</i>										
6214	Outpatient Medical Care Centers		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
6214	Outpatient Medical Care Centers, with the exception of Urgent Care Facilities				A		A	A	A	
621493	Urgent Care Facilities				A			A	A	
622	Hospitals		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
622110	General Medical and Surgical Hospitals				A			A	A	
622210	Psychiatric and Substance Abuse Hospitals				A			A	A	
622310	Specialty Hospitals				A			A	A	
624	Social Assistance		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
6241	Individual and Family Services, non-residential (Child and Youth Services, Services for the Elderly and Persons and Disabilities, and Counseling Services for Individuals and Families)				A	A		A	A	

¹ Indication of associated conditions is not comprehensive; additional restrictions may be found in the County Code.

Table 3.3 Principal Use Table: Commercial Land Use Districts

NAICS Ref.	Principal Uses ↓	Zoning Districts →	C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	Restrictions See Section 1:
		A = Allowed			S = Allowed if Approved as a Special Use					Blank Space = Prohibited
441320	Tire Dealers				A	A			A	
442	Furniture and Home Furnishings Stores		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
442	Furniture and Home Furnishing Stores, except Wood or Ceramic Tile Flooring Stores & Antique and Used Furniture Stores; see under NAICS Ref. 444				A	A			A	
443	Electronics and Appliance Stores		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
443141	Household Appliance Stores				A	A			A	
443142	Cellular Telephone Accessories Stores (accessories only; no phone sales)				A	A	A		A	
51731	Retailing New Cellular Phone Telephones and Communication Service Plans (with or without repair) services				A	A	A		A	
443142	Music Stores (e.g., new records and compact discs)				A	A	A		A	
443142	Electronics Stores				A	A	A		A	
444	Building Material and Garden Equipment and Supplies Dealers		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
444110	Home Centers				A	A			A	
444120	Paint and Wallpaper Stores				A	A			A	
444130	Hardware Stores		A	A	A	A			A	121-108
444190	Wood or Ceramic Tile Flooring Stores				A	A			A	
444190	Lumber Yards, retail					A			A	
444210	Outdoor Power Equipment Stores				A	A			A	
444220	Greenhouses and Nurseries		A	A	A	A			A	121-108
444220	Farm Supply Store (e.g., Feed and Seed Store)		A	A	A	A			A	121-108
445	Food and Beverage Stores		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
445110	Supermarkets and Other Grocery (except Convenience) Stores				A	A	A		A	
445120	Convenience Food Stores without fuel pumps		A	A	A	A			A	
445230	Fresh Produce Grocer		A	A	A	A	A		A	121-108

Table 3.3 Principal Use Table: Commercial Land Use Districts

NAICS Ref.	Principal Uses ↓	Zoning Districts →	C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	Restrictions See Section 1:
		A = Allowed	S = Allowed if Approved as a Special Use			Blank Space = Prohibited				
445230	Farmers Market, Permanent		A	A	A	A			A	
4452	Specialty Food Stores, not for immediate consumption and not made on the premises (including Meat Markets, Fish and Seafood Markets, Confectionary and Nut Stores, and Miscellaneous Specialty Foods)			A	A	A	A		A	
445310	Beer, Wine and Liquor Stores (package carryout)			A	A	A			A	
445291	Retail Bakeries			A	A	A			A	
446	Health and Personal Care Stores		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
446110	Pharmacies and Drug Stores			A	A	A			A	
446120	Cosmetics, Beauty Supplies and Perfume Stores			A	A	A	A		A	
446130	Optical Goods Stores			A	A	A	A		A	
446191	Food (Health) Supplement Stores			A	A	A	A		A	
446199	All Other Health and Personal Care Stores (such as hearing aids and convalescent supplies)			A	A	A	A		A	
447	Gas Stations		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
447110	Gasoline Stations with or without Convenience Stores (no repair or service of vehicles on site)		A	A	A	A	A		A	
447110	Gasoline Stations with or without Convenience Stores (with light repair or service of vehicles on site)			A	A	A			A	
448	Clothing and Clothing Accessories Stores (for used merchandise stores, see under NAICS Ref. 453)		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
4481	Clothing Stores				A	A	A		A	
448210	Shoe Stores				A	A	A		A	
448310	Jewelry Stores				A	A	A		A	
448320	Luggage and Leather Goods Stores				A	A	A		A	
451	Sports, Hobby, Music Instrument & Book Stores (for used merchandise stores, see under NAICS Ref. 453)		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
451110	Sporting Goods Stores				A	A	A		A	
451120	Hobby, Toy, and Game Stores				A	A	A		A	

Table 3.3 Principal Use Table: Commercial Land Use Districts

NAICS Ref.	Principal Uses ↓	Zoning Districts →	C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	Restrictions See Section 1:
		A = Allowed		S = Allowed if Approved as a Special Use				Blank Space = Prohibited		
451130	Sewing, Needlework and Piece Goods Stores			A	A	A	A		A	
451140	Musical Instrument and Supply Stores			A	A	A	A		A	
451211	Book Stores				A	A	A		A	
455	General Merchandise Stores		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
455110	Department Stores				A	A	A		A	
45521	Warehouse Clubs and Supercenters				S	A	A		S	
45521919	Dollar Stores and Other General Merchandise Stores less than 7500 gross square feet		A	A	A	A	A			
455219	Dollar Stores and Other General Merchandise Stores larger than 7500 gross square feet.			A	A	A				
453	Miscellaneous Store Retailers		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
453110	Florists			A	A	A			A	
459410	Office Supplies and Stationary Stores				A	A			A	
453220	Gift, Novelty, and Souvenir Stores				A	A			A	
453310	Used Merchandise Stores (including Antiques, Used Books, and Second-Hand Clothing, and Pawnshops)				A	A			A	
453910	Pet and Pet Supply Stores		A	A	A	A			A	
453920	Art Dealers (includes commercial studios and galleries); see also under Manufacturing, Artisan for Artisans and Craftsmen			A	A	A	A		A	
453930	Manufactured Home Dealers					A			A	
453991	Cigar and Tobacco Shops (excludes lounges; see under Arts, Entertainment and Recreation: NAICS Ref. 713990)				A	A			A	
454	Nonstore Retailers (excluding portable stalls and mobile vendors)		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
454310	Fuel Dealers								A	
	Commercial Services		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
236	Building Construction Services		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
2361	Residential Construction & Remodeling Contractors, Builders and Developers, office only				A	A		A	A	

Table 3.3 Principal Use Table: Commercial Land Use Districts

NAICS Ref.	Principal Uses ↓	Zoning Districts →	C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	Restrictions See Section 1:
		A = Allowed	S = Allowed if Approved as a Special Use			Blank Space = Prohibited				
561	Business & Employment Support Services		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
5613	Employment Support Services (includes Placement Agencies & Executive Search Services; Temporary Help Services; and Professional Employer Organizations)				A			A	A	
56143	Business Service Centers (includes printing shops)				A				A	
561910	Packaging and Labeling Services				A				A	
561710	Exterminating and Pest Control Services				A	A			A	
561720	Janitorial Services				A	A			A	
561730	Landscaping Services					A			A	
561740	Carpet and Upholstery Cleaning Services				A	A			A	
611	Job Training: Business Schools, Computer and Management Training, Technical and Trade Schools		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
611430	Professional and Management Development Training			A	A	A	A	A	A	
611511	Cosmetology and Barber Schools				A	A	A	A	A	
611513	Apprenticeship Training				A	A	A	A	A	
611519	Other Technical and Trade Schools (includes Bartending Schools, Modeling Schools, Broadcasting Schools, Real Estate Schools, and Computer Repair Training)				A	A	A	A	A	
6116	Other Schools and Instruction (includes Fine Arts Schools, Sports and Recreation Instruction, Language Schools, Exam Prep/Tutoring, and Automobile Driving Schools)				A	A	A	A	A	
721	Accommodation Services (Transient Lodging)		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
721110	Hotels				A	A			A	
721110	Motels				A	A			A	
721211	RV Parks and Campgrounds		A	A	A					121-75
722	Food Services and Drinking Places		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
722320	Catering Services			A	A	A			A	

Table 3.3 Principal Use Table: Commercial Land Use Districts

NAICS Ref.	Principal Uses ↓	Zoning Districts →	C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	Restrictions See Section 1:
		A = Allowed		S = Allowed if Approved as a Special Use				Blank Space = Prohibited		
81149	Other Personal and Household Good Repair and Maintenance (includes Garments, Watches, Jewelry, Musical Instruments, and Bicycles)			A	A	A			A	
8121	Personal Care Services	C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR		
812111	Barber Shops		A	A	A	A		A		
812112	Beauty Salons		A	A	A	A		A		
812199	Day Spa		A	A	A	A	A	A		
812119	Tattoo and Body Piercing Studios			A	A			A		
812119	Tanning Salon		A	A	A	A		A		
<i>For Fitness Centers, Health Clubs and Recreation Centers – see under Arts, Entertainment and Recreation</i>										
8123	Dry cleaning and Laundry Services	C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR		
812310	Coin-Operated Laundries and Drycleaners		A	A	A			A		
812320	Dry-Cleaning and Laundry Services (except Coin-Operated)			A	A	A		A		
Other Personal Services, Animal Care		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR		
541940	Animal Hospitals and Veterinary Clinics	S	S	S	S			S	121-108 b	
812910	Pet Grooming Shops	A	S	S	S	A		S	121-108 b	
812910	Kennels, Pet Boarding	S	S	S	S			S	121-108 b	
Other Personal Services		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR		
315210	Tailors and Dressmakers		A	A	A			A		
541921	Photography Studios, Portrait (including still, video, digital, and passports)		A	A	A			A		
Professional and Administrative Offices		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR		
51	Publishing Offices (see under Manufacturing, Wholesaling and Warehousing for printing of materials)	C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR		
5111	Newspaper, Periodical, Book and Directory Publishers			A	A	A	A	A		
5112	Software Publishers (includes software design and development)			A	A	A	A	A		

Table 3.3 Principal Use Table: Commercial Land Use Districts

NAICS Ref.	Principal Uses ↓	Zoning Districts →	C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	Restrictions See Section 1:
		A = Allowed								
					S = Allowed if Approved as a Special Use					
										Blank Space = Prohibited
512230	Music Publishers				A	A	A	A	A	
519130	Internet Publishing and Broadcasting and Web Search Portals				A	A	A	A	A	
52	Financial Offices		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
5222	Credit Card Issuing and Sales Financing				A	A	A	A		
52231	Mortgage and Non-mortgage Loan Brokers				A	A	A	A		
52232	Financial Transactions Processing, Reserve and Clearinghouse Activities				A	A	A	A		
523	Financial Investments and Related Activities, such as: Portfolio Management and Investment Advice; Securities and Commodity Brokerages; and Trust, Fiduciary, and Custody Activities				A	A	A	A		
541	Professional Offices		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
531	Real Estate Office				A	A	A	A	A	
5411	Lawyers, Notaries and Other Legal Services				A	A	A	A	A	
5412	Accounting, Tax Preparation, Bookkeeping and Payroll Services				A	A	A	A	A	
5413	Architectural, Engineering, Surveying and Related Services (except Testing Laboratories; see under Commercial Services, Other Business Support Services, NAICS Ref. 541380)			A	A	A	A	A	A	
5413	Architectural, Engineering, Surveying and Related Services less than 5000 gross square feet		A	A	A	A	A	A		
5414	Interior Design, Graphic Design and other Specialized Design Services				A	A	A	A	A	
5415	Computer Systems Design and Related Services				A	A	A	A	A	
5416	Management, Scientific and Technical Consulting Services, including Executive Search and Management Consulting				A	A	A	A	A	
5417	Scientific Research and Development Services				A	A	A	A	A	
541990	Coworking Space				A	A	A	A	A	
55	Corporate Management Offices				A	A	A	A	A	

Table 3.3 Principal Use Table: Commercial Land Use Districts

NAICS Ref.	Principal Uses ↓	Zoning Districts →	C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	Restrictions See Section 1:
		A = Allowed	S = Allowed if Approved as a Special Use				Blank Space = Prohibited			
621	Medical Offices		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
6211	Offices of Physicians (including Physicians that are Mental Health Specialists)		A	A	A	A	A	A	A	
6212	Offices of Dentists				A	A	A	A	A	
6213	Offices of Optometrists, Chiropractors, Mental Health Practitioners (not Physicians), Therapists (Physical, Occupational and Speech), Podiatrists and Other Health Specialists				A	A	A	A	A	
6215	Medical and Diagnostic Laboratories				A	A	A	A	A	
	Arts, Entertainment and Recreation		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
711	Performing Arts and Spectator Sports		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
711	Agents, Managers, and Promoters (offices only)				A	A		A	A	
7111	Outdoor Amphitheater / Music Park				S	S	S		S	
711212	Commercial Racetrack				S	S	S		S	
711310	Commercial Arena (for sports and/or concerts)				S	S			S	
712	Museums, Historical Sites, and Similar Institutions		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
7121	Museums and Commercial Historical Sites, including non-retail Art Galleries				A	A	A		A	
713	Amusements and Recreation (excludes casinos and other gambling facilities)		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
713940	Fitness Centers, Health Clubs and Recreation Centers (includes Non-Profit facilities, e.g., YMCA)				A	A	A		A	
713940	Swimming Pools/Aquatic Centers, Commercial				A	A	A		A	
713950	Bowling Centers				A	A			A	
713990	Archery or Shooting Ranges, Indoor				S	S	S		S	
713990	Archery or Shooting Ranges, Outdoor				S	S	S		S	
713990	Commercial Fishing Pond		A	A	A	A			A	
721211	RV (Recreational Vehicle) Parks		A	A	A	A			A	

Table 3.3 Principal Use Table: Commercial Land Use Districts

NAICS Ref.	Principal Uses ↓	Zoning Districts →	C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	Restrictions See Section 1:	
		A = Allowed	S = Allowed if Approved as a Special Use				Blank Space = Prohibited				
721211	Campgrounds		A	A	A	A			A		
Other Arts, Entertainment and Recreation Uses			C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR		
512131	Motion Picture Theaters (except Drive-Ins)				A	A	A		A		
713990	Adult Business Establishments								A	Ch. 30 Licenses, Taxation and Miscellaneous Regulations	
Manufacturing, Wholesaling and Warehousing			C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR		
Manufacturing			C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR		
3121	Bottling Works and Ice Manufacturing								A		
313	Textile Mills								A		
314	Textile Product Mills (such as carpet, rug, curtain and linen mills)								A		
321	Wood Product Manufacturing and Sawmills								S		
322	Pulpwood Yards								A		
3231	Commercial Printing, including Screen and Books								A		
325314	Compost Manufacturing								S		
326	Plastics Product Manufacturing								A		
3273	Cement and Concrete Product Manufacturing								A		
331	Primary Metal Manufacturing								A		
332	Fabricated Metal Manufacturing								A		
337	Furniture and Related Products Manufacturing, excluding Custom Cabinet Shop and Custom Architectural Woodwork and Millwork Craftsmen Studios								A		
337110	Custom Cabinet Shop			A	A	A			A		
337212	Custom Architectural Woodwork and Millwork Craftsmen Studios			A	A	A			A		
Wholesale Trade			C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR		
42	Wholesale						A				

Table 3.3 Principal Use Table: Commercial Land Use Districts

NAICS Ref.	Principal Uses ↓	Zoning Districts →	C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	Restrictions See Section 1:
		A = Allowed	S = Allowed if Approved as a Special Use				Blank Space = Prohibited			
423	Wholesale Building Supply								A	
423140	Automobile and Other Motor Vehicle Merchant Wholesalers								S	
423320	Brick, Stone, and Related Construction Material Merchant								S	
423820	Farm Machinery Sales			A					A	
423930	Recyclable Material Merchant Wholesalers								S	
4249	Wholesale Landscape Supply Yards(mulch, rock, pine straw, etc.)	A		A					A	121-75 (12)
423930	Auto wreckers; scrap; waste materials								S	
Warehousing and Storage <i>(for Mini-Warehouses see under Rental and Leasing Services)</i>			C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
424710	Petroleum Product Storage								A	121-108
493	Distribution Center								A	
49311	General Warehousing and Indoor Storage								A	
493	General Warehousing (Outdoor Storage)								S	121-75 (12)
493120	Refrigerated Warehousing (Cold Storage)								A	
493130	Farm Product Warehousing and Storage								A	
493190	Document Storage and Warehousing								A	
493190	Lumber Storage Terminals								A	
562212	Inert Waste Landfill								S	
Transportation, Communications & Utilities			C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
Transportation			C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
447190	Truck Stop								S	
4811	Airport								S	
4812	Private Airstrip or Heliport								S	
4853	Taxi and Limousine Service			A	A				A	
484110	General Freight Trucking, Local								A	

Table 3.3 Principal Use Table: Commercial Land Use Districts

NAICS Ref.	Principal Uses ↓	Zoning Districts →	C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	Restrictions See Section 1:
		A = Allowed	S = Allowed if Approved as a Special Use				Blank Space = Prohibited			
485510	Charter Bus Terminal								A	
488410	Motor Vehicle Towing and Wrecker Services								A	
488490	Trucking Terminal								S	
492110	Courier and Express Delivery Services (FedEx, UPS), sorting and forwarding ("UPS Store" would be classified under Commercial Services, NAICS Ref. 56143 Business Service Centers)								A	
812930	Parking Garages								A	
Communications			C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
5151	Radio and Television Broadcasting Stations								A	
517	Telephone Exchange								S	
517410	Satellite Receiving Station								S	
517312	Telecommunication Facility	S	S	S	S	S	S	S	S	121-109
Utilities			C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
221	Public and Semi-Public Services, including substations, transformers, transmission towers, and pump houses								A	
221114	Solar Farms	A							A	121-108