

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

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**A. ROLL CALL**

**B. INVOCATION AND PLEDGE OF ALLEGIANCE**

**C. ANNOUNCEMENTS**

**D. APPROVAL OF MINUTES**

- [1.](#) Minutes of the Work Session held on March 2, 2023
- [2.](#) Minutes of the Voting Session held on March 2, 2023

**E. APPROVAL OF AGENDA**

**F. PUBLIC COMMENT**

**G. ZONINGS**

- [1.](#) 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)*
- [2.](#) 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).
- [3.](#) 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).
- [4.](#) 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).

**H. UNFINISHED BUSINESS**

- [1.](#) Amendments to the Land Use Resolution *(Tabled from the March 2, 2023, Voting Session)*

**I. NEW BUSINESS**

- [1.](#) Consideration of Request for Two Additional Full-Time Parks & Recreation Employees

**J. PUBLIC COMMENT**

**K. 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 2, 2023  
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM  
25 JUSTICE WAY, DAWSONVILLE, GEORGIA 30534  
4:00 PM**

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*Those present were Chairman Billy Thurmond; Commissioner Seth Stowers, District 1; Commissioner Chris Gaines, District 2; Commissioner Alexa Bruce, District 3; Commissioner Emory Dooley, District 4; Interim County Manager Vickie Neikirk; County Attorney Angela Davis; County Clerk Kristen Cloud; and interested citizens of Dawson County.*

**UNFINISHED BUSINESS**

1. Discussion of Vape Ordinance Review- Commissioner Alexa Bruce (*Tabled from the February 16, 2023, Voting Session*)  
*This item will be discussed further during an upcoming Work Session meeting following County Attorney review.*

**NEW BUSINESS**

1. Presentation of Request for Surplus of Expired Ballistic Equipment to be Sent to Ukraine- Sheriff Jeff Johnson  
*This item will be added to the March 2, 2023, Voting Session Agenda.*
2. Presentation of FY 2024 Council of Accountability Court Judges / Criminal Justice Coordinating Council Enhancement Grant for Dawson County Treatment Court- Treatment Services Director Jessi Emmett  
*This item will be added to the March 2, 2023, Voting Session Agenda.*
3. Presentation of Request for Two Additional Full-Time Parks & Recreation Employees- Parks & Recreation Director Matt Payne  
*This item will be placed on the March 16, 2023, Voting Session Agenda.*

Presentation of Request for Approval of Firefighter / EMT / Deputy Coroner Position- Human Resources Director Kristi Finley / Interim County Manager Vickie Neikirk  
*This item will be added to the March 2, 2023, Voting Session Agenda.*

4. Discussion of the Future Site for the Emergency 9-1-1 / Emergency Operations Center Building  
*Discussion was had amongst the board, Emergency Services Director Troy Leist, Sheriff's Chief Deputy Greg Rowan, E 9-1-1 Communications Director Kristan Bean, Facilities Director James Tolbert, and Jim King on behalf of Jericho Design Group.*  
  
*This item will be discussed further during an upcoming Work Session meeting after additional information is gathered.*

5. County Manager Report  
*This item was for information only.*

6. County Attorney Report  
*County Attorney Davis had no information to report.*

APPROVE:

ATTEST:

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Billy Thurmond, Chairman

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Kristen Cloud, County Clerk

DRAFT

**DAWSON COUNTY BOARD OF COMMISSIONERS  
VOTING SESSION MINUTES – THURSDAY, MARCH 2, 2023  
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM  
25 JUSTICE WAY, DAWSONVILLE, GEORGIA 30534  
IMMEDIATELY FOLLOWING THE 4:00 PM WORK SESSION**

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**ROLL CALL:** Those present were Chairman Billy Thurmond; Commissioner Seth Stowers, District 1; Commissioner Chris Gaines, District 2; Commissioner Alexa Bruce, District 3; Commissioner Emory Dooley, District 4; Interim County Manager Vickie Neikirk; County Attorney Angela Davis; County Clerk Kristen Cloud; and interested citizens of Dawson County.

**INVOCATION AND PLEDGE OF ALLEGIANCE:** Chairman Thurmond

**ANNOUNCEMENTS:**

None

**APPROVAL OF MINUTES:**

Motion passed 4-0 to approve the Minutes of the Work Session held on February 16, 2023.  
Dooley/Stowers

Motion passed 4-0 to approve the Minutes of the Voting Session held on February 16, 2023.  
Gaines/Bruce

**APPROVAL OF AGENDA:**

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

- Addition of New Business following Unfinished Business, to include:
  - Request for Surplus of Expired Ballistic Equipment to be Sent to Ukraine
  - FY 2024 Council of Accountability Court Judges / Criminal Justice Coordinating Council Enhancement Grant for Dawson County Treatment Court
  - Request for Approval of Firefighter / EMT / Deputy Coroner Position
  - Approve Opting In to a Second Phase of Opioid Litigation

Gaines/Stowers

**PUBLIC COMMENT:**

None

**UNFINISHED BUSINESS:**

*Amendments to the Land Use Resolution (Tabled from the January 19, 2023, Voting Session, at which time a second public hearing concerning the matter was held)*

Motion passed 4-0 to table Amendments to the Land Use Resolution until March 16, 2023.  
Gaines/Stowers

**NEW BUSINESS:**

*Consideration of Request for Surplus of Expired Ballistic Equipment to be Sent to Ukraine*

Motion passed 4-0 to approve a Request for Surplus of Expired Ballistic Equipment to be Sent to Ukraine. Gaines/Bruce

Consideration of FY 2024 Council of Accountability Court Judges / Criminal Justice Coordinating Council Enhancement Grant for Dawson County Treatment Court

Motion passed 4-0 to approve a FY 2024 Council of Accountability Court Judges / Criminal Justice Coordinating Council Enhancement Grant for Dawson County Treatment Court. Dooley/Bruce

Consideration of Request for Approval of Firefighter / EMT / Deputy Coroner Position

Motion passed 4-0 to approve a Request for Approval of a Firefighter / EMT / Deputy Coroner Position. Bruce/Stowers

Consideration to Approve Opting In to a Second Phase of Opioid Litigation

Motion passed 4-0 to Approve Opting In to a Second Phase of Opioid Litigation. Dooley/Bruce

**PUBLIC COMMENT:**

Aseem Kahn Qureshi, Dawsonville, Georgia, owns and operates the Chevron Food Mart on Highway 400. He spoke about a Vape Ordinance and said he is interested in any proposed changes to the ordinance. "I want this county to be better for all of us," he said. "None of you here want any businesses to go out of business or anything bad to happen to any one of us. I'm behind every good thing but, if there are any questions, if there are any concerns, please reach out to me." Qureshi added, "Whatever decision you come up with has to be fair to everybody..." He said, "Along the process, I think my stress and the concern of running a good business - I must have upset some people along the way. I want to make it public [and] apologize if I ever upset anybody with my passion for this county..."

**ADJOURNMENT:**

**EXECUTIVE SESSION:**

Motion passed 4-0 to enter into Executive Session to discuss personnel. Stowers/Bruce

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

APPROVE:

ATTEST:

\_\_\_\_\_  
Billy Thurmond, Chairman

\_\_\_\_\_  
Kristen Cloud, County Clerk

Dawson County  
Rezoning Application  
(AMENDMENT TO DISTRICT MAP)

FOR STAFF USE ONLY DATE & TIME STAMP  2200
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**APPLICANT INFORMATION (or Authorized Representative)**

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

Printed Name: Better Dump Trailers

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

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

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

Status:  Owner  Authorized Agent  Lessee  Option to purchase

I have  / have not  participated in a Pre-application meeting with Planning Staff.

If not, I agree  /disagree  to schedule a meeting the week following the submittal deadline.

Meeting Date: 7/19/2022, 10/13/2022 Applicant Signature: \_\_\_\_\_

**REQUESTED ACTION & DETAILS OF PROPOSED USE**

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

Proposed Use: Retail Trailer Sales, Produce/Boiled Peanuts

Existing Utilities:  Water  Sewer  Gas  Electric

Proposed Utilities:  Water  Sewer  Gas  Electric

**RESIDENTIAL**

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

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

Type:  Apartments  Condominiums  Townhomes  Single-family  Other

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

**COMMERCIAL & INDUSTRIAL**

Building area: N/A No. of Parking Spaces: \_\_\_\_\_

# Property Owner/ Property Information

22 OCT 14 11:01 AM

Name: Holly Betterton

Street Address of Property being rezoned: 3962 Highway 53 E, Dawsonville, GA 30534

Rezoning from: RA to: C-HB Total acreage being rezoned: 2.816

Directions to Property (if no address):

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

Current Use of Property: Agricultural

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

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

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

If yes, what section?  North  South

### SURROUNDING PROPERTY ZONING CLASSIFICATION:

North C-HB South VC East RA West RA

Future Land Use Map Designation: CC

Access to the development will be provided from:

Road Name: Highway 53 E Type of Surface: Paved



# Applicant Certification

22OCT14 11:01 AM


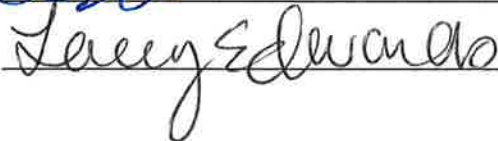
I hereby request the action contained within this application relative to the property shown on the attached plats and site plan and further request that this item be placed on both the Planning Commission and Board of Commissioners agenda(s) for a public hearing.

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

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

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

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

Signature  Date 10/14/2022  
Witness  Date 10/14/22

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

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

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

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

N/A

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

Amount \$ \_\_\_\_\_ Date: \_\_\_\_\_

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



Signature of Applicant/Representative of Applicant

10/14/2022

Date

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

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

# Property Owner Authorization

22 OCT 14 11:01 AM

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

Street Address of Property being rezoned: 3962 Highway 53 E

TMP#: 104-058

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

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

Printed Name of applicant or agent: Perry Betterton, obo Better Dump Trailers

Signature of applicant or agent: \_\_\_\_\_ Date: \_\_\_\_\_

\*\*\*\*\*  
Printed Name of Owner(s): Holly Betterton

Signature of Owner(s): *Holly Betterton* Date: 10/14/2022

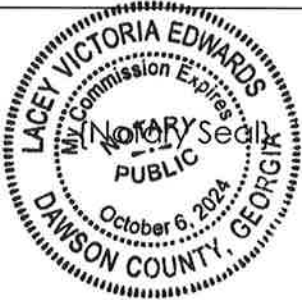
Mailing address: \_\_\_\_\_

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

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

Sworn and subscribed before me this 14 day of OCT, 2022

Lacey Victoria Edwards  
Notary Public



My Commission Expires: 10/6/24

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

# Letter of Intent

22 OCT 11 4 11 PM

Applicant: Better Dump Trailers  
Subject Property: 2.816 acres with frontage on Highway 53 E, Parcel 104-058  
Current Zoning: RA – Residential Exurban / Agricultural  
Proposed Zoning: C-HB – Highway Business Commercial District  
Proposed Use: Retail Trailer Sales  
Application: Rezoning from RA to C-HB  
ROW Access: Direct access to Highway 53 E

## PROPOSED USE

The applicant proposes to conduct retail trailer sales and sell produce/boiled peanuts on the property. The proposed use will include a gravel area for trailer and produce sales.

The Applicant has operated an online trailer dealership for the past 5 years. To expand its operations, the Applicant seeks to open a yard where customers can view the trailers for sale.

No manufacturing or repair work is currently planned. There should be no dust, smoke, or odors, and minimal noise. Customer traffic should be minimal (< 20 per day), and should be confined to daytime hours.

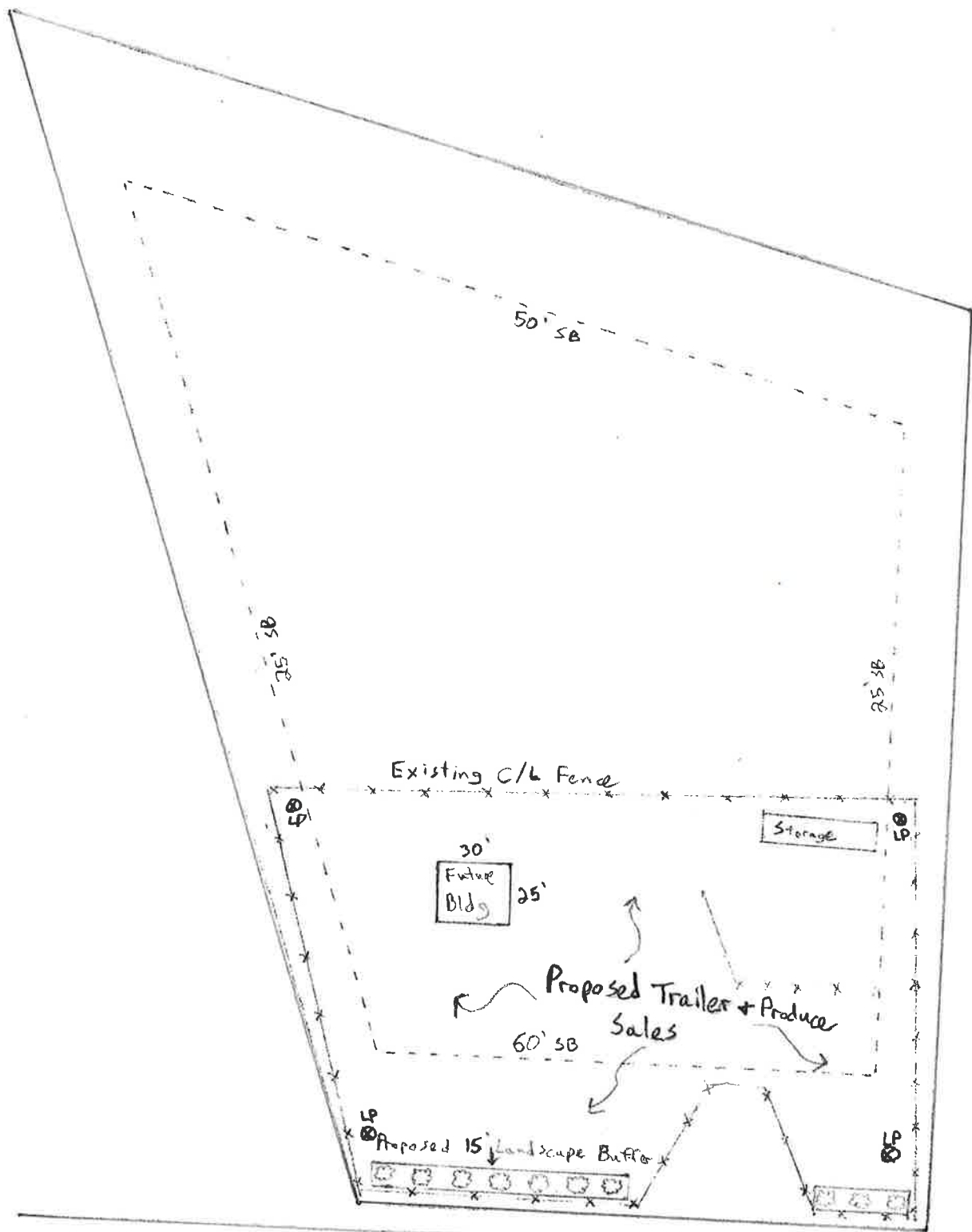
The Applicant also plans to sell produce / boiled peanuts on a seasonal basis initially.

Underground electricity is already on the property. The impact on public utilities will be minimal.

There will be approximately 2 part-time employees.

# Site Plan

'22 OCT 14 11:01 AM



## Construction / Development Schedule

No construction or development is planned other than the landscape buffer. Planting of this landscape buffer should be completed approximately 6 months after rezoning approval. Applicant intends to use existing gravel lot for trailer sales and produce / boiled peanut sales. The only thing changing will be the use.

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

22OCT14 11:02:41

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

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

This notice and acknowledgement shall be public record.

Applicant Signature: *Perry Betterton*

Applicant Printed Name: Perry Betterton, obo Better Dump Trailers

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

Date Signed: 10/14/2022

Sworn and subscribed before me

this 14 day of OCT, 2022.

*Lacey Victoria Edwards*  
Notary Public

My Commission Expires: 10/6/24



INDIVIDUAL SEWAGE DISPOSAL SYSTEM PERMIT APPLICATION AND INSPECTION REPORT

PERMIT # 042-88-8-531 DATE PERMIT ISSUED 8-17-83 DATE SYSTEM INSP. 10-6-83

RECEIPT # 449 PROPERTY OWNER & ADDRESS \_\_\_\_\_

Kathy Nichelson

PROPERTY LOCATION  
3962  
Hwy. 53 E (just past Gene Porter's store) will be on right - before Bud Stephens home.  
Dawson County, Georgia

TELEPHONE None

SEWAGE CONTRACTOR Byrd-Holbrook

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

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

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

Kathy Nichelson

8-17-83

Owner or applicant's signature

Date

1. Type water supply:  
 individual 2. community 3. public
- New system 2. Repair 3. Existing
3. Perc rate \_\_\_\_\_
4. Type facility mobile Home
5. No of bedrooms or gallons 2 Bedroom
6. Subdivision: yes  no
7. Lot size \_\_\_\_\_
8. Building line \_\_\_\_\_
9. Septic tank capacity min.  750 gallon
10. As installed 750 gallon
11. Dosing tank capacity 750 GAL.

12. Distance S. T. from well \_\_\_\_\_
13. Min. amount of field line:  
Ft. sq. 504 Linear ft. 168
14. Field line as installed  
Ft. sq. 540 Linear ft. 180
15. Width of trench 36"
16. Distance between trenches 15'
17. Trench depth, avg. 36"
18. Distance from foundation 30'
19. Nearest property line 25'  
front, rear  side
20. Distance from well Must be 100' From Field Lines

Site:  Approved;  Approved conditionally;  Rejected 10/5/83

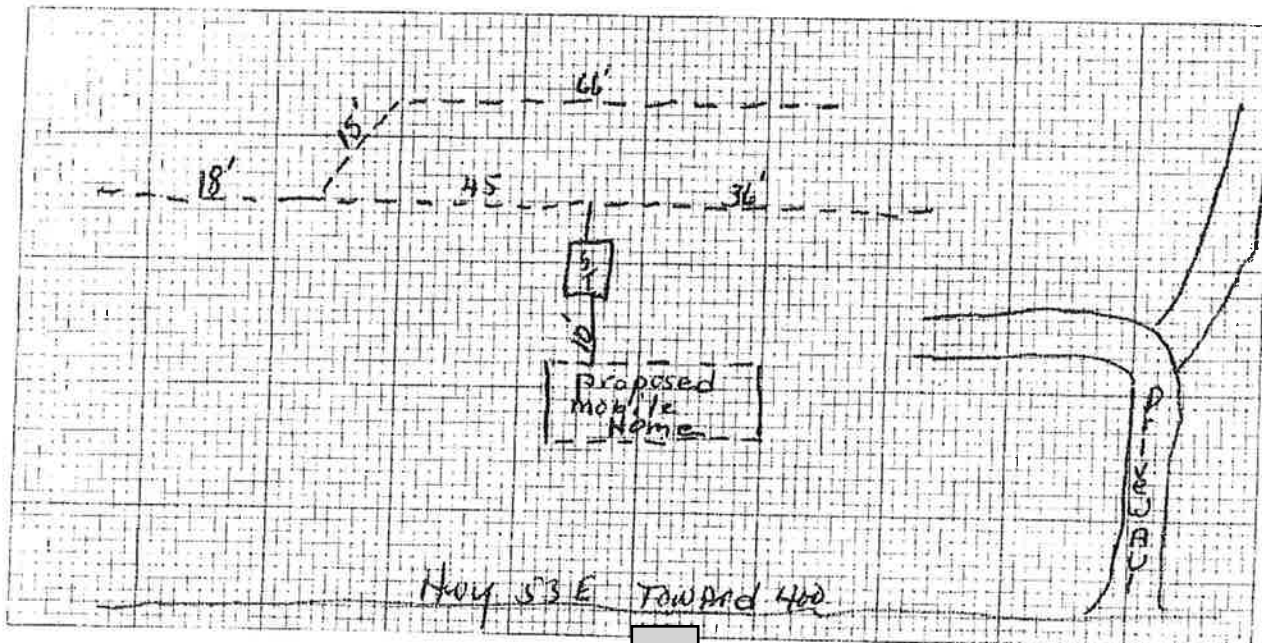
Inspector: Don Fleming

System:  Approved;  Approved conditionally;  Rejected 10/6/83

Inspector: Don Fleming

REMARKS: When Well installed it will have to be 50' from septic TANK AND 100' From Field Lines

DAWSON COUNTY HEALTH DEPARTMENT  
P.O. BOX 245  
DAWSONVILLE, GEORGIA 30534



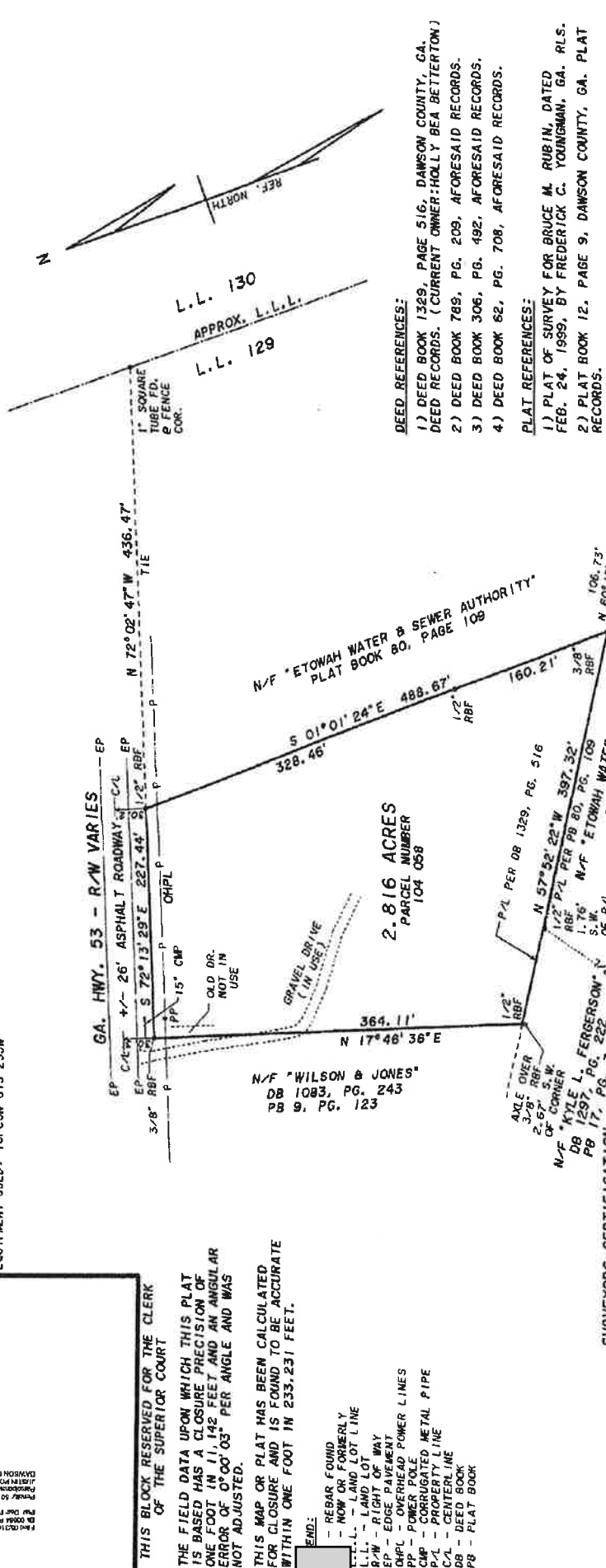


RETRACEMENT SURVEY PREPARED FOR  
**HOLLY BEA BETTERTON**  
 LOCATED IN  
 LAND LOT 129 - SOUTH HALF 13th DISTRICT  
 1st SECTION  
 DAWSON COUNTY, GEORGIA  
 DATE: MAY 28, 2019 - SCALE: 1" = 100'  
 JOB NO. 509-19 FB - 2/4/62

**NOTES:**  
 1) BEARING BASIS TAKEN FROM PLAT OF SURVEY FOR BRUCE M. RUBIN, DATED FEB. 24, 1999, BY FREDERICK C. YOUNGMAN, GA. RLS # 2160, (SOUTH BOUNDARY LINE BEARING N57°52'22"W)  
 2) THE LAND PLATTED HEREON IS SUBJECT TO ANY EASEMENTS, RESERVATIONS, RIGHT OF WAYS, OR RESTRICTIONS THAT MAY EXIST.  
 3) THIS PROPERTY IS NOT LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA PER THE FEMA FIRM MAP OF DAWSON COUNTY, GA. MAP # 13085001140 EFFECTIVE DATE: 04-04-2018.

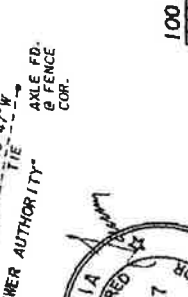
PREPARED BY  
**TURNER LAND SURVEYING**  
 1641 UNIT B HWY. 129 SOUTH  
 CLEVELAND, GEORGIA 30628  
 PHONE: 706-865-0010  
 GA. L.S. FIRM # 000982  
 DATES OF FIELD SURVEY: MAY 23 & 24, 2019.  
 EQUIPMENT USED: TOPCON GTS 235W

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT  
 THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 11,142 FEET AND AN ANGULAR ERROR OF 0°00'03" PER ANGLE AND WAS NOT ADJUSTED.  
 THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 233,231 FEET.

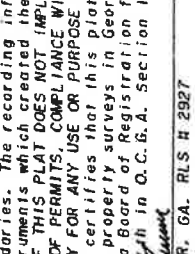


**DEED REFERENCES:**  
 1) DEED BOOK 1329, PAGE 516, DAWSON COUNTY, GA. DEED RECORDS. (CURRENT OWNER: HOLLY BEA BETTERTON)  
 2) DEED BOOK 789, PG. 209, AFORESAID RECORDS.  
 3) DEED BOOK 306, PG. 492, AFORESAID RECORDS.  
 4) DEED BOOK 62, PG. 708, AFORESAID RECORDS.

**PLAT REFERENCES:**  
 1) PLAT OF SURVEY FOR BRUCE M. RUBIN, DATED FEB. 24, 1999, BY FREDERICK C. YOUNGMAN, GA. RLS.  
 2) PLAT BOOK 12, PAGE 9, DAWSON COUNTY, GA. PLAT RECORDS.



**2.816 ACRES**  
 PARCEL NUMBER 104 058



**SURVEYORS CERTIFICATION**  
 This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OR ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned Land Surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors any day set forth in O.C.G.A. Section 15-6-67.

Mark B. Turner  
 5/28/2019  
 DATE

- END:**
- REBAR FOUND
  - NOW OR FORMERLY
  - L.L. - LAND LOT LINE
  - L.L.L. - LAND LOT LINE
  - EP - EDGE PAVEMENT
  - EP - OVERHEAD POWER LINES
  - PP - POWER POLE
  - CMP - CORRUGATED METAL PIPE
  - P-L - PROPERTY LINE
  - C/L - CENTERLINE
  - DB - DEED BOOK
  - PB - PLAT BOOK

Printed: 7/19/2022 1:20:00 PM



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

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

Trans No	Property ID / District Description	Original Due	Interest & Penalty	Amount Due	Amount Paid	Transaction Balance
2021 - 1200	104 058 / 1 LL 129 LD 13-S FMV: 61200	\$553.86	\$0.00 Fees: \$0.00 \$0.00	\$0.00	\$553.86	\$0.00
<b>Totals:</b>		<b>\$553.86</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$553.86</b>	<b>\$0.00</b>

Paid Date: 11/27/2021

Charge Amount: \$553.86

BETTERTON HOLLY BEA



Scan this code with your mobile phone to view this bill



# DAWSON COUNTY VARIANCE APPLICATION

25 Justice Way, Dawsonville, Georgia 30534

## APPLICANT INFORMATION (or Authorized Representative)

Printed Name: Perry Betterton

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

Contact Email: Sales@DumpTrailer.com Telephone # 678-827-2786

Status:  Owner  Authorized Agent  Lessee

## PROPERTY INFORMATION

Street Address of Property:

3962 Highway 53 E, Dawsonville, GA 30534

Land Lot(s): 129 District: 13 Section: 1

Subdivision/Lot: N/A / \_\_\_\_\_

Building Permit #: \_\_\_\_\_ (if applicable)

## REQUESTED ACTION

A Variance is requested from the requirements of Article # IV Section # 121-99 of the Land Use Resolution/Sign Ordinance/Subdivision Regulations/Other.

Front Yard setback  Side Yard setback  Rear Yard setback variance of \_\_\_\_\_ feet to allow the structure to:  be constructed;  remain a distance of \_\_\_\_\_ feet from the  property line, or  other : \_\_\_\_\_ instead of the required distance of \_\_\_\_\_ feet as required by the regulations.

Home Occupation Variance: \_\_\_\_\_

Other (explain request): Light Pole Height

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

\_\_\_\_\_



## DAWSON COUNTY VARIANCE APPLICATION

25 Justice Way, Dawsonville, Georgia 30534

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

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

Light poles are already installed and functioning properly.

Applicant was unaware of any height limitations when they were installed. Cutting them shorter would be costly, aesthetically unpleasant, and lighting would be uneven.

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

Lights were installed to protect agricultural equipment from theft after 3 separate incidents of theft on this property. Most other properties in the same district are occupied on a more consistent basis.

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

These lights are actually beneficial to public safety and welfare. One neighbor is water company, who also has outdoor lights; other neighbors are far away and unaffected by the light. Some light on the highway makes driving at night safer.

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

The objective is minimum lighting necessary to insure adequate safety. If light poles were shortened, there would be dark spots, which would be unsafe. Shorter light poles would require more of them for coverage, resulting in more overall light.

Add extra sheets if necessary.



## DAWSON COUNTY VARIANCE APPLICATION

25 Justice Way, Dawsonville, Georgia 30534

### List of Adjacent Property Owners

It is the responsibility of the Applicant to provide a list of adjacent property owners. This list must include the name and address of anyone who has property touching your property or who has property directly across the street from your property. Please note this information should be obtained using the Tax Map and Parcel Number listing of any parcel(s) adjoining or adjacent to parcel where variance or zoning is being requested. Please add additional sheets if necessary.

	<b>Name</b>	<b>Address</b>
TMP <u>104</u> - <u>057</u>	1. <u>Wilson Homer Danny &amp; Patsy E Jones</u>	<u>3828 Hwy 53 E, Dawsonville, GA 30534</u>
TMP <u>104</u> - <u>118</u>	2. <u>Butcher Tony</u>	<u>209 River Valley Rd, Dawsonville, GA 30534</u>
TMP <u>104</u> - <u>155</u>	3. <u>Etowah Water &amp; Sewer Authority</u>	<u>PO Box 769, Dawsonville, GA 30534</u>
TMP <u>104</u> - <u>059</u>	4. <u>Etowah Water &amp; Sewer</u>	<u>PO Box 769, Dawsonville, GA 30534</u>
TMP <u>104</u> - <u>158</u>	5. <u>Five Rivers LLC</u>	<u>2150 Vicki Lane, Cumming, GA 30041</u>
TMP _____ - _____	6. _____	_____
TMP _____ - _____	7. _____	_____
TMP _____ - _____	8. _____	_____
TMP _____ - _____	9. _____	_____

### APPLICANT CERTIFICATION

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

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

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



## DAWSON COUNTY VARIANCE APPLICATION

25 Justice Way, Dawsonville, Georgia 30534

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

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

Signature of Applicant or Agent: \_\_\_\_\_

*Per Boss*

Date: 10/14/2022

Withdrawals of any application may be accommodated within the Planning & Development office if requested before the Planning Commission agenda is set. Therefore, withdrawals may not be made after ten (10) days prior to the scheduled Planning Commission meeting hearing, unless accompanied by written request stating specific reasons for withdrawal. This withdrawal request is to be published in the legal organ prior to the meeting. Following that written request and publication the Commission will vote to remove the item from the agenda at the scheduled hearing. Please note that should the withdrawal be denied, the item will receive deliberation and public hearing with a decision by the Commission. Further the applicant is encouraged to be present at the hearing to substantiate reasons for withdrawal.

### THIS SECTION TO BE COMPLETED BY STAFF.

VR 22- \_\_\_\_\_ Tax Map & Parcel# \_\_\_\_\_

Zoning: \_\_\_\_\_ Commission District #: \_\_\_\_\_

Submittal Date: \_\_\_\_\_ Time: am/pm Received by: \_\_\_\_\_ (staff initials)

Fee Paid: \_\_\_\_\_ Planning Commission Meeting Date: \_\_\_\_/\_\_\_\_/2022

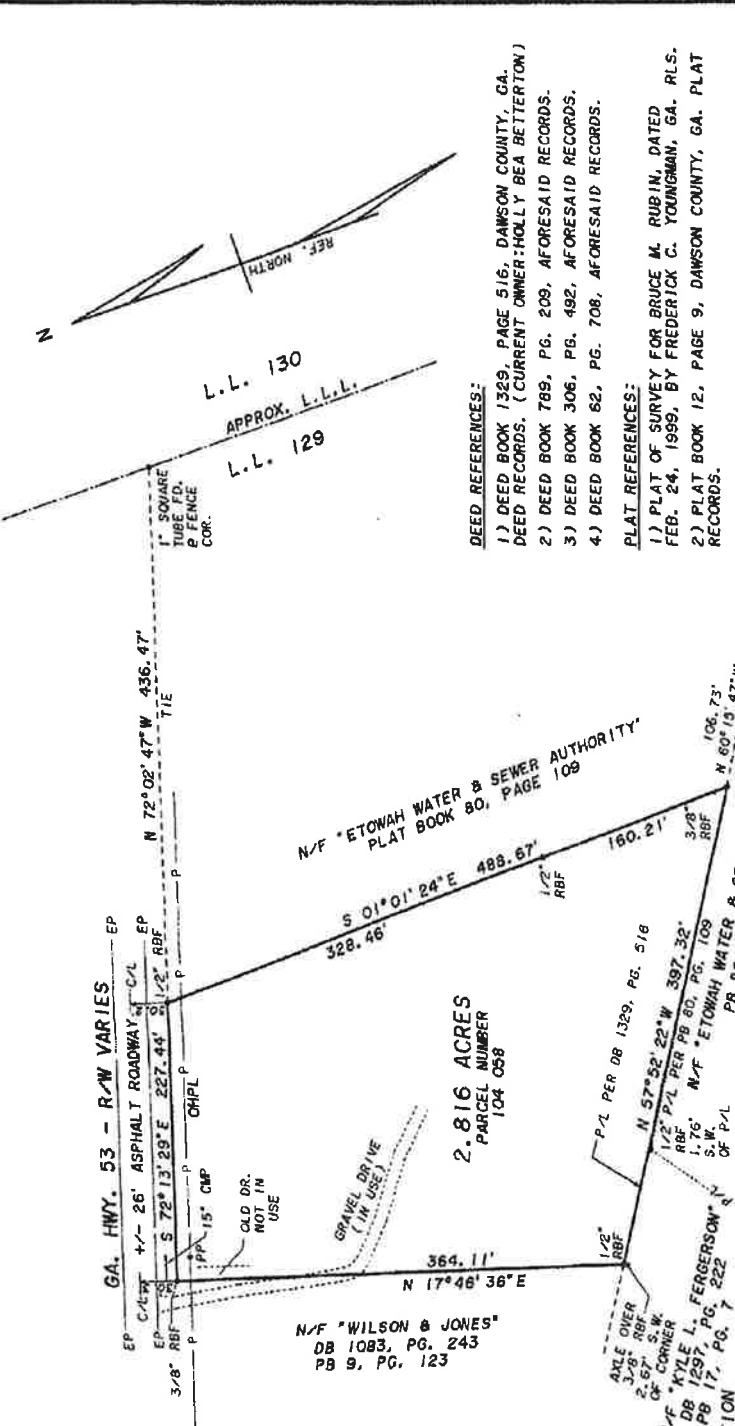
220714 1103H

PREPARED BY  
**TURNER LAND SURVEYING**  
1641 UNIT B HWY. 129 SOUTH  
CLEVELAND, GEORGIA 30528  
PHONE: 706-865-0010  
GA. L.S. FIRM # 000982

NOTES:  
1) BEARING BASIS TAKEN FROM PLAT OF SURVEY FOR BRUCE M. RUBIN, DATED FEB. 24, 1999, BY FREDERICK C. YOUNGMAN, GA. RLS # 2160. (SOUTH BOUNDARY LINE BEARING N57°52'22"W)  
2) THE LAND PLATTED HEREON IS SUBJECT TO ANY EASEMENTS, RESERVATIONS, RIGHT OF WAYS, OR RESTRICTIONS THAT MAY EXIST.  
3) THIS PROPERTY IS NOT LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA PER THE FEMA FIRM MAP OF DAWSON COUNTY, GA. MAP # 13085C01140. EFFECTIVE DATE: 04/04/2018.

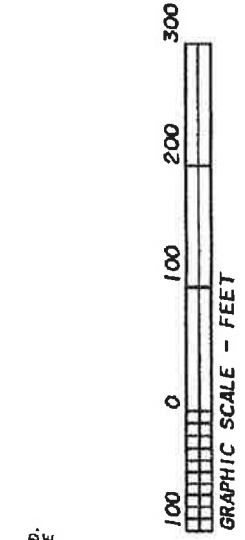
RETRACEMENT SURVEY PREPARED FOR  
**HOLLY BEA BETTERTON**  
LOCATED IN  
LAND LOT 129 - SOUTH HALF 13th DISTRICT  
1st SECTION  
DAWSON COUNTY, GEORGIA  
DATE: MAY 28, 2019 - SCALE: 1" = 100'  
JOB NO. 509-19 FB - 24/262

DATES OF FIELD SURVEY: MAY 23 & 24, 2019.  
EQUIPMENT USED: TOPCON GTS 235W



**SURVEYORS CERTIFICATION**  
This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 19-6-67.

\_\_\_\_\_  
MARK B. TURNER  
5/29/2019  
DATE



**DEED REFERENCES:**  
1) DEED BOOK 1329, PAGE 516, DAWSON COUNTY, GA. DEED RECORDS. (CURRENT OWNER: HOLLY BEA BETTERTON)  
2) DEED BOOK 789, PG. 209, AFORESAID RECORDS.  
3) DEED BOOK 306, PG. 492, AFORESAID RECORDS.  
4) DEED BOOK 82, PG. 708, AFORESAID RECORDS.

**PLAT REFERENCES:**  
1) PLAT OF SURVEY FOR BRUCE M. RUBIN, DATED FEB. 24, 1999, BY FREDERICK C. YOUNGMAN, GA. RLS. 2) PLAT BOOK 12, PAGE 9, DAWSON COUNTY, GA. PLAT RECORDS.

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

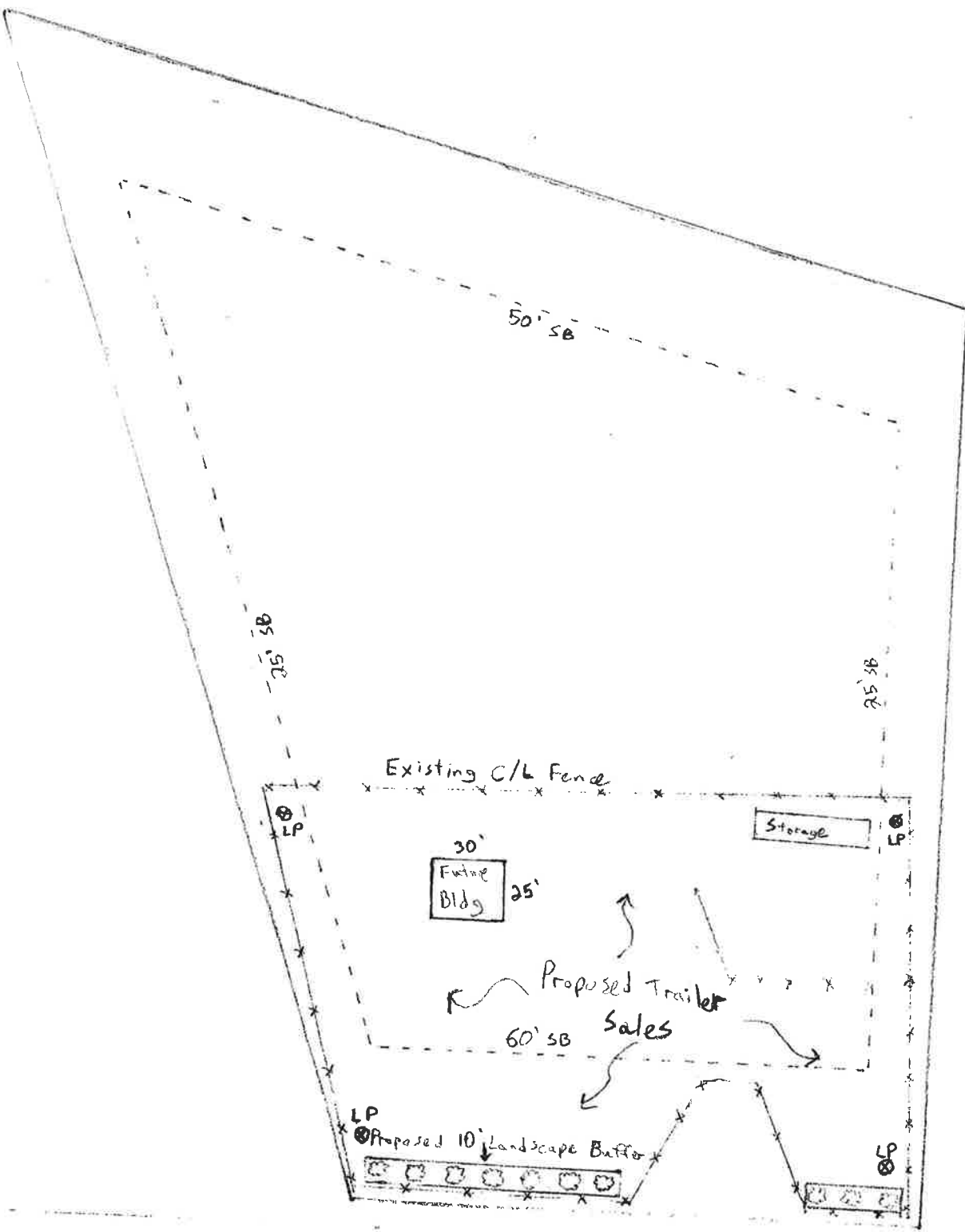
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 11,142 FEET AND AN ANGULAR ERROR OF 0°00'03" PER ANGLE AND WAS NOT ADJUSTED.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 233,231 FEET.

END:  
- REBAR FOUND  
- NOW OR FORMERLY  
L.L. - LAND AND LOT LINE  
R/W - RIGHT OF WAY  
EP - EDGE PAVEMENT  
OHPL - OVERHEAD POWER LINES  
PP - POWER POLE  
CMP - CORRUGATED METAL PIPE  
P-L - PROPERTY LINE  
C/L - CENTERLINE  
DB - DEED BOOK  
PB - PLAT BOOK

# Site Plan

22 OCT 14 11:04 AM





Printed: 7/19/2022 1:20:00 PM



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

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

Trans No	Property ID / District Description	Original Due	Interest & Penalty	Amount Due	Amount Paid	Transaction Balance
2021 - 1200	104 056 / 1 LL 129 LD 13-S FMV: 61200	\$553.86	\$0.00 Fees: \$0.00 \$0.00	\$0.00	\$553.86	\$0.00
Totals:		\$553.86	\$0.00	\$0.00	\$553.86	\$0.00

Paid Date: 11/27/2021

Charge Amount: \$553.86

BETTERTON HOLLY RFA



Scan this code with your mobile phone to view this bill

## Hardship & Proposed Resolution

Property is currently zoned R-A. Original intended use of property was a produce stand and boiled peanuts sales. Light poles were erected to prevent theft and ensure safety of stored agricultural equipment.

Applicant wishes to rezone property to C-HB and use property for Trailer Sales. Land Use Resolution limits height of light poles in Commercial Land Use Districts to 35 feet. To the best knowledge of the applicant, light poles are 45' tall on a 2-3' concrete base.

Applicant wishes to obtain a variance to allow existing light poles to remain without modification upon rezoning to C-HB.

*Excel*  
**DAWSON COUNTY**

**INDIVIDUAL SEWAGE DISPOSAL SYSTEM PERMIT APPLICATION AND INSPECTION REPORT**

PERMIT # 042-88-8-531 DATE PERMIT ISSUED 8-17-83 DATE SYSTEM INSP. 10-6-83

RECEIPT # 449 PROPERTY OWNER & ADDRESS \_\_\_\_\_

Kathy Nichelson

PROPERTY LOCATION  
3962  
 Hwy. 53 E (just past Gene Porter's store) will be on right - before Bud Stephens home.  
 Dawson County, Georgia

TELEPHONE None

SEWAGE CONTRACTOR Byrd-Holbrook

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

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

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

Kathy Nichelson

8-17-83

Owner or applicant's signature

Date

1. Type water supply:  
 individual 2. community 3. public
2.  New system 2. Repair 3. Existing
3. Perc rate \_\_\_\_\_
4. Type facility mobile Home
5. No of bedrooms or gallons 2 Bedroom
6. Subdivision: yes  no
7. Lot size \_\_\_\_\_
8. Building line \_\_\_\_\_
9. Septic tank capacity min. 750 gallon
10. As installed 750 gallon
11. Dosing tank capacity 750 GAL.

12. Distance S. T. from well \_\_\_\_\_
13. Min. amount of field line:  
 Ft. sq. 504 Linear ft. 168
14. Field line as installed  
 Ft. sq. 540 Linear ft. 180
15. Width of trench 36"
16. Distance between trenches 15'
17. Trench depth, avg. 36"
18. Distance from foundation 30'
19. Nearest property line 25'  
 front, rear  side
20. Distance from well Must be 100' From Field Lines

Site:  Approved;  Approved conditionally;  Rejected 10/5/83

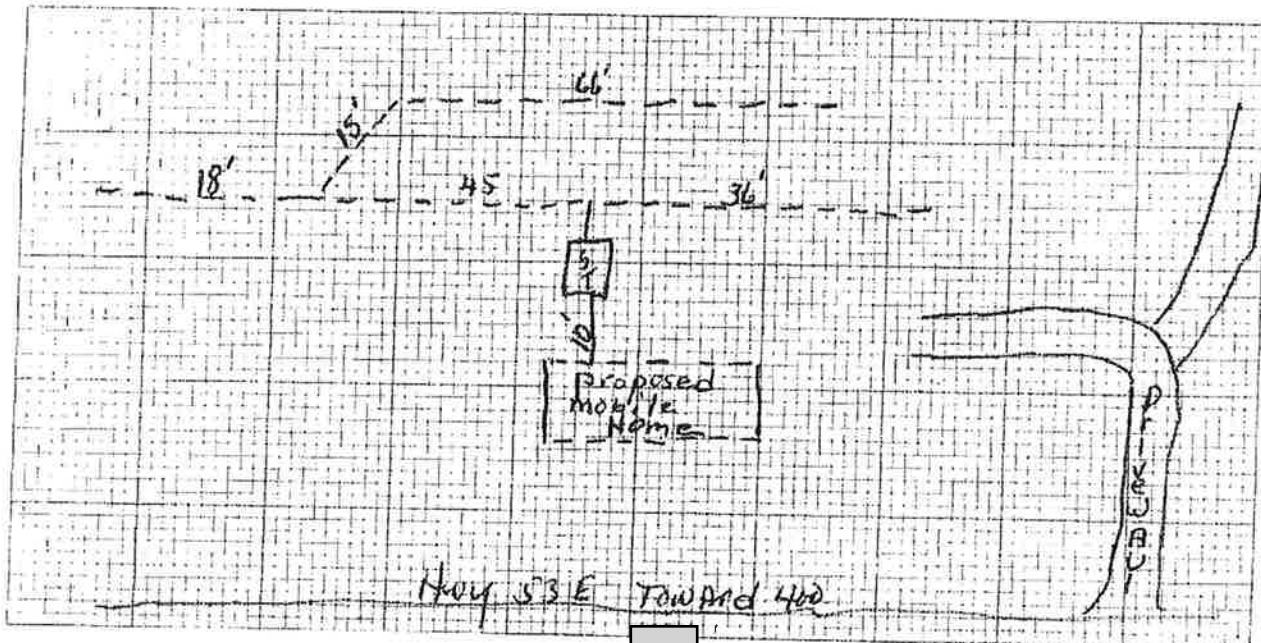
Inspector: Don Fleming

System:  Approved;  Approved conditionally;  Rejected 10/6/83

Inspector: Don Fleming

REMARKS: When Well installed it will have to be 50' from septic TANK AND 100' From Field Lines

DAWSON COUNTY HEALTH DEPARTMENT  
 P.O. BOX 245  
 DAWSONVILLE, GEORGIA 30534



**Variances**

Property Owner Authorization Form

This form must be signed by the owner(s) as listed on the deed of record for the subject property. If there is more than one property owner, additional affidavits must be provided. **Only an owner or an authorized agent may speak on behalf of the variance at the public hearing.**

Owner's Name: Holly Betterton

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

Signature of Owner: *Holly Betterton* Date: 10/14/2022

Signature of Notary: *Lacey Victoria Edwards* Date: 10/14/22





**ZA 22-25 & VR 22-27**

**Perry Betterton**

Planning Commission Meeting November 15, 2022

Board of Commission Hearing December 15, 2022

**Applicant Proposal**

The applicant is seeking to rezone property from R-A (Residential Agriculture) to C-HB (Commercial Highway Business) for the purpose of opening a retail trailer sales business and produce/boiled peanuts. The proposed use will use the existing gravel lot. The applicant is also seeking a variance to the height of the street lights installed on site.

<b>Applicant</b>	<b>Perry Betterton</b>
<b>Amendment #</b>	ZA 22-25 & VR 22-27
<b>Request</b>	Rezone Property from R-A to C-HB ; Vary from the Land Use Resolution Article IV, Section 400 C.2.d
<b>Proposed Use</b>	Dump style pull behind trailer sales; seasonal products.
<b>Current Zoning</b>	Residential Agricultural (RA)
<b>Future Land Use</b>	Crossroads Commercial
<b>Acreage</b>	2.816
<b>Location</b>	3962 Highway 53 East
<b>Commercial Square footage</b>	None proposed at this time
<b>Road Classification</b>	State Road 53
<b>Tax Parcel</b>	104 058
<b>Dawson Trail Segment</b>	n/a
<b>Commission District</b>	2
<b>DRI</b>	No
<b>Planning Commission Recommendation</b>	Approval with stipulations

Direction	Zoning	Existing Uses
North	C-HB & R-A	Residential / Agricultural/Office Commercial
South	VC & C-HB	Residential/EWSA property
East	R-A	Residential
West	R-A	Vacant / Residential

**According to the Comprehensive Plan and accompanying Future Land Use Plan, the subject property is identified as Crossroads Commercial.** This category is for small node (4-15 acres) of commercial development at intersections primarily in rural/exurban and suburban areas along corridors designated as “scenic.” Crossroads Commercial nodes are **not appropriate for automobile sales and service establishments or other highway commercial uses.** Rather, they are intended to be limited to very small, enclosed retail trade and service establishments serving the immediate area. Crossroads Commercial areas are also subject to design review and approval to ensure their architecture and site design are in keeping with policies for scenic corridors and rural/exurban development character. The desired development pattern should seek to:

- Limit extension of public utilities in these areas
- Enact guidelines for new development that enhance the scenic value of the corridor and addresses landscaping and architectural design
- Consider the use of drainage swales for paved roads in lieu of curb and gutter
- Encourage compatible architectural styles that maintain the regional rural character and do not include franchise or corporate architecture
- Limit parking in front of commercial properties
- Ensure major commercial or employment centers do not encroach on residential development
- Connect to regional network of greenspace and trails, available to pedestrians, bicyclists, and equestrians for both tourism and recreational purposes
- Provide pedestrian linkages to adjacent and nearby residential or commercial districts
- Consolidate driveways and use directional signage to clustered developments
- Institute driveway controls and access management standards to facilitate traffic flow
- Separate through-traffic from local traffic

<p><b><u>Land Uses</u></b></p> <ul style="list-style-type: none"> <li>• Parks, Recreation and Conservation</li> <li>• Forestry</li> <li>• Agriculture</li> <li>• Exurban Residential</li> <li>• Rural Residential</li> <li>• Suburban and Lakefront Residential</li> <li>• Office Professional</li> <li>• Crossroads Commercial</li> </ul>	<p><b><u>Zoning Districts</u></b></p> <ul style="list-style-type: none"> <li>• C-RB</li> <li>• C-CB</li> <li>• Scenic Corridors Overlay Districts</li> </ul>
--	--

**County Agency Comments:**

**Engineering Department:** Please see the attached memorandum

**Environmental Health Department:** No comments returned as of 11.8.2022

**Emergency Services:** No comments returned as of 11.8.2022

**Etowah Water & Sewer Authority:** “Water available at the site and there is septic only.”

**Planning and Development:** Staff is supportive of the property being zoned consistently with the Future Land Use Designation of **C-CB** with conditions. The property owner desires the property be zoned to **C-HB** as cited in the application. The plan delineates a small portion of the property to be utilized for small- scale retail outdoor uses. The letter of intent describes the proposed activities.

**Recommended Conditions of Zoning:**

1. A fifteen (15) foot landscape buffer shall be planted along the frontage of the parcel. Supplemental plantings shall consist of evergreen trees, shrubs, or a combination native to the region. All trees planted shall be a minimum of six feet in height at the time of planting. All shrubs planted shall be a minimum of three feet in height at the time of planting.
2. A sign permit shall not be issued until the 15-foot landscape strip is installed along the frontage of the property.
3. No other items shall be offered for sale on site other than the pull behind dump style trailers and seasonal products; as delineated on the site plan submitted with the application.
4. Prohibited uses:
  - a. Auto Sales or Storage
  - b. Convenience Food Stores
  - c. Construction Contractors with outdoor storage
  - d. Fast-Food/drive-in food services
  - e. Child Day Care Services
  - f. Tire Dealers
5. Uses different from those stated in the application, letter of intent, area of operation as delineated on the site plan will be considered a violation of the Land Use Resolution; a land/site development application (in conformance with county ordinances) can submitted for development of permitted uses.
6. Permitted Uses: Those uses as allowed within the C-RB and C-CB Land Use Districts; and Professional Offices NAICS Code 541; subject to land/site development permit in conformance with county ordinances being approved.
7. Any revisions to the proposed development of the property, and any changes reflected in a subsequently submitted permit application, shall include a Tree Replacement plan to be approved as part of the new land development permit prior to the commencement of such changed improvements.

Permitted Uses by Land Use District

CRB	C-CB	C-HB
Churches	Personal Care Home	Assisted Living
Hardware Stores	Daycare	Nursing Home
Greenhouses/ Nurseries	Nursery School	Continuing Care
Farm Supply Store	Churches	Personal Care
Convenience Store no gas	Hardware Stores	Schools
Fresh Produce Grocer	Greenhouses and Nurseries	Outpatient Medical
Farmers Market	Farm Supply Store	Urgent Care
Gas Station no repair	Convenience Store no gas	General Medical
Commercial Pond	Fresh Produce Grocer	Psychiatric Care
Campground	Campground	Specialty Hospitals
RV Park	RV Park	Campgrounds / RV Parks
	Gas Stations no repair	Family Services
	Specialty Stores	Food Banks
	Farmers Market	Job Counseling
	Retail Bakeries	Daycare/Nursery
	Pharmacies/Drug Stores	Churches
	Beauty Supply	Lodges
	Optical	Auto Broker (no cars)
	Health Supplement	Automotive Parts
	Commercial Fish Pond	Theatres
	Personal Care Stores	Tire Dealers
	Auto Broker (no cars)	Furniture Store
	Sewing	Household Appliances
	Musical Instrument/ Supply	Cellular Stores
	Florist	Music/Electronics
	Pet Supply	Home Center
	Art Dealers	Paint Store
	Catering	Hardware Stores
	Appliance Repair	Flooring
	Furniture/Shoe Repair	Convenience Store no gas
	Barber Shop/Beauty Salon	Fresh Produce Grocer
	Tailors/Dress maker	Farmers Market
	Photo Studio	Beer, Wine, Liquor
	Custom Cabinet Shop	Retail Bakeries
	Custom Wood work	Farm Supply Store
		Greenhouses and Nurseries
		Pharmacies/Drug Stores
		Beauty Supply
		Optical
		Health Supplement
		Personal Care Stores
		Gas Stations
		Retail / Stores
		Sports/Hobby
		Sewing
		Musical Instrument/ Supply
		Offices
		Banks
		Rental Centers
		Restaurants
		Medical Offices
		Farm Machinery Sales
		Taxi service
		Wholesale Landscape





# Planning and Development

25 Justice Way Suite 2322  
 Dawsonville, GA 30534-3450  
 Phone: (706)344-3604 Fax: (706)344-3652

## Permit

Permit Status: Active  
 Permit Number: ER-9-20-15021  
 Issued By: Miki Mullis

Issue Date: 9/29/2020

Expires: 03/28/2021

Owner's Name: Perry BetterTon

Phone: \_\_\_\_\_

Permit Type: Electrical RES

Parcel #: 104 058

Work Classification: METERBASE

Zoning: R-A

Job Address: 3962 Highway 53 E  
Dawsonville, GA 30534

Subdivision: \_\_\_\_\_

Lot: \_\_\_\_\_

Contractor(s)	Phone	Primary Contractor
BETTERTON		Yes
Address: HWY 53 E , DAWSONVILLE GA 30534-		

Total Square Feet: 0

Total Valuation: 0

Additional Info: Resd meter base      Power Company: Sawnee Electric

Directions:  
 Resd meter base

Application is hereby made to obtain a permit to do work and installation as indicated above, and on the attached addendum (if applicable). I certify that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that separate permits are required for ELECTRICAL, PLUMBING, MECHANICAL, WINDOWS, DOORS, ROOFING and SWIMMING POOL work.

**OWNERS AFFIDAVIT:** I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning. Furthermore, I authorize the above-named contractor to do the work stated.

Fees Due	Amount
Electrical Fee	\$40.00
<b>Total:</b>	<b>\$40.00</b>

Invoice Number	Amt Due	Amt Paid
ER-9-20-44517	\$40.00	_____
<b>Total:</b>		

### Building Department File Copy

APPLICANT \_\_\_\_\_

ZONING \_\_\_\_\_

BUILDING \_\_\_\_\_

NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county.

**AND THERE MAY BE ADDITIONAL PERMITS REQUIRED FROM OTHER GOVERNMENTAL ENTITIES SUCH AS WATER MANAGEMENT DISTRICTS, STATE AGENCIES, OR FEDERAL AGENCIES.**

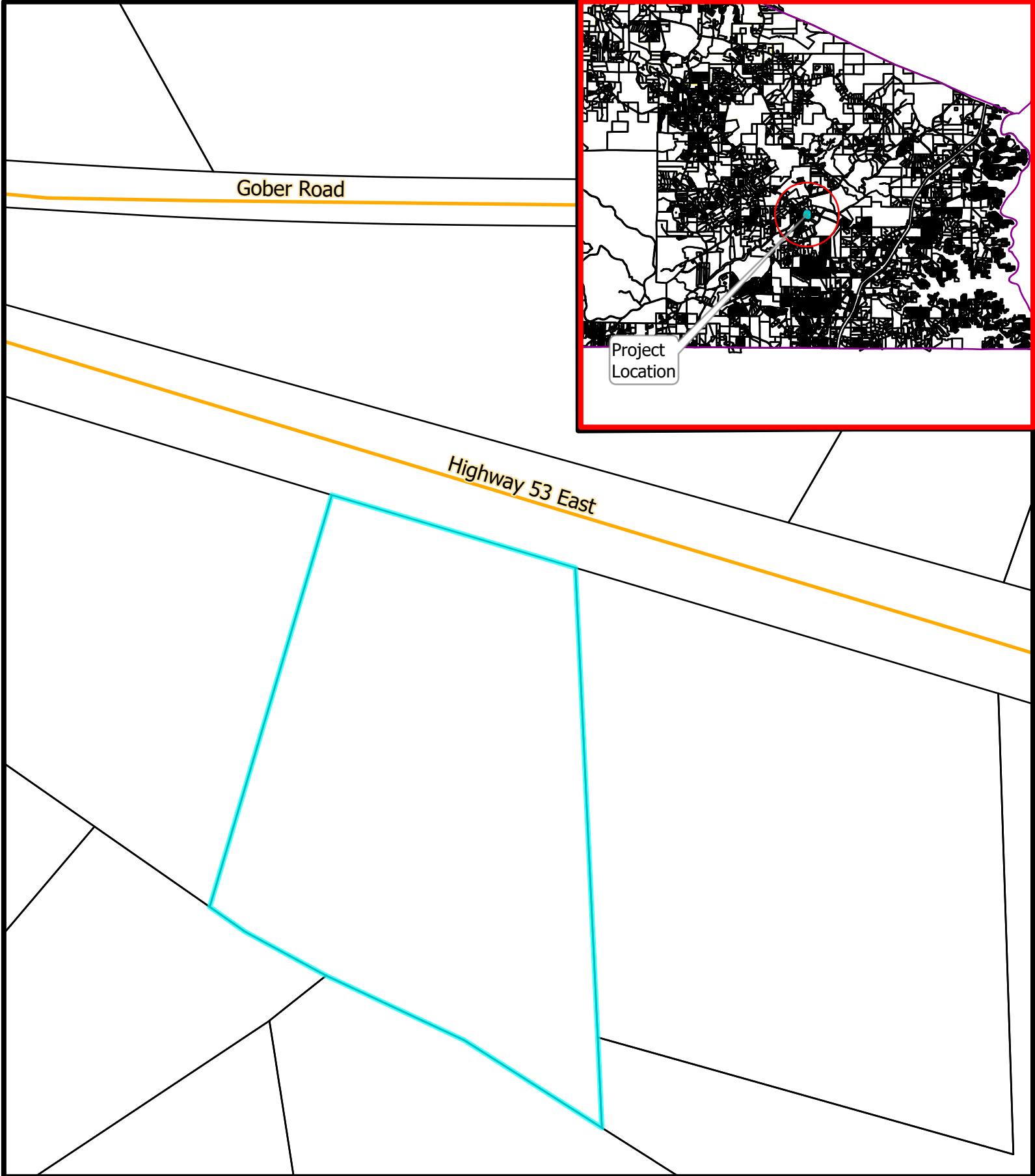
**PERMIT IS NOT VALID UNTIL SIGNED BY APPLICANT AND COUNTY STAFF.**

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

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

**Photo of Property:** *Property was cleared under an Agricultural exemption in 2019.*





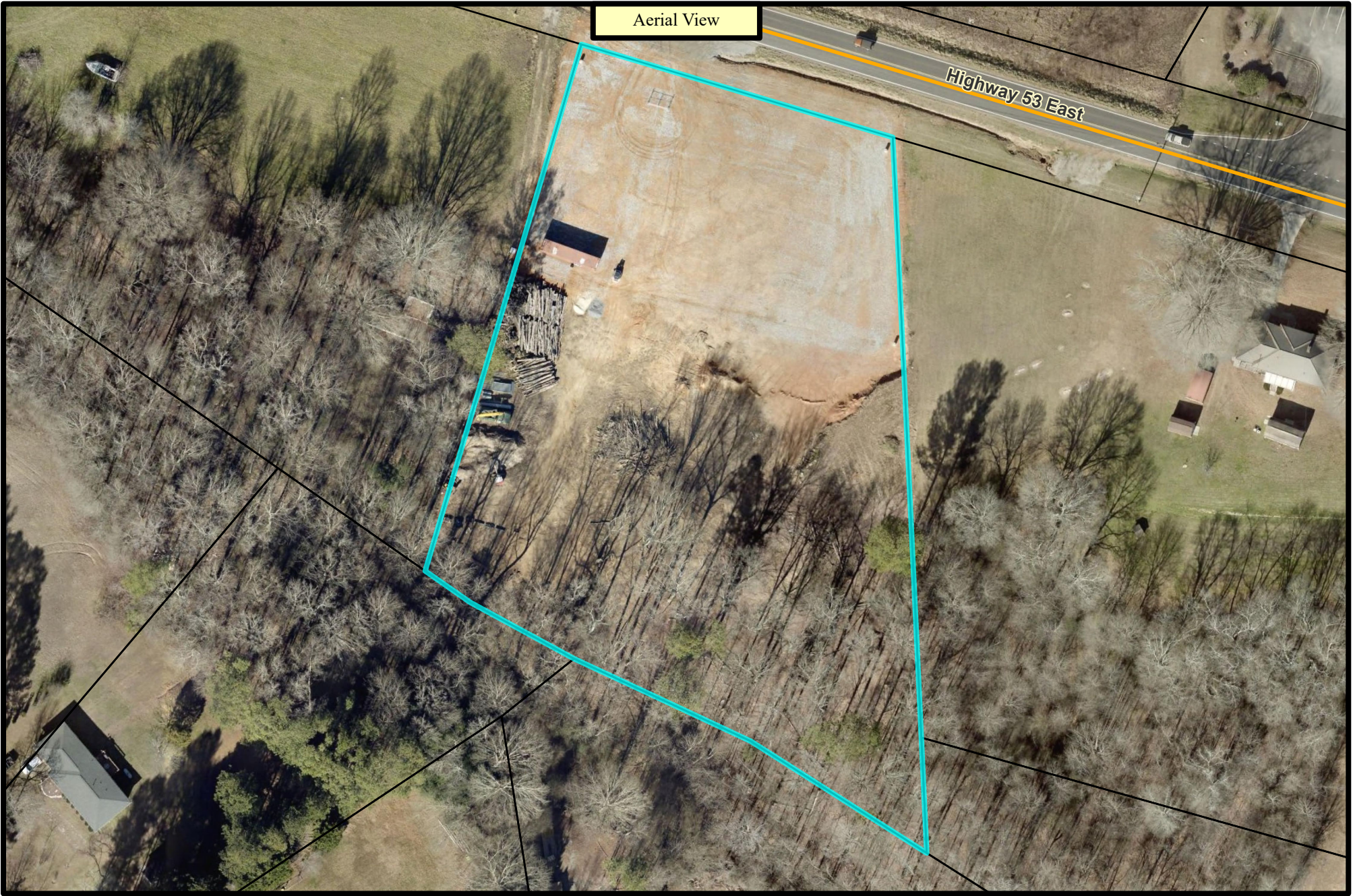
DAWSON COUNTY  
 DISCLAIMS ANY  
 RESPONSIBILITIES,  
 LIABILITIES OR  
 DAMAGES FROM THE USE  
 OF THIS MAP. THIS MAP  
 IS ONLY FOR DISPLAY  
 PURPOSES.



Dawson County  
 Planning and Development  
 Staff Report: Exhibit

35

Parcel #: 104-058  
 Current Zoning: RA  
 FLU: CC  
 Application #: ZA 22-25 & VR  
 22-27



Aerial View

Highway 53 East



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

N



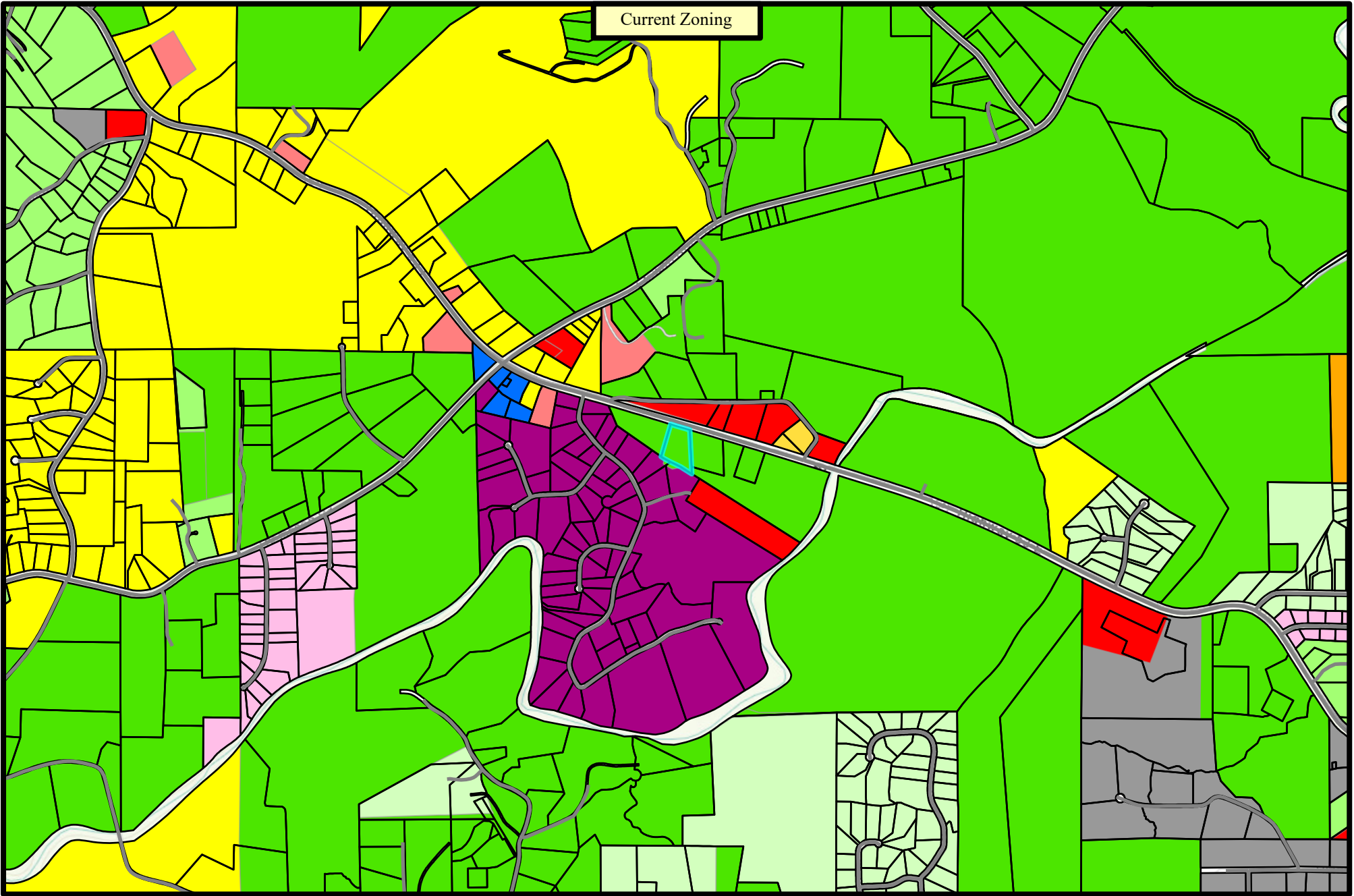
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Dawson County

Planning and Development

36  
Site Report

Parcel #: 104-058  
Current Zoning: RA  
FLU: CC  
Application #: ZA 22-25 & VR 22-27



Current Zoning



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N



Scale: 1:20,637

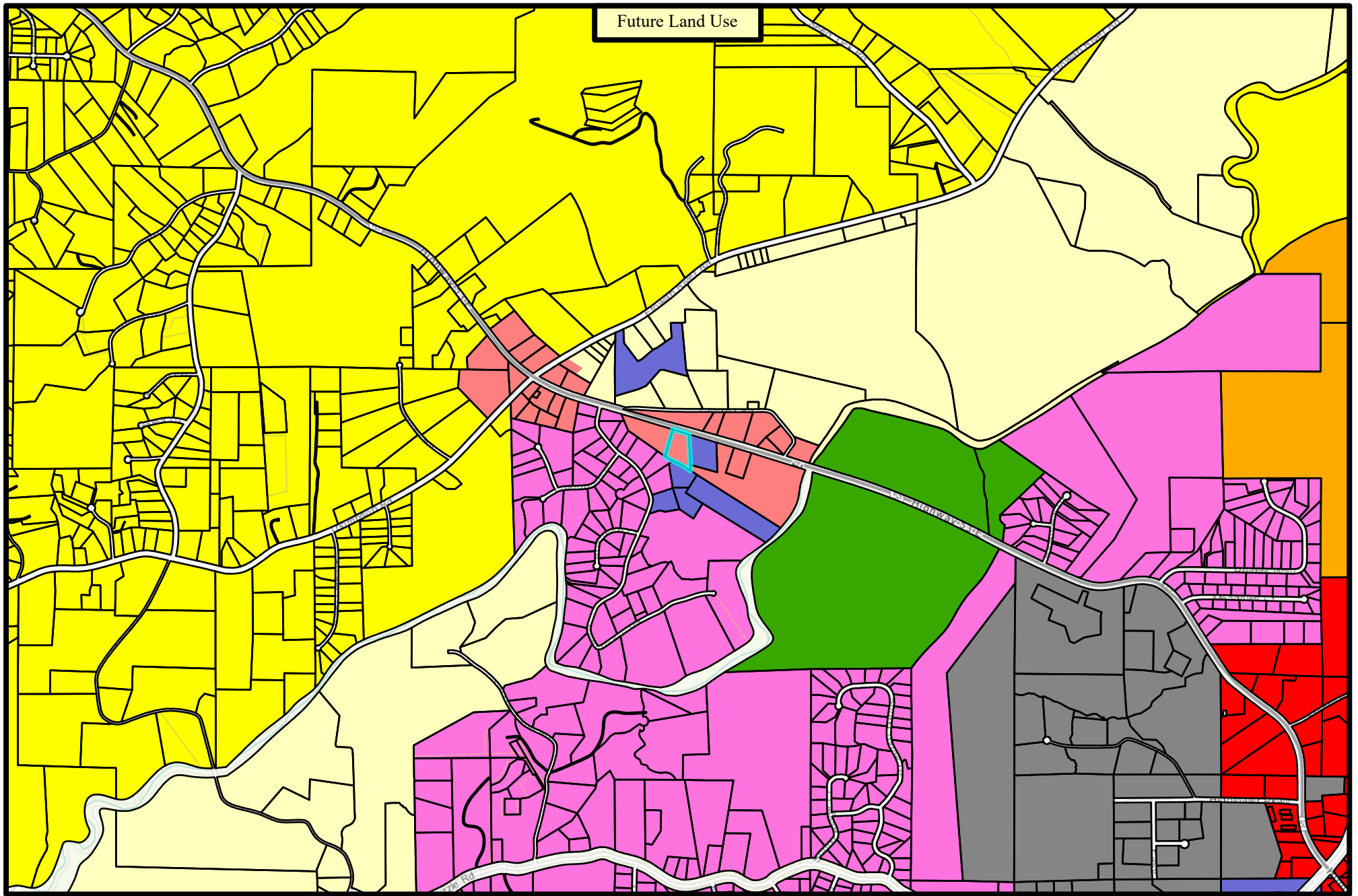
Dawson County

Planning and Development


37


Staff Report

Parcel #: 104-058  
 Current Zoning: RA  
 FLU: CC  
 Application #: ZA 22-25 & VR 22-27

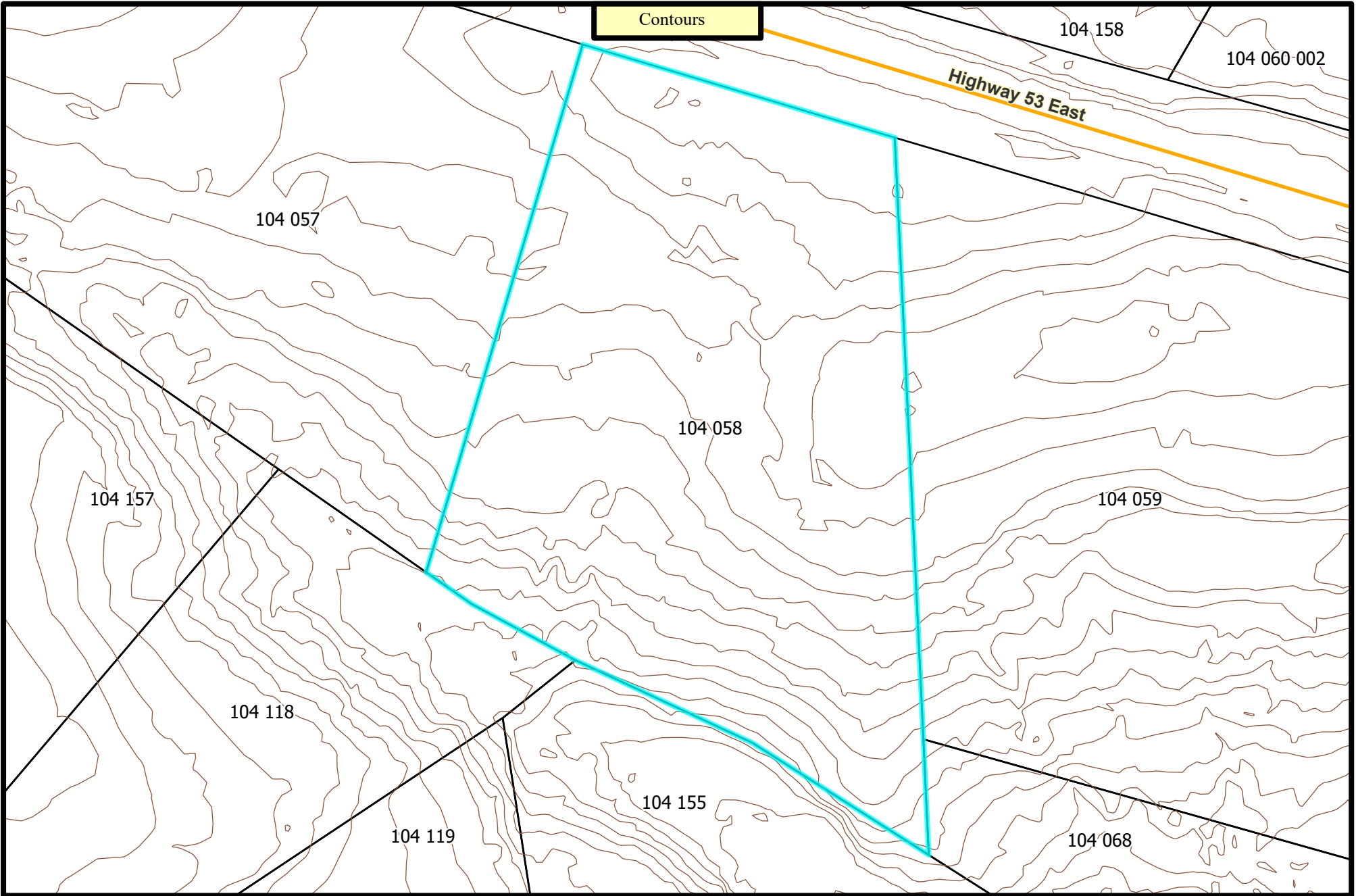


DAWSON COUNTY DISCLAIMS ANY RESPONSIBILITIES, LIABILITIES OR DAMAGES FROM THE USE OF THIS MAP. THIS MAP IS ONLY FOR DISPLAY PURPOSES.

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 Scale: 1:24,764

Dawson County  
 Planning and Development  
  
 Staff Report

Parcel #: 104-058  
 Current Zoning: RA  
 FLU: CC  
 Application #: ZA 22-25 & VR 22-27



Contours

104 158

104 060-002

Highway 53 East

104 057

104 157

104 058

104 059

104 118

104 155

104 068

104 119



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

N



Dawson County

Planning and Development

39  
Site Report

Parcel #: 104-058  
Current Zoning: RA  
FLU: CC  
Application #: ZA 22-25 & VR 22-27

The Dawson County Planning Commission meeting was called to order at 6:00 p.m. by Chairman Jason Hamby.

Tim Bennett gave the invocation.

The Pledge of Allegiance was led by Chairman Hamby.

Members present: Tim Bennett, District 3; Neil Hornsey, District 4; and Jason Hamby, District 1 Chairman.

Staff present: Harmony Gee, Zoning Specialist and Sharon Farrell, Planning Director.

Chairman Hamby asked for a motion to approve the minutes from the October 18th, 2022 minutes as prepared. Motion passed by a vote of 2-0 1 abstention. Hornsey/Bennett Hamby

Chairman Hamby asked for a motion to approve the agenda as presented by staff. Motion passed by a vote of 2-0 1 abstention. H o r n s e y / Bennett Hamby

Chairman Hamby announced the requirement that a *statement of disclosure of campaign contributions* of \$250 or more must be completed by anyone who wishes to speak in favor or opposition to any application.

**New Business:**

**Application for Rezoning:**

ZA 22-23 Jim King is requesting to rezone TMP 111-116 from RSR (Residential Sub-Rural) & C-HB (Commercial Highway Business) to C-IR (Commercial Industrial Restricted) for the purpose of developing a 319,000 square feet office/warehouse space.

VR 22-24 Jim King is requesting to vary from the Dawson County Land Use Resolution Article VI Section 607.1.A Reduction of minimum parking requirements of a gross floor area.

Article IV, Section 400.A Setback reduction of 50' instead of 100'

Chairman Hamby asked if there was anyone to speak to the application. Jim King of Dawsonville, Georgia spoke on his own behalf. Mr. King states that he and a business partner purchased the parcel in 2004 approximately. He and his partner rezoned a portion of the property in 2009 to C-HB (Commercial Highway Business) but with the changes to the Land Use Resolution in 2020 most of the uses were removed from C-HB and moved to different zoning classifications. Chairman Hamby asked Mr. King when the property was rezoned what the proposed uses were planned at that time. Mr. King answered that a buyer for the parcel had retail space planned for the development. Vice Chairman Hornsey asked Mr. King about the proposed exits onto Stowers Road. Mr. King stated that as of right now on the concept plan three exits are shown but would be willing to do away with the third that is farthest away from Georgia 400. Mr. King then informed the Board that he had reviewed the staff recommended stipulations but did have concerns with stipulation 9 & 10.

Chairman Hamby asked if there was anyone to speak in favor of the application. Tony Passarello of Dawsonville, Georgia voiced his favor of the rezoning application due to it being consistent with the Comprehensive plan and bringing additional higher wage jobs to the county and diversification of the County's tax digest.



DAWSON COUNTY PLANNING COMMISSION  
MEETING HELD NOVEMBER 15, 2022  
DAWSON COUNTY GOVERNMENT CENTER

Chairman Hamby asked if there was anyone to speak in opposition of the application. Arlene McClure, Nate Bednar, Tanya Wallace, Fred Stowers, Doug Powell, and Nick Muldoon all of Dawsonville, Georgia spoke of concerns of: the environment, traffic, safety, streams and the quality of our drinking water, loss of the rural feel to the area, noise and light pollution, "spot zoning", and lack of infrastructure.

Chairman Hamby then closed the Board to discussion. Motion for denial of the request passed by a vote of 2-0 1 abstention Hornsey/Bennett Hamby

Motion for denial of the variance request passed by a vote of 2-0 1 abstention. Hornsey/Bennett Hamby

ZA 22-24 Jim King is requesting to rezone TMP 113-043-044 from C-HB (Commercial Highway Business) to C-IR (Commercial Industrial Restricted) for the purpose of developing office/warehouse space.  
VR 22-26 Jim King is requesting to vary from the Dawson County Land Use Resolution Article IV, Section 400.A Setback reduction of 25' instead of 100' for a building setback of 75'

Chairman Hamby asked if there was anyone to speak to the application. Jim King of Dawsonville, Georgia spoke to the application. He stated that this parcel was rezoned in 2019 to C-HB but with the Land Use Resolution update in 2020 it did away with the proposed use and the parcel is in need of rezoning. He stated that he has presented the exact same scenario last year to the board that was located on Lumpkin Campground Road. Mr. King also told the board that part of the stipulations of the original zoning had "very specific uses" that were allowed "South of the power lines" and he is not seeking to change those uses, only the zoning that now allows those uses.

Chairman Hamby asked if there was anyone to speak in favor of the application. There was none.

Chairman Hamby asked if there was anyone to speak in opposition of the application. There was none.

Chairman Hamby then closed the Board to discussion. Motion for approval of the rezoning request passed 2-0 1 abstention. Hornsey/Bennett Hamby

Motion for approval of the variance request passed 2-0 1 abstention Hornsey/Bennett Hamby

ZA 22-25 Perry Betterton is requesting to rezone TMP 104-058 from R-A (Residential Agriculture) to C-HB (Commercial Highway Business) for the purpose of opening a retail trailer sales business.  
VR 22-27 Perry Betterton is requesting to vary from the Dawson County Land Use Resolution Article IV, Section 400.C.2.d light pole height

Chairman Hamby asked if there was anyone to speak to the application. Perry Betterton of Dawsonville, Georgia spoke to the application. Mr. Betterton requests that his 2.8 acres of land located on Highway 53 to be able to sell dump trailers and seasonal produce to C-HB (Commercial Highway Business) and a variance to the height of his existing light pole. Mr. Betterton states that the Planning Department suggest C-CB but he prefers the zoning C-HB and would fit into the character of the area due to the surrounding commercially zoned parcels. Mr. Betterton states that he does not believe that the zoning does not fit with the other commercially zoned parcels that are in close proximity to him. Mr. Betterton then wished to address the staff recommended stipulations. Mr. Betterton stated that on condition 1 he would prefer "under canopy trees" instead of Leland cypresses because he doesn't like those and finds them "ugly". Condition 2 was acceptable. Condition 3 he felt was too restrictive to be limited to what may and may not be sold on his parcel. Condition 4 he prefers the flexibility to be able to sell items in the event of a recession to be able to provide for his family and asked if the other commercially zoned parcels were limited to what they could sell. Condition 5 he was curious as to what steps would be necessary if he wanted to sell something different from what he is requesting. Chairman Hamby explained that he would have to come back before the board to remove that condition. Condition 6 he asked that he would be able to have all of the uses within the C-HB zoning district. Condition 7 was acceptable to him.

Chairman Hamby asked if there was anyone to speak in favor of the application. There was none.

Chairman Hamby asked if there was anyone to speak in opposition of the application. There was none.

Chairman Hamby then closed the Board to discussion. Motion to approve the rezoning request with the following stipulations passed 2-0 1 abstention. Hornsey/Bennett Hamby

Stipulations:

1. A fifteen (15) foot landscape buffer shall be planted along the frontage of the parcel. Supplemental plantings shall consist of evergreen trees, shrubs, or a combination native to the region. All trees planted shall be a minimum of six feet in height at the time of planting. All shrubs planted shall be a minimum of three feet in height at the time of planting.
2. A sign permit shall not be issued until the 15-foot landscape strip is installed along the frontage of the property.
3. Any revisions to the proposed development of the property, and any changes reflected in a subsequently submitted permit application, shall include a Tree Replacement plan to be approved as part of the new land development permit prior to the commencement of such changed improvements.

Motion to approve the variance request passed 2-0 1 abstention Hornsey/Bennett Hamby

ZA 22-27 Miles, Hansford & Tallant, LLC obo Darsit Patel is requesting to rezone TMP 093-034 from RSR (Residential Sub-Rural) to C-RB (Commercial Rural Business) for the purpose of developing a gas station and convenience store.

Chairman Hamby asked if there was anyone to speak on behalf of the application. Ethan Underwood with Miles, Hansford & Tallant, LLC spoke to the application. Mr. Underwood gave a PowerPoint presentation showing the Board the aesthetic that his client is looking to develop on the proposed gas station. He stated that it would be a smaller structure approximately 2400 square feet in size with the gas pumps being to the front of the parcel. It would be a low intensity commercial use to the parcel that is currently an overgrown barn.

Chairman Hamby asked if there was anyone to speak in favor of the application. There was none.

Chairman Hamby asked if there was anyone to speak in opposition of the application. Mike Turner of Roswell, Georgia spoke of concerns to the parcels that he owns that are adjacent to the proposed gas station of loss of property value, safety of entering and exiting the station onto Highway 53, the well that is on the parcel behind the proposed station, the distance from the school to be able to sell alcohol and lack of information in regards to his questions.

Chairman Hamby asked Mr. Underwood what type of timetable that his client is looking to develop the proposed gas station. Mr. Underwood stated that he would "rather have a slow yes than a fast no" and that he was unaware of Mr. Turner's concerns and questions and would be willing to table the request so that he could speak to Mr. Turner.

Chairman Hamby then closed the Board for discussion. Motion to table the request until the December Planning Commission passed 2-0 1 abstention. Hornsey/Bennett Hamby

DAWSON COUNTY PLANNING COMMISSION  
MEETING HELD NOVEMBER 15, 2022  
DAWSON COUNTY GOVERNMENT CENTER

2023 Submittal Deadlines and Planning Commission Meeting Dates was presented by Zoning Specialist Harmony Gee. She stated that due to Zoning Procedure Law changes that were adopted at the last state session and go into effect in July of 2023 the calendar for accepting applications and meeting dates had to be adjusted accordingly.

Chairman Hamby asked for a motion. Motion to accept the dates as presented passed 3-0  
Hornsey/Bennett

Chairman Hamby asked for updates by Planning & Development. Planning Director Sharon Farrell stated that the department is finishing Land Use Resolution updates and those should be before the Board in December. The Impact Fee study has also been completed and should be heard soon as well.

There being no further business to discuss, the meeting was adjourned at 7:28 p.m.

\_\_\_\_\_  
Jason Hamby, Vice Chairman

\_\_\_\_\_  
Date

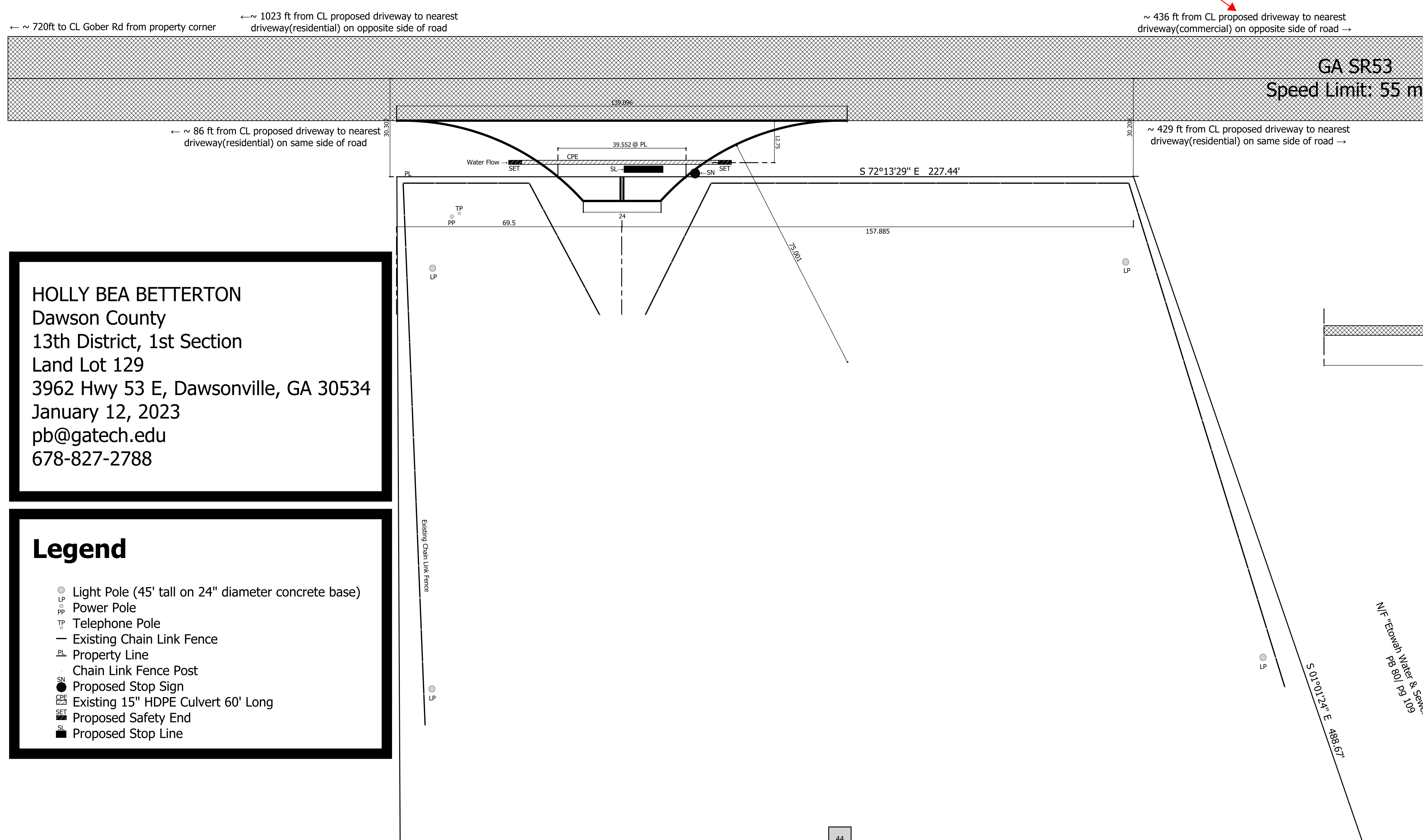
\_\_\_\_\_  
Attest: Harmony Gee

\_\_\_\_\_  
Date

**L/A:** Does not appear to be  
**D/W Spacing:** ok westbound, eastbound appears to be around 250', which is under 350' req  
**First Internal Movement:** min 100'  
**D/W Alignment:** N/A  
**Median Break/Signal Spacing:** N/A  
**Intersection Sight Distance:** Appears ok, need cert  
**D/W Width:** 24', min 24'  
**D/W Radii:** 75', min 35'  
**Angle of Intersection:** 90  
**Curb and Gutter:** None on corridor  
**Match Mainline Cross-slope, first 12' of D/W**  
**D/W Grade should not exceed 6.25%**  
**RTL:** Low Volume  
**LTL:**  
**Raised Islands:** None  
**Access Type:** Full  
**Other:** (eg merge section, alternative access, signal, guardrail, R/W Donation, GDOT Project, etc)

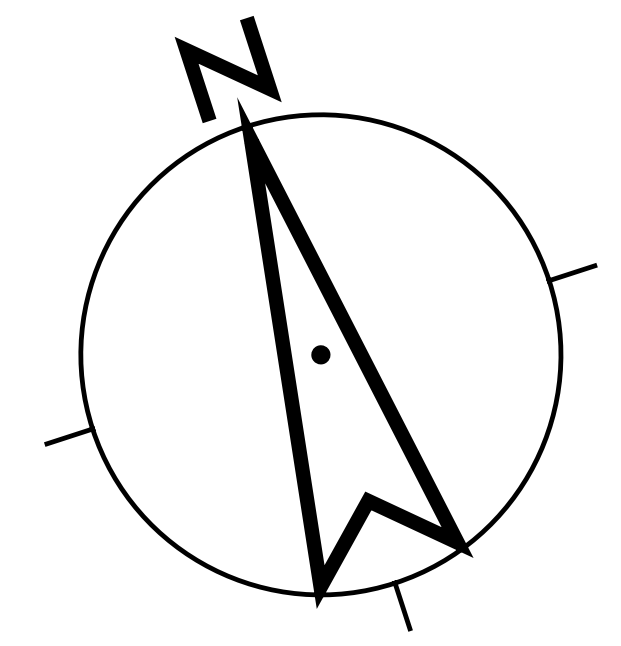
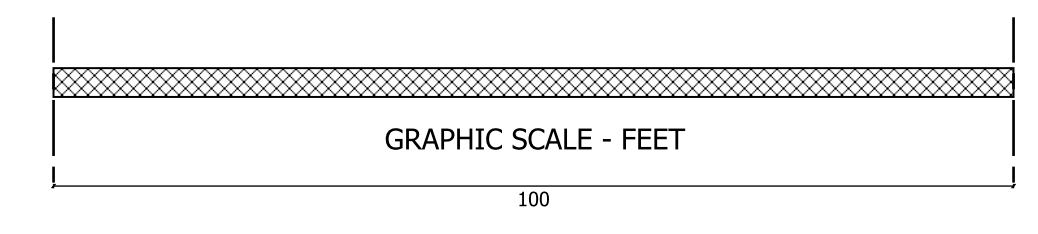
Comply with all requirements of the most recent version of GDOT's D/W and Encroachment Manual

Date: 1/23/23  
 Concept reviewed in general. This review does not relieve the applicant of any responsibility for conformity with the Driveway and Encroachment Manual and DOT Standards and Details.



**HOLLY BEA BETTERTON**  
 Dawson County  
 13th District, 1st Section  
 Land Lot 129  
 3962 Hwy 53 E, Dawsonville, GA 30534  
 January 12, 2023  
 pb@gatech.edu  
 678-827-2788

- Legend**
- Light Pole (45' tall on 24" diameter concrete base)
  - Power Pole
  - Telephone Pole
  - Existing Chain Link Fence
  - Property Line
  - Chain Link Fence Post
  - Proposed Stop Sign
  - ▭ Existing 15" HDPE Culvert 60' Long
  - ▭ Proposed Safety End
  - ▭ Proposed Stop Line



N/F "Wilson & Jones"  
DB 1083, pg 243  
PB 9, pg 123

N 17°46'36" E 364.11'

N/F "Tony Butcher"  
DB 1553, pg 544  
PB 17, pg 7

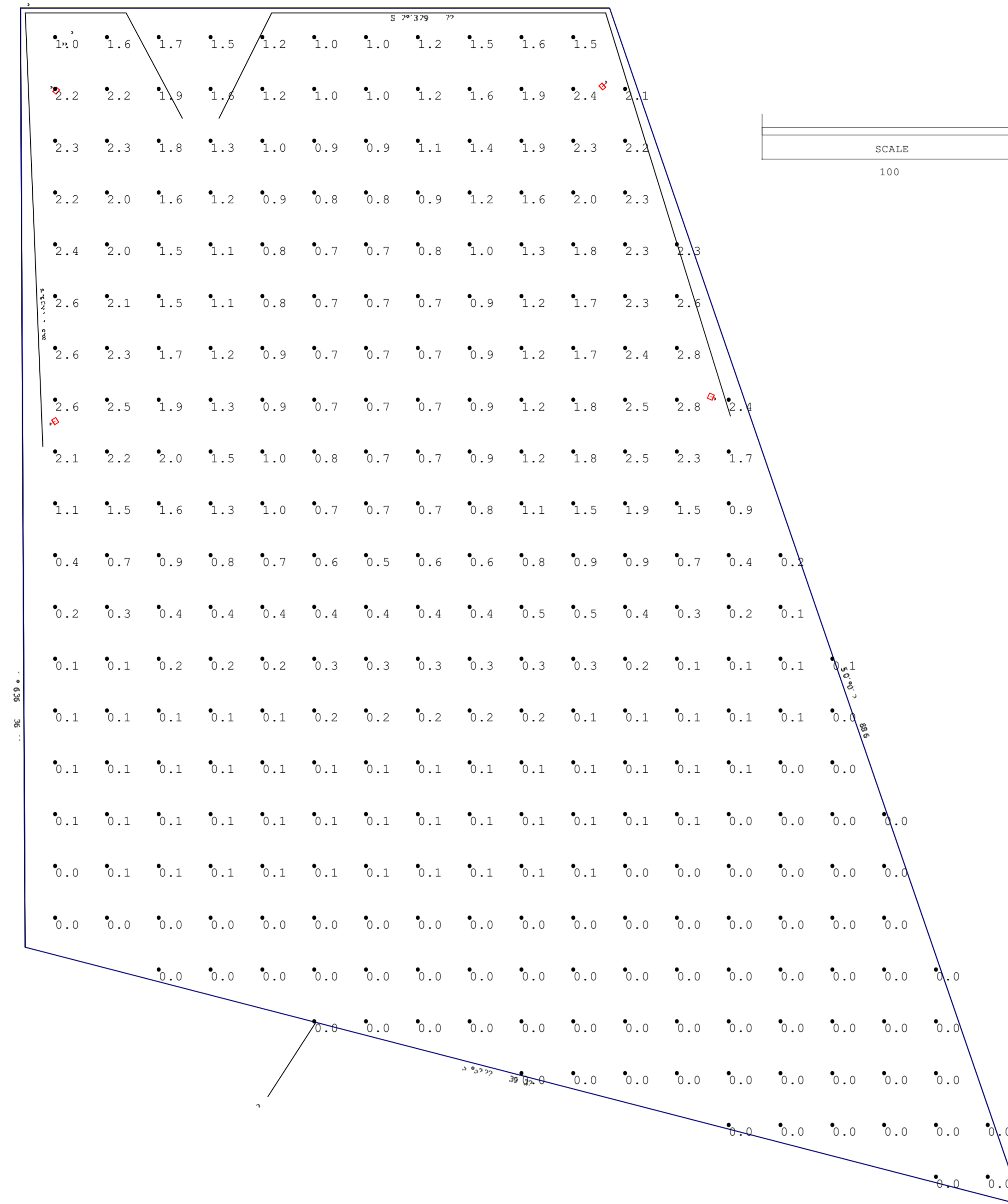
P/L

N 57°52'22"W 397.32'

N/F "Etowah Water & Sewer Authority"  
PB 80, pg 109

Luminaire Schedule						
Symbol	Qty	Label	Arrangement	Description	LLF	Mounting Height
☐	4	A	Single	1L-SB30W27-50K-W-T3	0.998	47.5

Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
SITE_Planar	Illuminance	Fc	0.71	2.8	0.0	N.A.	N.A.



Assumptions:  
Mt Height: 47.5'



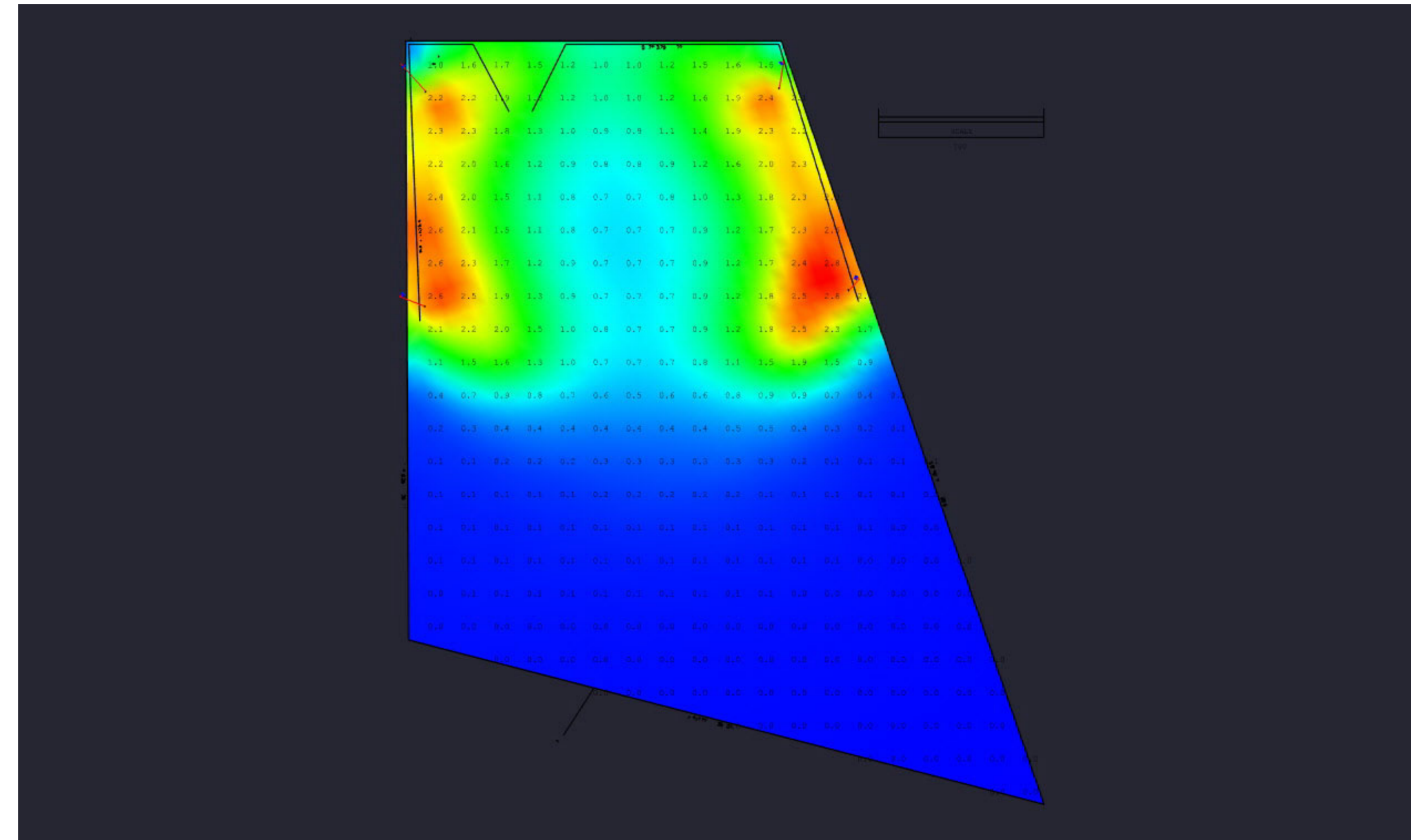
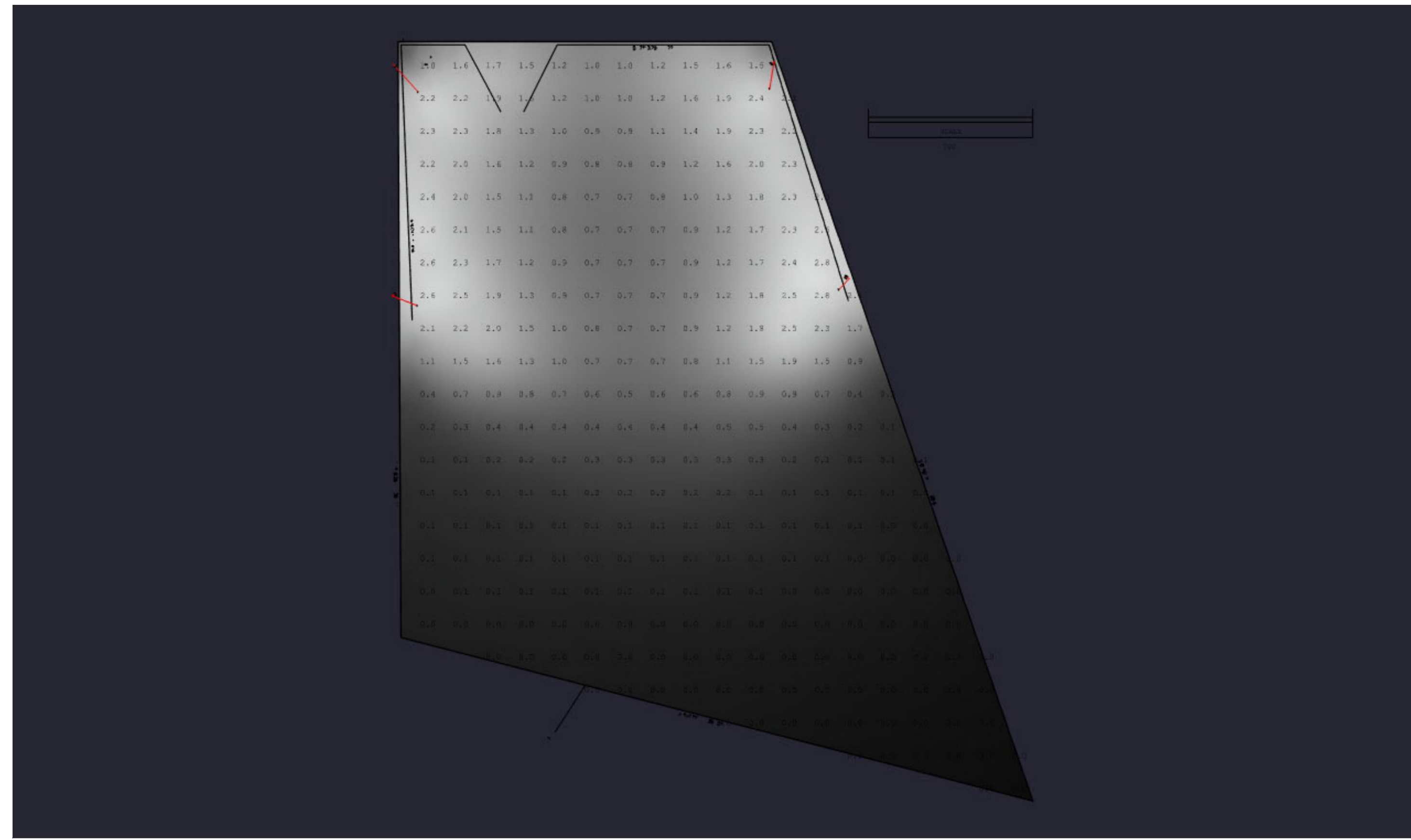
PROJECT: 3962 Highway 53 E  
 LOCATION: Dawsonville, GA  
 CONTACT: Cecilia Jones  
 DATE: 2/17/2023

Page Number:  
**1**

Ownership and copyright for all documents created by LED Spot hereunder shall remain the exclusive property of LED Spot. They are not to be used by the Owner or Client on other projects or on extensions of this project except by agreement in writing and with appropriate compensation to LED Spot. The lighting designer shall not be responsible for the means, methods, techniques, sequences, or procedures on construction or installation, or for the acts and omissions of the Client. This design is based on IES files that were lab tested or computer generated. This lighting design is based on information supplied by others. Changes in electrical supply, area geometry and/or objects within the lighted area may produce illumination values different from the predicted results shown on this layout.

FOR PURCHASING INFORMATION OF APPROVED EQUIPMENT SPECIFIED ON THIS PLAN CONTACT:

LED Spot  
 5620 S. Willow Dr.  
 Houston, TX 77035  
 PH: 281-972-5006



Assumptions:  
Mt Height: 47.5'



PROJECT: 3962 Highway 53 E  
 LOCATION: Dawsonville, GA  
 CONTACT: Cecilia Jones  
 DATE: 2/17/2023

Page Number:  
**2**

Ownership and copyright for all documents created by LED Spot hereunder shall remain the exclusive property of LED Spot. They are not to be used by the Owner or Client on other projects or on extensions of this project except by agreement in writing and with appropriate compensation to LED Spot. The lighting designer shall not be responsible for the means, methods, techniques, sequences, or procedures on construction or installation, or for the acts and omissions of the Client. This design is based on .IES files that were lab tested or computer generated. This lighting design is based on information supplied by others. Changes in electrical supply, area geometry and/or objects within the lighted area may produce illumination values different from the predicted results shown on this layout.

FOR PURCHASING INFORMATION OF APPROVED EQUIPMENT SPECIFIED ON THIS PLAN CONTACT:

LED Spot  
 5620 S. Willow Dr.  
 Houston, TX 77035  
 PH: 281-972-5006

# Affidavit Regarding Lights on Adjacent Property

Wanda Bearden, being duly sworn deposes and states as follows under penalty of perjury:

1. My name is Wanda Bearden, I am presently 60 years old, and my current address of residence is:  
3828 Highway 53 E  
Dawsonville, GA 30534
2. I have Power-of-Attorney for Patsy Jones, the owner of 3828 & 3954 Highway 53 E, Map & Parcel 104-057.
3. I live next door to 3962 Highway 53 E (Neighboring Property) Map & Parcel 104-058; this property is owned by Holly Betterton.
4. There are (4) existing light poles and fixtures on the Neighboring Property. These fixtures emit light onto our property.
5. I do not object to the current amount of light spillage onto my property.
6. Furthermore, I feel that these lights enhance the safety, night vision, and comfort of my property and neither create nor cause excessive glare onto my property.
7. I like these lights and prefer that they remain exactly as they are.

I hereby swear or affirm that the information above is true, accurate, and complete to the best of my knowledge, and that no relevant information has been omitted.

x Wanda Bearden

Wanda Bearden

Date: 02/10/2023

State of Georgia  
County of Dawson

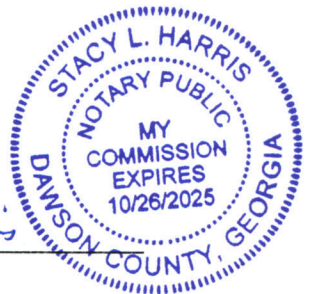
This instrument was acknowledged before me this 10<sup>th</sup> day of February, 2023,

by Wanda Bearden (name of signer).

Personally Known  
 Produced Identification

Type and # of ID 054178208  
(Seal)

Stacy L. Harris  
(Signature Notary)  
Stacy L. Harris  
(Name of Notary Typed, Stamped or Printed)  
Notary Public, State of Georgia






# Affidavit Regarding Lights on Adjacent Property

Brooke Anderson, being duly sworn deposes and states as follows under penalty of perjury:

1. My name is Brooke Anderson. I am General Manager of Etowah Water and Sewer Authority (EWSA), whose principal business address is:  
1162 Highway 53 E  
Dawsonville, GA 30534
2. Etowah Water and Sewer owns the property at 4054 Highway 53 E, Map & Parcel 104-059. This property is next door to 3962 Highway 53 E (Neighboring Property) Map & Parcel 104-058. Neighboring Property is owned by Holly Betterton.
3. There are (4) existing light poles and fixtures on the Neighboring Property. These fixtures emit light onto property owned by EWSA.
4. EWSA does not object to the current amount of light spillage onto their property.

I hereby swear or affirm that the information above is true, accurate, and complete to the best of my knowledge, and that no relevant information has been omitted.

X   
Brooke Anderson

Date: 2-14-23

State of Georgia  
County of Dawson

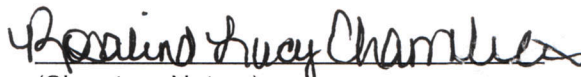
This instrument was acknowledged before me this 14<sup>th</sup> day of February, 2023,

by Brooke Anderson (name of signer).

Personally Known

Produced Identification

Type and # of ID \_\_\_\_\_  
(Seal)

  
(Signature Notary)  
Rosalind Lucy Chambers  
(Name of Notary Typed, Stamped or Printed)  
Notary Public, State of Georgia

Dawson County  
Rezoning Application  
(AMENDMENT TO LAND USE MAP)

**APPLICANT INFORMATION (or Authorized Representative)**

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

Printed Name: Karen Mason

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

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

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

Status:  Owner  Authorized Agent  Lessee  Option to purchase

I have  / have not  participated in a Pre-application meeting with Planning Staff.

If not, I agree  /disagree  to schedule a meeting the week following the submittal deadline.

Meeting Date: \_\_\_\_\_ Applicant Signature: Karen Mason

**REQUESTED ACTION & DETAILS OF PROPOSED USE**

Rezoning to: \_\_\_\_\_  Special Use Permit for: mobile home on less than 5 acres

Proposed Use: \_\_\_\_\_

Existing Utilities:  Water  Sewer  Gas  Electric

Proposed Utilities:  Water  Sewer  Gas  Electric

**RESIDENTIAL**

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

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

Type:  Apartments  Condominiums  Townhomes  Single-family  Other

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

**COMMERCIAL & RESTRICTED INDUSTRIAL:**

Building area: \_\_\_\_\_ No. of Parking Spaces: \_\_\_\_\_

2006 5 11 2006

Property Owner/  
Property Information

Name: Mattie R. Summerour

Street Address of Property being rezoned: N/A Summerour Vale

Rezoning from: \_\_\_\_\_ to: \_\_\_\_\_ Total acreage being rezoned: 1.9 AC.

Directions to Property (if no address):

OFF Hwy 53  
@ Summerour Vale  
Lot 393 LD4-1  
1.90 AC.

Subdivision Name (if applicable): \_\_\_\_\_ Lot(s) #: LD3B-LD4-1

Current Use of Property: N/A vacant

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

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

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

**SURROUNDING PROPERTY ZONING CLASSIFICATION:**

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

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

Access to the development will be provided from:

Road Name: Summerour Vale Type of Surface: Gravel

51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61

# Applicant Certification

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

I understand that the Planning & Development staff may either accept or reject my request upon review. My request will be rejected if all the necessary data is not presented. The staff will send notices to adjacent property owners advising of the request and proposed use prior to the public hearing.

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

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

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

Signature Raven Mason Date 12-05-2022  
Witness [Signature] Date 12.5.2022

2022  
12  
05

## Letter of Intent

Off of Summerour Vale which is off Hwy 53W of Dawsonville, on the left side of Summerour Vale is 1.9 acres of land with a pre-existing drilled well. My intent or wishes is to place a double wide mobile home on this acreage of land. This is family property that has been in my family for over 100 years and my intent is to establish a home on the property.

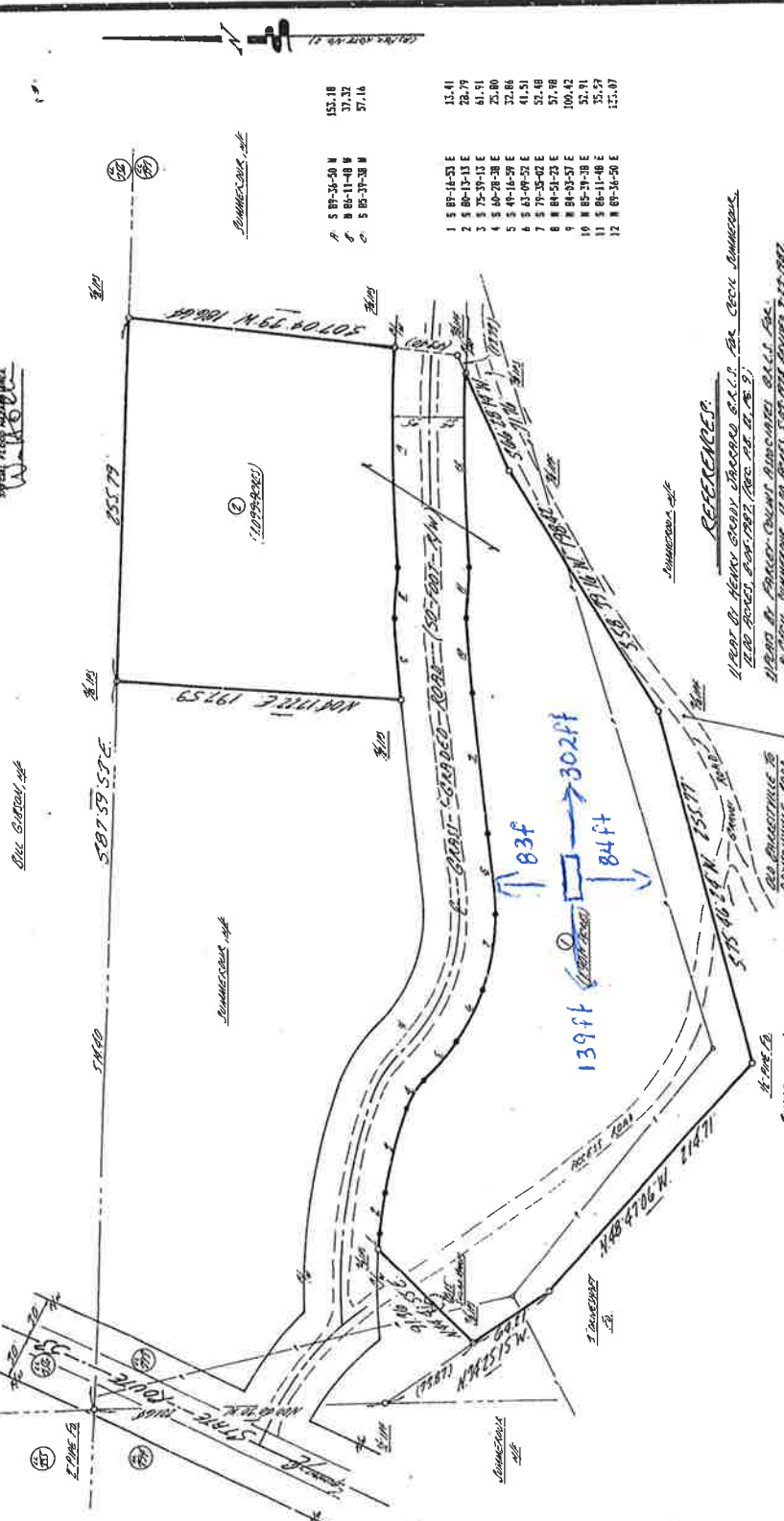
Karen Mason

11-30-2022

22DEC 5 11:23AM

FELD SURVEY ERROR OF CLOSURE ADJUSTED BY LEAST SQUARES METHOD. INSTRUMENT USED - SOKKIA 5072. PLAT. ERROR OF CLOSURE 1/1000000

I HAVE CONSULTED THE FIRM FLD SURVEYING AND ENGINEERING CO. AND THEY HAVE ADVISED THAT THE SURVEY IS CORRECT AND ACCURATE.



1	5	87-34-50 N	153.18
2	8	84-11-48 W	37.32
3	5	85-35-38 W	57.16

1	5	87-14-51 E	13.41
2	5	86-13-13 E	28.79
3	3	75-59-13 E	61.51
4	5	64-28-38 E	23.80
5	5	49-16-59 E	32.84
6	5	63-09-52 E	41.51
7	5	75-30-02 E	32.48
8	8	84-51-23 E	51.98
9	8	84-03-57 E	100.42
10	8	82-39-38 E	32.91
11	5	86-11-48 E	32.74
12	8	87-34-50 E	153.00

NOTE: THE ROAD IS 30 FT WIDE AND 30 FT HIGH. THE ROAD IS 30 FT WIDE AND 30 FT HIGH. THE ROAD IS 30 FT WIDE AND 30 FT HIGH.

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DATE: 6-27-2004  
SCALE: 1" = 40 FT  
PROJECT: TMP 56-12-SP-LIT

FARLEY-COLLINS ASSOCIATES  
P.O. BOX 211  
1201 JAMESON BRIDGE ROAD  
GAINESVILLE GA 30603

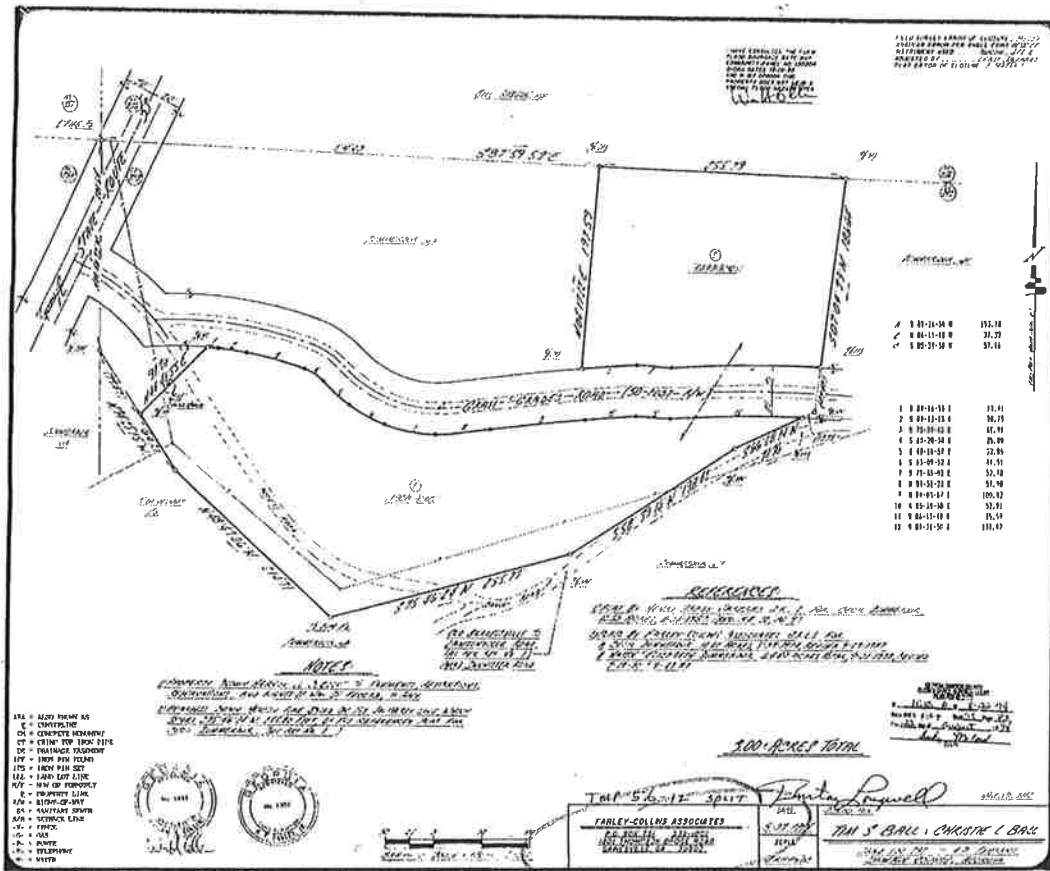
DATE: 6-27-2004  
SCALE: 1" = 40 FT  
PROJECT: TMP 56-12-SP-LIT

DATE: 6-27-2004  
SCALE: 1" = 40 FT  
PROJECT: TMP 56-12-SP-LIT

DATE: 6-27-2004  
SCALE: 1" = 40 FT  
PROJECT: TMP 56-12-SP-LIT

54

Site plan



Paid  
CASH  
5/16/22

BK 35 / P 83

2020 5 11 2022

3328 Jenkins Road  
Suite 400  
Chattanooga, TN 37421  
February 13, 2023

Planning Commission and Board of Commissioners  
Dawson County Government Center  
25 Justice Way,  
Dawsonville, GA 30534

To the Board of Commissioners:

Here is our reply to the Notification of Public Hearing per request of a rezoning of property adjacent to our property on February 21, 2023 per application number SU2203. This hearing is with the County Planning Commission at 6:00 pm. The Board of Commissioners will view the Application and hold a Public Hearing at the Voting Session on March 16, 2023, 4 pm- will follow Work Session.

We have no objections to this request to rezone and wish Mrs. Genny Sanford Mason well to locate on the property next to ours. She is welcome.

Sincerely,

*Richard A. Rush*  
*Martha Jo Summerour Rush*  
Dr. Richard and Martha Jo Summerour Rush

cc: Mattie R. Summerour

Genny Sanford Mason





## SU 22-03

Karen Mason

Planning Commission Meeting February 21, 2023

Board of Commission Hearing March 16, 2023

### Applicant Proposal

The applicant is seeking to obtain a Special Use of the property to place a manufactured home on a Residential Agriculture zoned parcel that is less than 5 acres in size.

<b>Applicant</b>	Karen Mason
<b>Amendment #</b>	SU 22-03
<b>Request</b>	Place a manufactured home on a Residential Agriculture parcel less than 5 acres in size.
<b>Proposed Use</b>	Single Family Residential
<b>Current Zoning</b>	Residential Agricultural
<b>Future Land Use</b>	Rural Agricultural
<b>Acreage</b>	1.90
<b>Location</b>	Summerour Vale
<b>Commercial Square footage</b>	n/a
<b>Road Classification</b>	Private
<b>Tax Parcel</b>	056-053
<b>Dawson Trail Segment</b>	n/a
<b>Commission District</b>	1
<b>DRI</b>	No
<b>Planning Commission Recommendation</b>	Approval

Direction	Existing Zoning	Existing Use
North	R-A	Vacant Land/Single Family Residential
South	R-A	Vacant Land
East	RSRMM & R-A	Vacant Land/ Single Family Residential
West	R-A	Vacant Land/Single Family Residential

**According to the Comprehensive Plan and accompanying Future Land Use Plan**, the subject property is identified as Rural Agricultural. The exurban residential area is neither exclusively agricultural nor exclusively residential. Much of this area is rural, agricultural, steeply sloping, and/or forest land. The minimum lot size of five (5) acres is the least amount of land that is considered necessary to sustain viable agricultural or forestry operations. Most of the land in this future land use classification has steeply sloping mountain and hillside topography. It is attractive from a residential market standpoint for Rural Agricultural development, given the scenic mountain views. This area is well beyond the projected limits of development during the 20-year planning horizon (to 2028). In the context of growth management, a five-acre minimum lot for subdivisions is expected to prevent suburban subdivision development, though amenities-driven (i.e., mountain views) exurban development is still likely despite the five-acre minimum lot size. Although most agriculture shown on the future land use plan map is cropland, some agricultural operations such as poultry houses may result in odors, dust, noise, or other effects which can be incompatible with single-lot residential development, which is permitted in this land use category. Although designated as Rural Agriculture, property owners continue to have low-density residential subdivision rights. Within the designated agricultural belt along the west side of the Etowah River, subdivision for detached, single-family residences may be appropriate if developed at lot sizes of five acres or more. If subdivided, lands in the agricultural belt should adhere to conservation subdivision principles in order to retain as much of the belt as possible, thereby protecting sensitive habitat along the river and also contributing to objectives of protecting the existing water supply watershed.

Land Uses: Rural Residential, Parks, Recreation and Conservation, Forestry, Agriculture  
Agricultural Retail

Zoning Districts: Residential Agriculture, Agriculture

**County Agency Comments:**

Environmental Health Department: Septic system approved by Environmental Health August 4<sup>th</sup> 2022

Emergency Services: No comments returned as of 1.23.2023

Etowah Water & Sewer Authority: "Wells & Septic only available at this site."

Planning and Development: Over the past two years, Planning has processed four applications for this type of request. Within a 2 miles radius of this parcel there are four other properties that are less than 5 (five) acres in size with manufactured homes. This request to place a manufactured home on the property fits with the general character of the area.

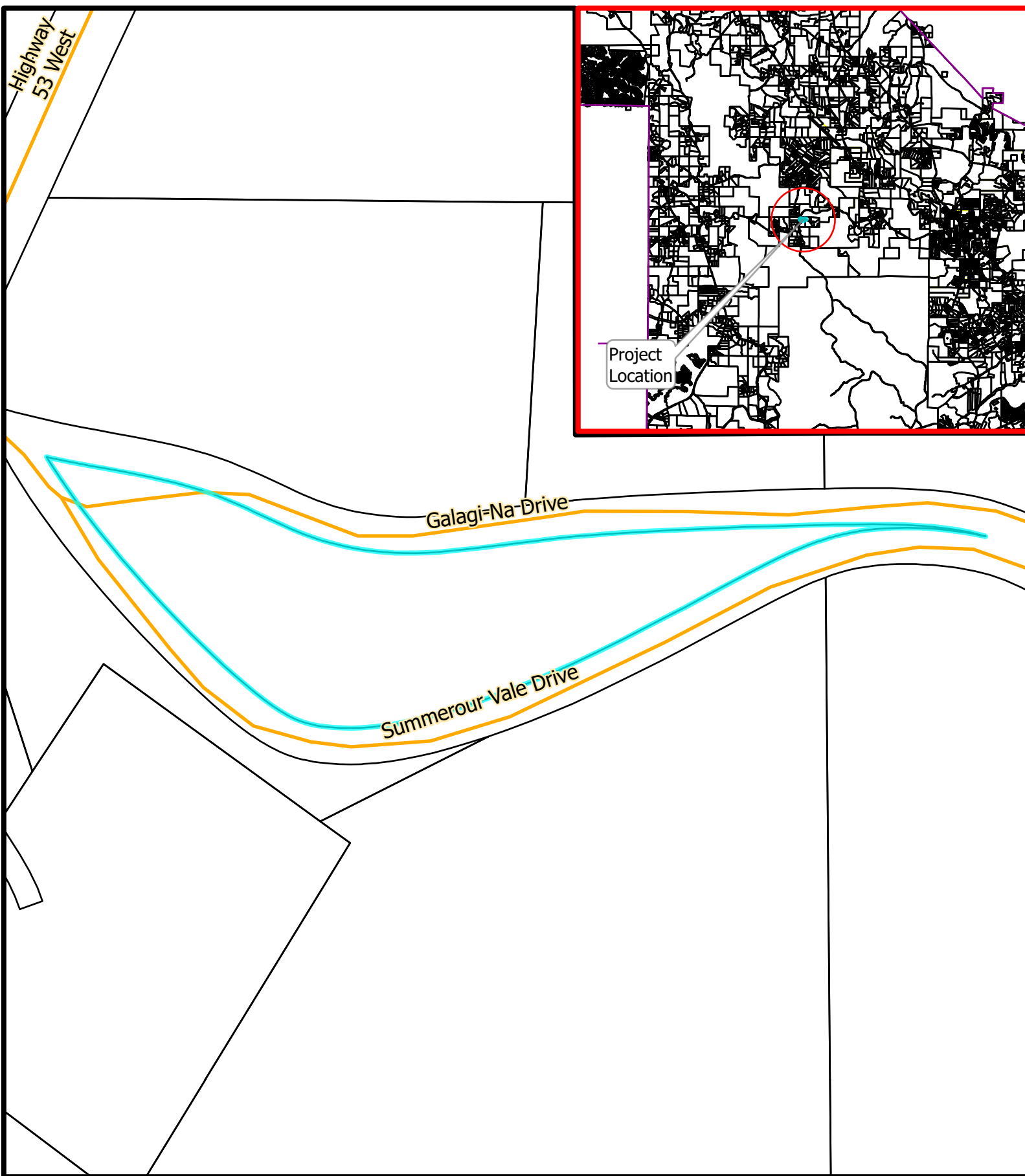
Public Works Department: No comments returned as of 1.23.2023

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

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

Photo of Parcel:





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

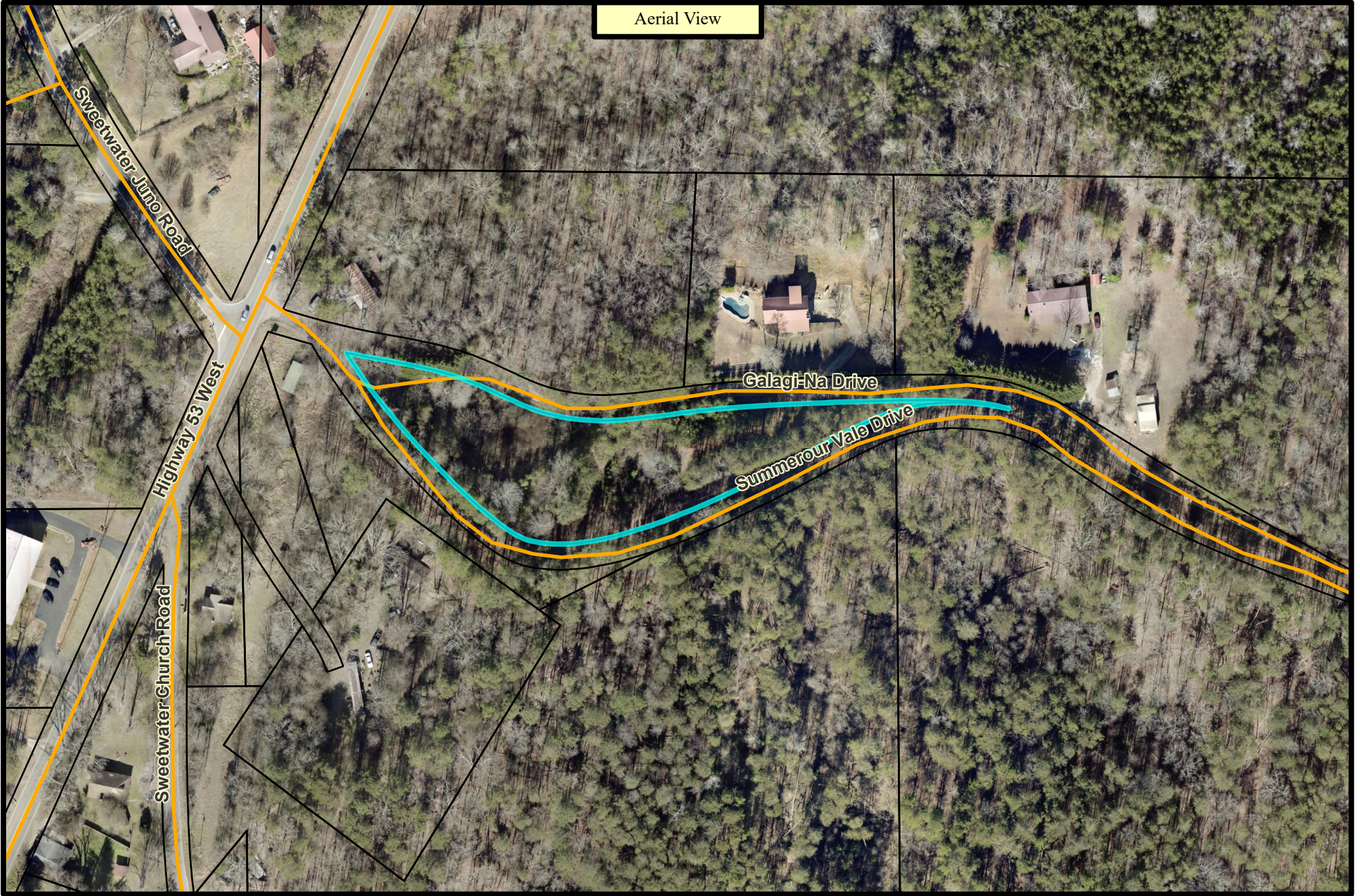


Dawson County  
Planning and Development  
Staff Report: Exhibit

61

Parcel #: 056-053  
Current Zoning: RA  
FLU: RR  
Application #: SU 22-03

Aerial View



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N



Scale: 1:2,220

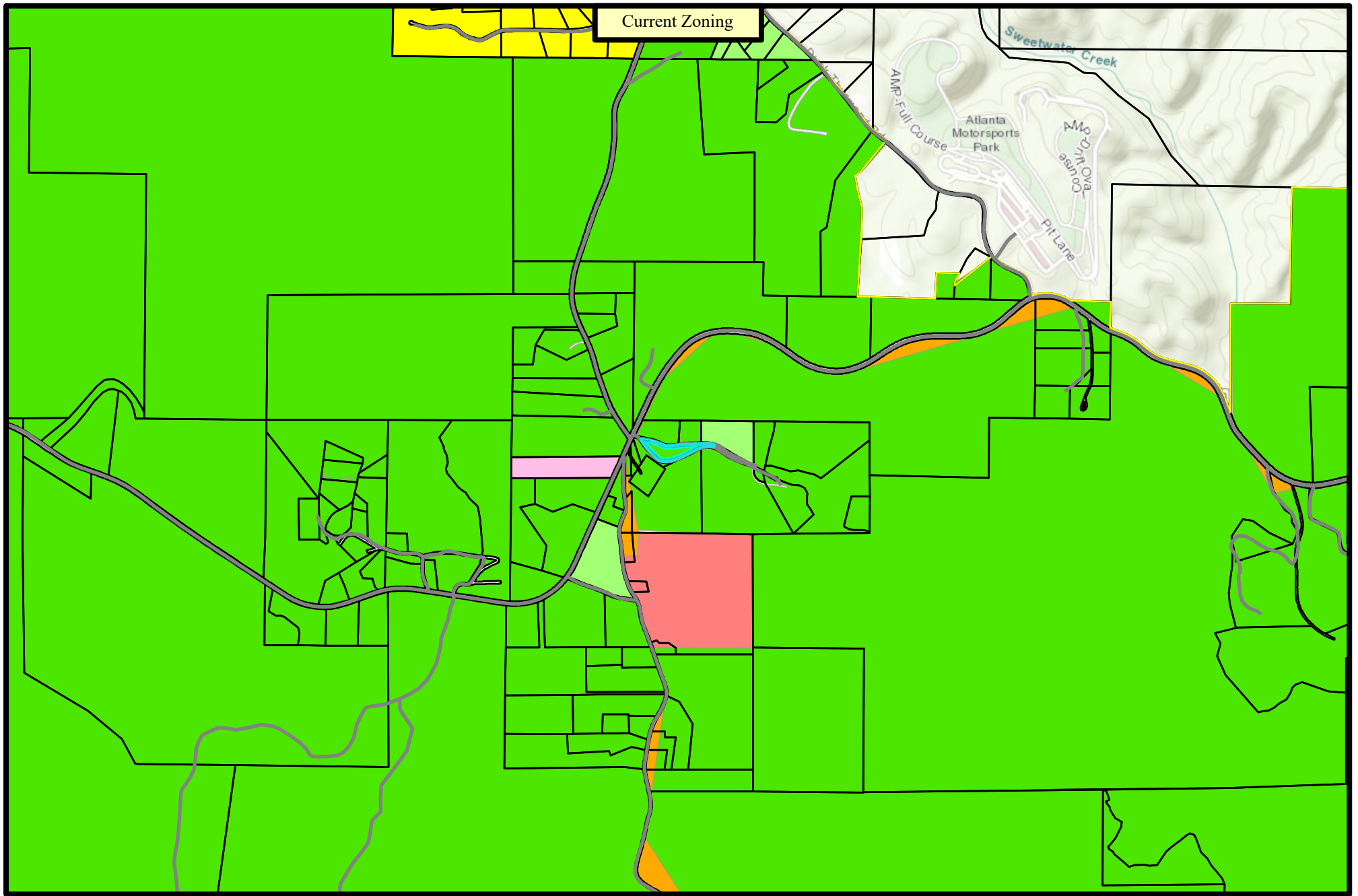
Dawson County

Planning and Development

62

Site Report

Parcel #: 056-053  
 Current Zoning: RA  
 FLU: RR  
 Application #: SU 22-03

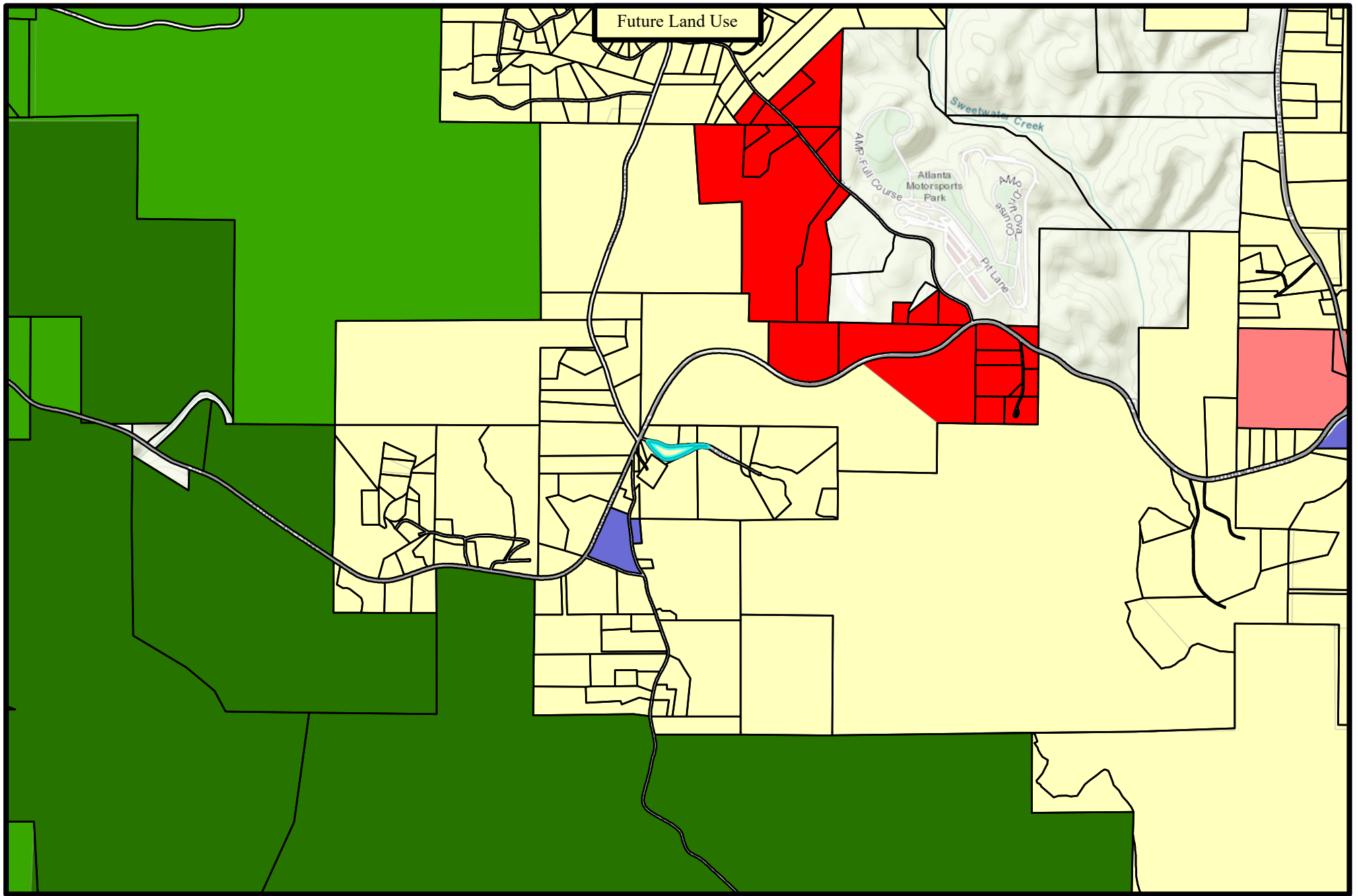


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N  
  
 Scale: 1:20,637


Dawson County  
 Planning and Development  
  
 Staff Report

Parcel #: 056-053  
 Current Zoning: RA  
 FLU: RR  
 Application #: SU 22-03



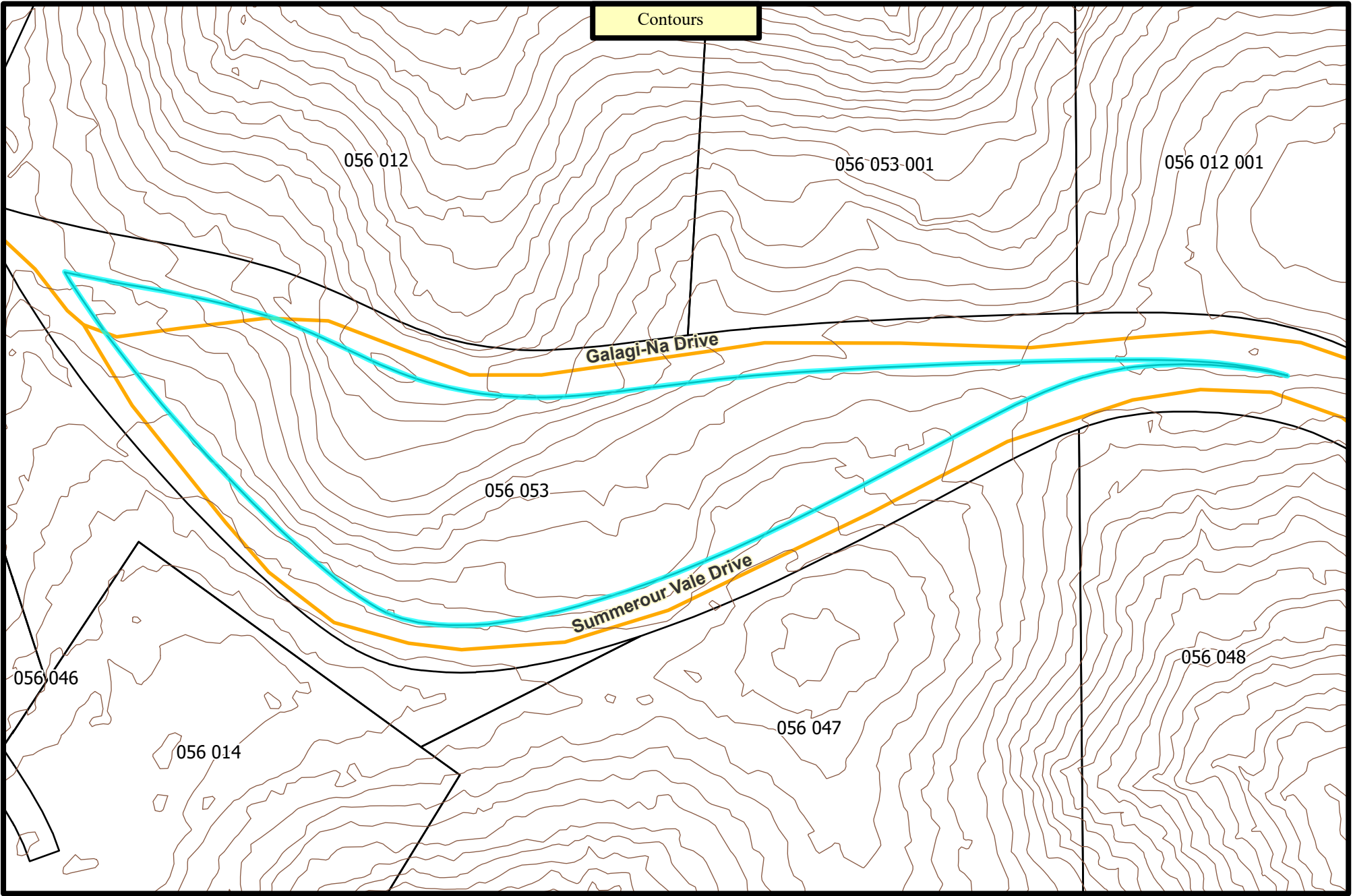
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N  
  
 Scale: 1:24,764

Dawson County  
 Planning and Development  
  
 Staff Report

Parcel #: 056-053  
 Current Zoning: RA  
 FLU: RR  
 Application #: SU 22-03





Contours

056 012

056 053-001

056 012 001

Galagi-Na Drive

056 053

Summerour Vale Drive

056 046

056 014

056 047

056 048



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

N  
  
 Scale: 1:1,201

Dawson County  
 Planning and Development  
 65  
 Staff Report

Parcel #: 056-053  
 Current Zoning: RA  
 FLU: RR  
 Application #: SU 22-03

The Dawson County Planning Commission meeting was called to order at 6:00 p.m. by Chairman Jason Hamby.

Neil Hornsey gave the invocation.

The Pledge of Allegiance was led by Chairman Hamby.

Members present: Steve Sanvi, Chairman Appointee; Shelton Townley, District 3; Neil Hornsey, District 4; and Jason Hamby, District 1 Chairman.

Staff present: Harmony Gee, Zoning Specialist and Sharon Farrell, Planning Director.

Chairman Hamby asked for a motion to approve the minutes from the December 20th, 2022 minutes as prepared. Motion passed by a vote of 4-0 Hornsey/Sanvi

Chairman Hamby asked for a motion to approve the agenda as presented by staff. Motion passed by a vote of 4-0. H o r n s e y / S a n v i

Chairman Hamby announced the requirement that a *statement of disclosure of campaign contributions* of \$250 or more must be completed by anyone who wishes to speak in favor or opposition to any application.

**New Business:**

VR 22-28 Danny Lankford obo Tire Discounters is requesting to vary from the Dawson County Sign Ordinance Article IX Section 129-224 allowable wall sign area increase. TMP 114-030-003

Chairman Hamby asked if there was anyone to speak on behalf of the application. Danny Lankford of Decatur, Georgia spoke on behalf of the applicant. Mr. Lankford said that due to the topography of the lot to the rear it made it difficult to see the structure from Dawson Forest and the internal streets and his client was requesting additional square footage for the sign.

Chairman Hamby asked if there was anyone to speak in favor of the application. There were none.

Chairman Hamby asked if there was anyone to speak in opposition of the application. There were none.

Chairman Hamby then closed the Board for discussion.

Chairman Hamby asked for a motion.

Motion to approve passed 3-0 Hornsey/Sanvi

VR 22-30 Nick Taber is requesting to vary from the Dawson County Land Use Resolution Article III Section 121-76 Table 3.2 front setback reduction. TMP 092-071 Frank Bruce Road

Chairman Hamby asked if there was anyone to speak on behalf of the application. Nick Taber of Dawsonville, Georgia spoke on his own behalf. Mr. Taber stated that he purchased the property in 2018 or 2019 approximately and had it rezoned so that the lot could be subdivided for the construction of a single family residence. There was a misunderstanding as to where the Right of Way and property lines were when construction began. The home was placed even with the adjacent parcel which was

DAWSON COUNTY PLANNING COMMISSION  
MEETING HELD February 21, 2023  
DAWSON COUNTY GOVERNMENT CENTER

constructed prior to zoning.

Chairman Hamby asked if there was anyone to speak in favor of the application. There were none.

Chairman Hamby asked if there was anyone to speak in opposition of the application.

Bob Thomas, John Woodward & Fran Blakey all of Dawsonville, Georgia spoke in opposition stating concerns of setting a precedence, cars backing into a "busy thoroughfare" from the driveway, and additional growth on the road.

Chairman Hamby then closed the Board for discussion.

Chairman Hamby asked for a motion.

Motion to approve passed 2-1 Hornsey/Sarvi

SU 22-03 Karen Mason is requesting a Special Use to place a manufactured home on less than 5 acres in a Residential Agriculture zoned parcel. TMP 056-053 Summerour Vale

Chairman Hamby asked if there was anyone to speak on behalf of the application. Karen Mason of Gainesville, Georgia spoke on her own behalf. She stated that the land had been in her family for many years and she was wanting to move a new three-bedroom two bathroom manufactured home onto the parcel.

Chairman Hamby asked if there was anyone to speak in favor of the application. Mattie Summerour of Conley, Georgia, aunt of the applicant and owner of the parcel, stated that she is in favor of her niece having a home on the parcel.

Chairman Hamby asked if there was anyone to speak in opposition of the application. There were none.

Chairman Hamby then closed the board for discussion.

Chairman Hamby asked for a motion.

Motion to recommend approval of the request passed 3-0 Sarvi/Hornsey

ZA 22-29 Miles, Hansford & Tallant, LLC is requesting to rezone TMP L15-116-004 from R-A (Residential Agriculture) to R-AC (Residential Agriculture Corrective).

VR 22-29 Miles, Hansford & Tallant, LLC is requesting 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

Chairman Hamby asked if there was anyone to speak on behalf of the application. Bryceson Mercer of Cumming, Georgia spoke to the application. He stated that the lot was a part of an estate that was subdivided many years ago. He was asking the Board to rezone to R-AC so that a single-family residence could be constructed. In addition to the rezoning request a variance was needed for compliance due to the lot not meeting minimum requirements.

Chairman Hamby asked if there was anyone to speak in favor of the application. There were none.

Chairman Hamby asked if there was anyone to speak in opposition of the application. There were none.

Chairman Hamby then closed the Board for discussion.

Chairman Hamby asked for a motion.

Motion to recommend approval of the rezoning request passed 3-0 Hornsey/Sarvi

Motion to recommend approval of the variance request passed 3-0 Hornsey/Sanvi

ZA 22-30 Sharon Jennings is requesting 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. Hwy 9 South

Chairman Hamby asked if there was anyone to speak on behalf of the application. Sharon Jennings of Dawsonville, Georgia spoke on her own behalf. She stated that she inherited the parcel from her mother's estate and wanted to build a home but due to the cost of construction they had to look at other options. She is currently living with her sister and wanted a home of her own. Ms. Jennings has a new manufactured home picked out that would be placed on the parcel.

Chairman Hamby asked if there was anyone to speak in favor of the application. There were none.

Chairman Hamby asked if there was anyone to speak in opposition of the application. There were none.

Chairman Hamby then closed the Board for discussion.

Chairman Hamby asked for a motion.

Motion to recommend approval of the request passed. 3-0 Hornsey/Sanvi

Election of Planning Commission officers for the current year was held.

Chairman Hamby asked for a nomination of Chairman.

Steve Sanvi nominated Jason Hamby for Chairman. Motion was seconded by Neil Hornsey. Motion passed 3-0 for Jason Hamby to remain Chairman for 2023.

Steve Sanvi nominated Neil Hornsey for Vice Chairman. Motion was seconded by Shelton Townley. Motion passed 3-0 for Neil Hornsey to remain Vice Chairman for 2023.

Chairman Hamby stated that the position of Secretary is traditionally held by a member of staff. Neil Hornsey made a motion of Harmony Gee for Secretary. Motion was seconded by Steve Sanvi. Motion passed 4-0 for Harmony Gee to be Planning Commission Secretary.

Updates by Planning and Development were given by Planning Director Sharon Farrell. She stated that work continues on the Impact Fee schedule and that should be wrapped up in March. The County is still under a moratorium for certain zoning classes until May.

There being no further business to discuss, the meeting was adjourned at 6:45 p.m.

\_\_\_\_\_  
Jason Hamby, Vice Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attest: Harmony Gee

\_\_\_\_\_  
Date

Dawson County  
Rezoning Application  
(AMENDMENT TO DISTRICT MAP)

FOR STAFF USE ONLY  
DATE & TIME STAMP

**APPLICANT INFORMATION (or Authorized Representative)**

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

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

Address: 202 Tribble Gap Road, Suite 200, Cumming, GA 30040

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

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

Status:  Owner  Authorized Agent  Lessee  Option to purchase

I have  / have not  participated in a Pre-application meeting with Planning Staff.

If not, I agree  / disagree  to schedule a meeting the week following the submittal deadline.

Meeting Date: \_\_\_\_\_ Applicant Signature: Ethan Underwood

**REQUESTED ACTION & DETAILS OF PROPOSED USE**

Rezoning to: RAC  Special Use Permit for: \_\_\_\_\_

Proposed Use: Single Family Dwelling

Existing Utilities:  Water  Sewer  Gas  Electric

Proposed Utilities:  Water  Sewer  Gas  Electric

**RESIDENTIAL**

No. of Lots: 1 Minimum Lot Size: 1.5 (acres) No. of Units: 1

Minimum Heated Floor Area: N/A sq. ft. Density/Acre: 0.496

Type:  Apartments  Condominiums  Townhomes  Single-family  Other

Is an Amenity Area proposed: No; if yes, what? \_\_\_\_\_

**COMMERCIAL & INDUSTRIAL**

Building area: N/A No. of Parking Spaces: N/A

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# Property Owner/ Property Information

Name: Samuel C. Martin

Street Address of Property being rezoned: Dogwood Lane, Dawsonville, GA 30534

Rezoning from: RA to: RAC Total acreage being rezoned: 2.018

Directions to Property (if no address):

Subject property is located between 231 & 281 Dogwood Lane Dawsonville, GA 30534.

Subdivision Name (if applicable): Thompson Creek Estates Lot(s) #: 1

Current Use of Property: Undeveloped

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

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

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

If yes, what section?  North  South

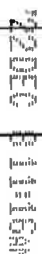
### SURROUNDING PROPERTY ZONING CLASSIFICATION:

North VCR/VC South RA East RA West C-HI

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

Access to the development will be provided from:

Road Name: Dogwood Lane Type of Surface: Asphalt



# Applicant Certification

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

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

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

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

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

Signature Kathleen Martin Date 7/21/22  
Witness [Signature] Date 7/21/22

2022

# Property Owner Authorization

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

Street Address of Property being rezoned: Dogwood Lane, Dawsonville, GA 30534

TMP#: L15 116 004

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

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

Printed Name of applicant or agent: Kathleen Martin

Signature of applicant or agent: Kathleen Martin Date: 7/21/22

\*\*\*\*\*

Printed Name of Owner(s): Kathleen Martin, Power of Attorney for Samuel C. Martin

Signature of Owner(s): Kathleen Martin Date: 7/21/22

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

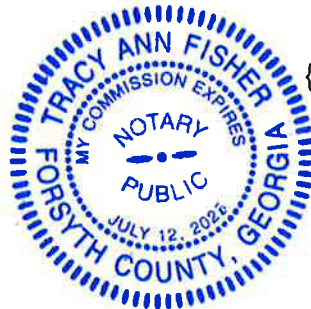
City, State, Zip. \_\_\_\_\_

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

Sworn and subscribed before me  
this 21 day of July, 2022.

Tracy Ann Fisher  
Notary Public

My Commission Expires: 7/12/25



{Notary Seal}

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







**DAWSON COUNTY VARIANCE APPLICATION**

25 Justice Way, Dawsonville, Georgia 30534

**APPLICANT INFORMATION** (or Authorized Representative)

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

Address: 202 Tribble Gap Road, Suite 200, Cumming, GA 30040

Contact Email: \_\_\_\_\_ Telephone # \_\_\_\_\_

Status:  Owner  Authorized Agent  Lessee

**PROPERTY INFORMATION**

Street Address of Property:

Dogwood Lane, Dawsonville, GA 30534

Land Lot(s): 466 & 467 District: 13th Section: Southern

Subdivision/Lot: N/A / \_\_\_\_\_

Building Permit #: N/A (if applicable)

**REQUESTED ACTION**

A Variance is requested from the requirements of Article # III Section # 121-70 (5) of the Land Use Resolution Sign Ordinance/Subdivision Regulations/Other. **Table 3.2**

Front Yard setback  Side Yard setback  Rear Yard setback variance of \_\_\_\_\_ feet to allow the structure to:  be constructed;  remain a distance of \_\_\_\_\_ feet from the  property line, or  other : Reduce the minimum lot width to 110 feet instead of the required distance of 175 feet as required by the regulations.

Home Occupation Variance: \_\_\_\_\_

Other (explain request): \_\_\_\_\_

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

\_\_\_\_\_

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## DAWSON COUNTY VARIANCE APPLICATION

25 Justice Way, Dawsonville, Georgia 30534

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

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

See attached Written Statement.

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

See attached Written Statement.

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

See attached Written Statement.

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

See attached Written Statement.

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Add extra sheets if necessary.





**DAWSON COUNTY VARIANCE APPLICATION**

25 Justice Way, Dawsonville, Georgia 30534

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

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

Signature of Applicant or Agent: Kathleen Martin  
Date: 7/21/22 Kathleen Martin

Withdrawals of any application may be accommodated within the Planning & Development office if requested before the Planning Commission agenda is set. Therefore, withdrawals may not be made after ten (10) days prior to the scheduled Planning Commission meeting hearing, unless accompanied by written request stating specific reasons for withdrawal. This withdrawal request is to be published in the legal organ prior to the meeting. Following that written request and publication the Commission will vote to remove the item from the agenda at the scheduled hearing. Please note that should the withdrawal be denied, the item will receive deliberation and public hearing with a decision by the Commission. Further the applicant is encouraged to be present at the hearing to substantiate reasons for withdrawal.

**THIS SECTION TO BE COMPLETED BY STAFF.**

VR 22- \_\_\_\_\_ Tax Map & Parcel# \_\_\_\_\_

Zoning: \_\_\_\_\_ Commission District #: \_\_\_\_\_

Submittal Date: \_\_\_\_\_ Time: am/pm Received by: \_\_\_\_\_ (staff initials)

Fee Paid: \_\_\_\_\_ Planning Commission Meeting Date: \_\_\_\_/\_\_\_\_/2022



**Variances**

Property Owner Authorization Form

This form must be signed by the owner(s) as listed on the deed of record for the subject property. If there is more than one property owner, additional affidavits must be provided. **Only an owner or an authorized agent may speak on behalf of the variance at the public hearing.**

Owner's Name: Samuel C. Martin

Mailing Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Owner:

Kathleen Martin Date: 7/21/22

Kathleen Martin,  
Power of Attorney for Samuel C. Martin

Signature of Notary:

J. Fisher

Date:

7/21/22

Notary

Stamp



2025 JUL 12 10:58 AM

J. Ethan Underwood  
eunderwood@mhtlegal.com

December 5, 2022

**CAMPAIGN DISCLOSURE**

<b>Applicant:</b>	<b>Kathleen Martin</b>
<b>Subject Property:</b>	<b>Approximately 2.018 Acres Designated as Dawson County Tax Parcel(s): L15 116 004</b>
<b>Current Zoning:</b>	<b>RA – Residential Exurban/Agricultural District</b>
<b>Proposed Zoning:</b>	<b>RAC – Residential Agricultural Corrective District</b>
<b>Proposed Use:</b>	<b>Single Family Dwelling</b>
<b>Application:</b>	<b>Rezoning &amp; Variance</b>
<b>ROW Access:</b>	<b>Dogwood Lane</b>
<b>Governing Jurisdiction:</b>	<b>Dawson County</b>

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

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

Sincerely,



Ethan Underwood  
Attorney for Applicant

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J. Ethan Underwood  
eunderwood@mhtlegal.com

**RESERVATION OF CONSTITUTIONAL AND OTHER LEGAL RIGHTS**

<b>Applicant:</b>	<b>Kathleen Martin</b>
<b>Subject Property:</b>	<b>Approximately 2.018 Acres Designated as Dawson County Tax Parcel(s): L15 116 004</b>
<b>Current Zoning:</b>	<b>RA – Residential Exurban/Agricultural District</b>
<b>Proposed Zoning:</b>	<b>RAC – Residential Agricultural Corrective District</b>
<b>Proposed Use:</b>	<b>Single Family Dwelling</b>
<b>Application:</b>	<b>Rezoning &amp; Variance</b>
<b>ROW Access:</b>	<b>Dogwood Lane</b>
<b>Governing Jurisdiction:</b>	<b>Dawson County</b>

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

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

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

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

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

RESERVED

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

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

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

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

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

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

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

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

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

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

Sincerely,



Ethan Underwood  
Attorney for Applicant

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J. Ethan Underwood  
eunderwood@mhtlegal.com

**LETTER OF INTENT**

<b>Applicant:</b>	<b>Kathleen Martin</b>
<b>Subject Property:</b>	<b>Approximately 2.018 Acres Designated as Dawson County Tax Parcel(s): L15 116 004</b>
<b>Current Zoning:</b>	<b>RA – Residential Exurban/Agricultural District</b>
<b>Proposed Zoning:</b>	<b>RAC – Residential Agricultural Corrective District</b>
<b>Proposed Use:</b>	<b>Single Family Dwelling</b>
<b>Application:</b>	<b>Rezoning &amp; Variance</b>
<b>ROW Access:</b>	<b>Dogwood Lane</b>
<b>Governing Jurisdiction:</b>	<b>Dawson County</b>

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

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

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

- a) **Rezoning the subject property from RA to RAC.**
- b) **Variance(s):**
  - 1. **Reduce the minimum required lot width from 175 ft. to 110 ft.**

**PROPOSED USE**

The Applicant proposes to develop a Single-Family Residential Dwelling on the Subject Property.

**COMPREHENSIVE PLAN**

The Dawson County Comprehensive Plan and the Future Development Map incorporated therein designates the Subject Property as located within the Sub-Rural Residential Character Area. The Proposed Use does conform to the Comprehensive Plan, which allows for the Subject Property to be developed for residential purposes with a larger lot size. See Dawson County Comp. Plan, p. 32. The Subject Property

adjoins other properties that are zoned for residential use; thus, the Proposed Use would not be out of character for the area.

**IMPACT ON THE LOCAL POPULATION DENSITY PATTERN AND PUBLIC INFRASTRUCTURE**

**(A) Public Road System**

Permanent access to the development will be from the ROW Access. All of the development’s interior streets and driveways will be privately-owned and maintained.

Access and traffic are not anticipated to be a problem as traffic generated from the development will be minimal and the entrance will be at a location where sight distance is sufficient.

All curb cuts shall be coordinated and approved by Dawson County and acceleration and deceleration lanes will be installed as required by applicable standards. All streets and access drives within the development will be constructed to conform to Dawson County standards. Parking will be provided onsite as required by the Zoning Ordinance.

**(B) County School System**

The Table below estimates the number of school children expected to be generated by the project, based upon the ratio of the estimated number of school children in Dawson County to the estimated number of households in Forsyth County, then multiplying the quotient by the number of residential units in the Proposed Use. This method produces a factor of 0.670 students per household.

Projected Student Population Impact: After calculating the first year add that amount to each year thereafter	
Year	Total
1	1

The numbers above are a planning factor used to project total student population and plan the need for new school facilities. However, the actual number of students who live in the proposed development may be more or less than the factor above, because the method of calculation uses a total number households countywide, with some households containing more than the average number of children and others comprised of zero children.

**(C) Water and Waste Water Systems**

The development’s water will be provided by the Etowah Water & Sewer Authority and the sanitary sewage will be provided via onsite septic disposal system.

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**(D) Utilities**

With regard to public utilities, water, gas, and electricity are available to be extended to the Subject Property. The impact on public utilities is anticipated to be minimal. The Applicant will install underground utility lines within the development to serve the project on an as-needed basis.

**(E) Environmental Impact**

The project should also have a minimal impact on the environment. There should be no negative impact on air quality. Drainage, soil erosion, and sedimentation controls will be extensively utilized on the site after obtaining all required approvals from all applicable regulatory authorities.

The Applicant will submit plans detailing the development for approval by the Dawson County Department of Planning and Development and all other appropriate governmental agencies, based upon conformity with applicable land use and development regulations.

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J. Ethan Underwood  
eunderwood@mhtlegal.com

**WRITTEN STATEMENT OF HARDSHIP AND PROPOSED RESOLUTION**

<b>Applicant:</b>	<b>Kathleen Martin</b>
<b>Subject Property:</b>	<b>Approximately 2.018 Acres Designated as Dawson County Tax Parcel(s): L15 116 004</b>
<b>Current Zoning:</b>	<b>RA – Residential Exurban/Agricultural District</b>
<b>Proposed Zoning:</b>	<b>RAC – Residential Agricultural Corrective District</b>
<b>Proposed Use:</b>	<b>Single Family Dwelling</b>
<b>Application:</b>	<b>Rezoning &amp; Variance</b>
<b>ROW Access:</b>	<b>Dogwood Lane</b>
<b>Governing Jurisdiction:</b>	<b>Dawson County</b>

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

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

The Applicant respectfully requests that the Applicant’s Proposal be approved as requested in the foregoing Application, which is incorporated herein by reference. The Applicant also reserves the right to amend this statement and the Application by supplementing further responses and documents.

**Variance Request #1 – Dimensional Requirements**

**Proposed Variance**

*Section 121-70 (5) and by reference Table 3.2 – Reduce the minimum required lot width from 175 ft. to 110 ft.*

*Section 121-70 (5): The building requirements in the Residential Agriculture Corrective District are set forth in Table 3.2. Table 3.2 requires the lot width be a minimum of 175 ft. for the RAC Zoning District.*

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**HARDSHIP EXPLANATIONS**

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

A strict and literal enforcement of Section 121-70 (5), specifically the required 175 ft. width requirement, would result in a practical difficulty and unnecessary hardship because it would make development of the Subject Property as an intended single-family residence impossible.

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

The subject property's shape, size, and topography substantially limit the buildable area of the subject property. The shape, size, and topography of the property necessitate the requested variance and placement of structures in the locations proposed by the Applicant in order to permit feasible development of the subject property. Unless the variance is approved as requested by the Applicant, the Subject Property may not be developed in an economically feasible or physically practical manner. In addition, the Subject Property is a valid lot of record, subdivided in accordance with a prior version of the Dawson County Land Use Resolution.

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

The proposed variance would not create a safety hazard or noxious condition. Additionally, the Subject Property adjoins other properties that are zoned for residential use and are similar in size, shape and topography; thus, the Proposed Use would not be out of character for the area.

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

The proposed variance will not eliminate the Resolution's intent of requiring at least 1.5 acres but less than 5 acres to allow for the building of a single-family residence. The subject property is well over the 1.5-acre requirement.

DATE OF SURVEY: 04-11-2022

THE FIELD DATA UPON WHICH THIS PLAN IS BASED HAS A CLOSE PROXIMITY OF ONE FOOT IN 28,841 FEET, AN ANGULAR ERROR OF 12 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING THE LEAST SQUARES METHOD AS HAS BEEN CALCULATED FOR CLOSENESS AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 17,933 FEET.

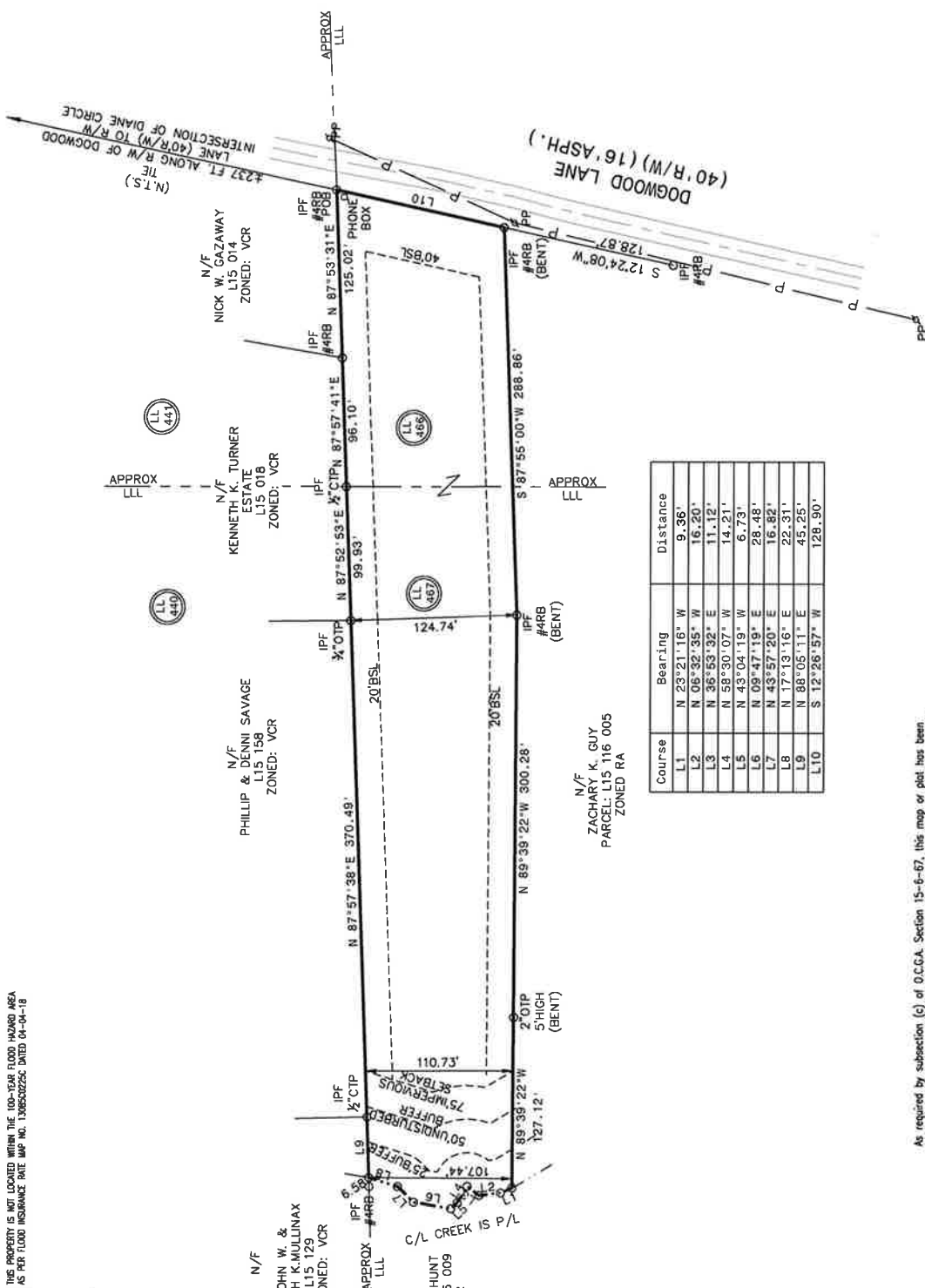
BEARINGS SHOWN ARE BASED ON ANGLES TURNED FROM A SINGLE MAGNETIC OBSERVATION AND ARE SUBJECT TO FIELD CONDITIONS.

THE EQUIPMENT USED FOR ANGULAR AND DISTANCE MEASUREMENTS WAS A TRIMBLE TOTAL STATION.

THIS PROPERTY IS NOT LOCATED WITHIN THE 100-YEAR FLOOD HAZARD AREA AS PER FLOOD INSURANCE RATE MAP NO. 138602222C DATED 04-04-18

- LEGEND
- BOC = BOUNDARY OF CURB
- BSL = BUILDING SETBACK LINE
- P/L = PROPERTY LINE
- R/W = RIGHT OF WAY
- LL = LAND LOT
- LL = LAND LOT
- N/F = NOW OR FORMERLY
- M/P/L = TAX MAP / PARCEL NO.
- POB = POINT OF BEGINNING
- MB = MET TO SCALE
- IPF = INTERIOR POINT
- IPB = IRON PIN SET
- COR MON = CORNER MONUMENT
- RB = REBAR
- TOP PILE = TOP PILE
- OTF = OPEN TOP PILE
- SO. ROD = SQUARE ROD
- AF = ANGLE IRON FOUND
- CP = CONCRETE PILE
- CP = CONCRETE METAL PIPE
- CP = CONCRETE CONC. PIPE
- WM = WATER METER
- WP = WATER PILE
- PP = POWER POLE
- PK BOX = PHONE BOX
- U/G = UNDERGROUND
- C/O = SEWER CLEAN-OUT
- MB = MANHOLE
- MB = MANHOLE CENTER
- MB = MAN HOLE
- FE = FINISHED FLOOR ELEV.
- TH = THE HYDRAUNT
- SS = SANITARY SEWER LINE
- SS = SANITARY FORCE MAIN
- W = WATER LINE
- F = FENCE LINE

**TOTAL = 2.018 ACRES**  
**SQUARE FEET: 87,885.758**  
**ZONED: RA**  
**PARCEL: L15 116 004**



Course	Bearing	Distance
L1	N 23°21'16" W	9.36'
L2	N 06°32'35" W	16.20'
L3	N 35°53'32" E	11.12'
L4	N 58°30'07" W	14.21'
L5	N 43°04'19" W	6.73'
L6	N 09°47'19" E	28.48'
L7	N 43°57'20" E	16.82'
L8	N 17°13'16" E	22.31'
L9	N 88°05'11" E	45.25'
L10	S 12°26'57" W	128.90'

As required by subsection (c) of O.C.G.A. Section 15-6-67, this map or plat has been prepared and issued for submission and approval by the local jurisdiction as is evidenced by the approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of the survey or map as to intended use at any parcel. Further, the undersigned hereby certifies that this map, plat, or plan complies with minimum technical standards for accuracy and reliability as set forth in the Rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Plat Act O.C.G.A. 15-6-67.



*Richard J. Webb*  
 Richard J. Webb RLS 2507

**SURVEY FOR:**  
**KATHLEEN MARTIN**  
 LAND LOTS 466 & 467  
 SOUTHERN HALF 13TH DISTRICT  
 DAWSON COUNTY, GEORGIA  
 APRIL 19, 2022



THIS SURVEY AND ITS FINDINGS DOES NOT CONSTITUTE A TITLE SEARCH OR A GUARANTEE OF THE LOCATION OF PROPERTY LINES, ENCUMBRANCES, ADJOINING OWNERS, ETC. WAS OBTAINED FROM PUBLIC RECORDS, THE CLIENT, OR OTHER SOURCES AS REFERENCED. NO ABSTRACT OF TITLE OR TITLE CURATIVE INSTRUMENTS WERE REVIEWED. OTHER ENCUMBRANCES OR SITUATIONS MAY EXIST THAT WOULD AFFECT THIS PROPERTY, AS WITH ANY LAND TRANSACTION, A TITLE SEARCH AND CERTIFICATE IS RECOMMENDED IN CONNECTION WITH THIS SURVEY, OR YOU MUST CONSULT A COMPETENT TITLE ATTORNEY.

TECHNICAL LAND SERVICES INC. 4/16/6  
**RICHARD WEBB & ASSOCIATES**  
 Land Surveying Consultants (770) 888-5103  
 P.O. BOX 100 KELLY HILL ROAD CUMMINGS, GA 30040  
 Email: rjwebb6103@comcast.net

**JOB NO.**  
**22108**



## ZA 22-29 & VR 22-29

### Miles, Hansford & Tallant, LLC

Planning Commission Meeting February 21, 2023

Board of Commission Hearing March 16, 2023

#### **Applicant Proposal**

The applicant is seeking to zone the property from R-A (Residential Agriculture) to RAC (Residential Agriculture Corrective) for the purpose of recording a plat and building a single-family residence.

<b>Applicant</b>	Miles, Hansford & Tallant, LLC
<b>Amendment #</b>	ZA 22-29 & VR 22-29
<b>Request</b>	Rezone Property from R-A to RAC Vary from the Land Use Resolution minimum lot width requirement
<b>Proposed Use</b>	Single-Family Residence
<b>Current Zoning</b>	R-A
<b>Future Land Use</b>	Sub-Rural Residential
<b>Acreage</b>	2.01
<b>Location</b>	Dogwood Lane
<b>Commercial Square footage</b>	n/a
<b>Road Classification</b>	County Collector
<b>Tax Parcel</b>	L15 116 004
<b>Dawson Trail Segment</b>	n/a
<b>Commission District</b>	3
<b>DRI</b>	No
<b>Planning Commission Recommendation</b>	Approval of the rezoning and variance request

Direction	Existing Zoning	Existing Use
North	VC & VCR	Single Family Residential
South	R-A	Single Family Residential
East	R-A	Vacant Land & Single Family Residential
West	RSR	Vacant Land

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

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

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

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



**County Agency Comments:**

Environmental Health Department: No comments returned as of 1.20.2023

Emergency Services: No comments returned as of 1.20.2023

Etowah Water & Sewer Authority: "Septic only at this location, if residential use, please contact EWSA it will effect water line."

Planning and Development: There are seven lots all approximately 2 acres in size that were a part of the George and Opal Pugh Estate, they were surveyed and deeded to the Pugh heirs. The lots have been sold over the past 15 years with one single family residence being built. The average width of the seven lots measures 156' 6" (approximately) except one of the lots does meet the minimum lot width requirement of 175' for the Residential Agriculture Corrective zoning classification.

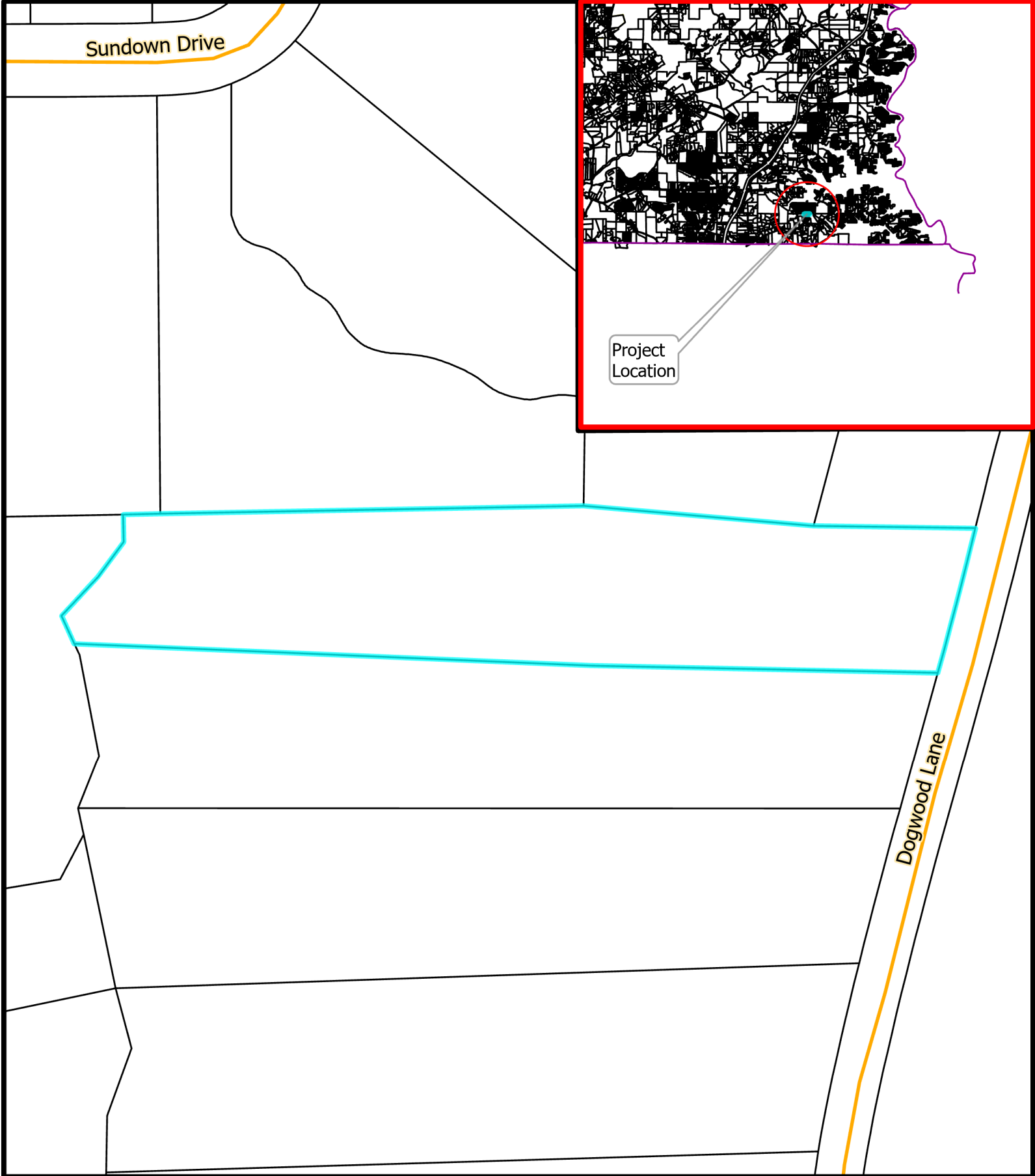
Public Works Department: No comments returned as of 1.20.2023

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

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

Photo of Parcel:





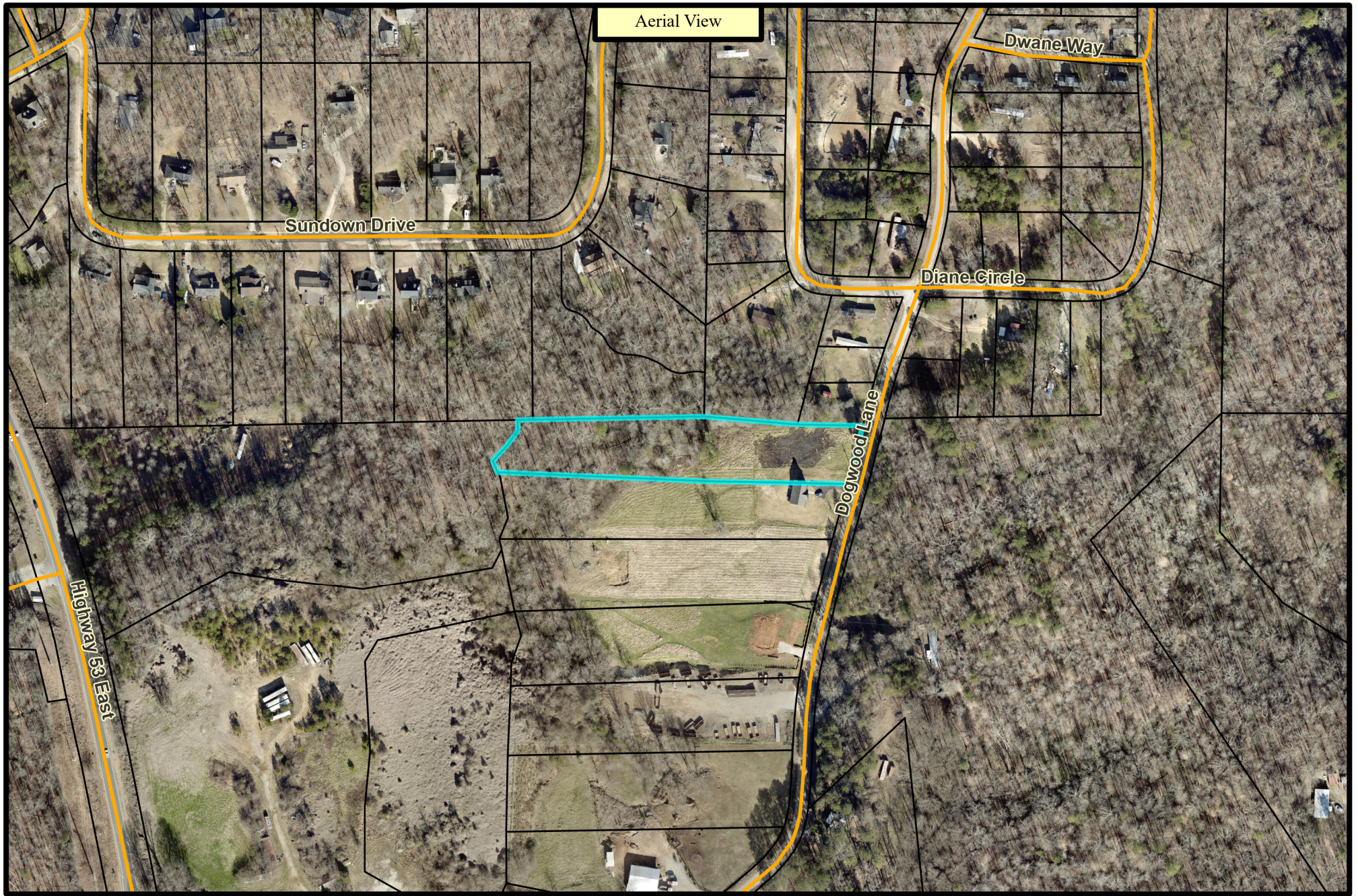
DAWSON COUNTY  
DISCLAIMS ANY  
RESPONSIBILITIES,  
LIABILITIES OR  
DAMAGES FROM THE USE  
OF THIS MAP. THIS MAP  
IS ONLY FOR DISPLAY  
PURPOSES.



Dawson County  
Planning and Development  
Staff Report: Exhibit

91

Parcel #: L15-116-004  
Current Zoning: RA  
FLU: SRR  
Application #: ZA 22-29 & VR  
22-29



Aerial View

Dwane Way

Sundown Drive

Diane Circle

Dogwood Lane

Highway 53 East



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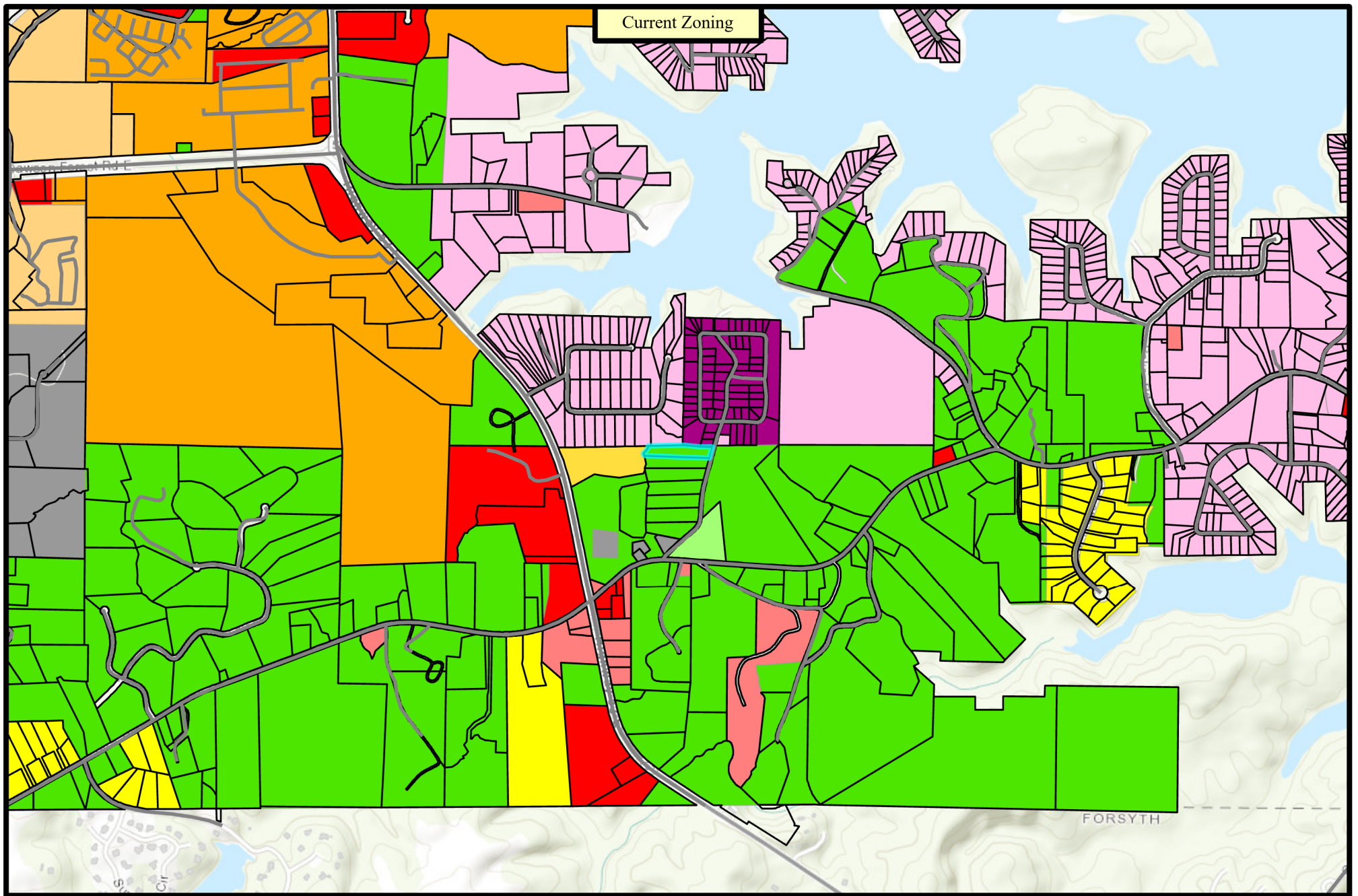
Dawson County

Planning and Development

92


Staff Report

Parcel #: L15-116-004  
Current Zoning: RA  
FLU: SRR  
Application #: ZA 22-29 & VR 22-29

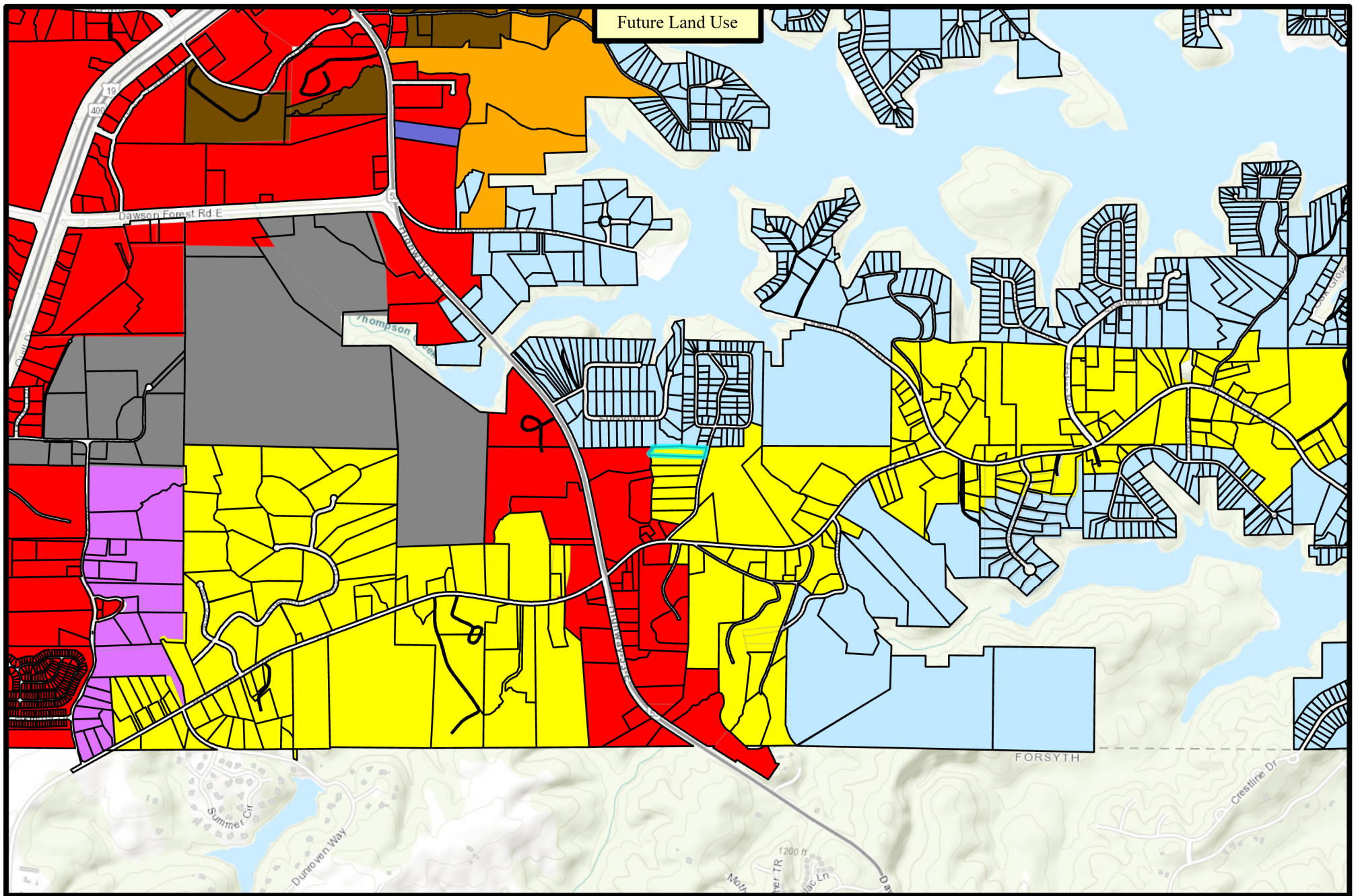


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
Dawson County  
 Planning and Development  
  
 Staff Report

Parcel #: L15-116-004  
 Current Zoning: RA  
 FLU: SRR  
 Application #: ZA 22-29 & VR 22-29

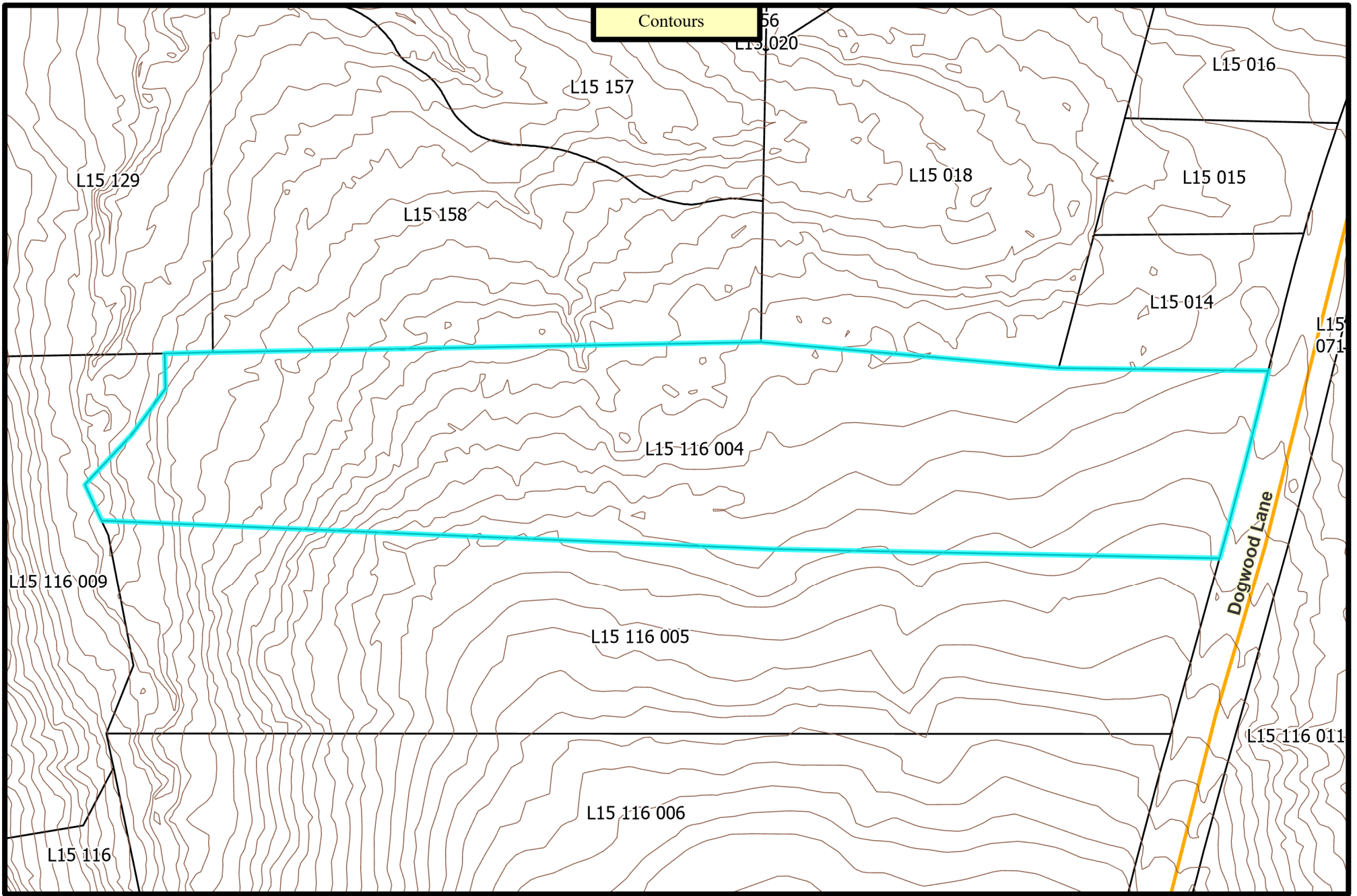


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Dawson County  
 Planning and Development  
  
 Staff Report

Parcel #: L15-116-004  
 Current Zoning: RA  
 FLU: SRR  
 Application #: ZA 22-29 & VR 22-29



Contours

Parcel #: L15-116-004  
 Current Zoning: RA  
 FLU: SRR  
 Application #: ZA 22-29 & VR 22-29



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Dawson County  
 Planning and Development  
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 Staff Report

The Dawson County Planning Commission meeting was called to order at 6:00 p.m. by Chairman Jason Hamby.

Neil Hornsey gave the invocation.

The Pledge of Allegiance was led by Chairman Hamby.

Members present: Steve Sanvi, Chairman Appointee; Shelton Townley, District 3; Neil Hornsey, District 4; and Jason Hamby, District 1 Chairman.

Staff present: Harmony Gee, Zoning Specialist and Sharon Farrell, Planning Director.

Chairman Hamby asked for a motion to approve the minutes from the December 20th, 2022 minutes as prepared. Motion passed by a vote of 4-0 Hornsey/Sanvi

Chairman Hamby asked for a motion to approve the agenda as presented by staff. Motion passed by a vote of 4-0. H o r n s e y / S a n v i

Chairman Hamby announced the requirement that a *statement of disclosure of campaign contributions* of \$250 or more must be completed by anyone who wishes to speak in favor or opposition to any application.

**New Business:**

VR 22-28 Danny Lankford obo Tire Discounters is requesting to vary from the Dawson County Sign Ordinance Article IX Section 129-224 allowable wall sign area increase. TMP 114-030-003

Chairman Hamby asked if there was anyone to speak on behalf of the application. Danny Lankford of Decatur, Georgia spoke on behalf of the applicant. Mr. Lankford said that due to the topography of the lot to the rear it made it difficult to see the structure from Dawson Forest and the internal streets and his client was requesting additional square footage for the sign.

Chairman Hamby asked if there was anyone to speak in favor of the application. There were none.

Chairman Hamby asked if there was anyone to speak in opposition of the application. There were none.

Chairman Hamby then closed the Board for discussion.

Chairman Hamby asked for a motion.

Motion to approve passed 3-0 Hornsey/Sanvi

VR 22-30 Nick Taber is requesting to vary from the Dawson County Land Use Resolution Article III Section 121-76 Table 3.2 front setback reduction. TMP 092-071 Frank Bruce Road

Chairman Hamby asked if there was anyone to speak on behalf of the application. Nick Taber of Dawsonville, Georgia spoke on his own behalf. Mr. Taber stated that he purchased the property in 2018 or 2019 approximately and had it rezoned so that the lot could be subdivided for the construction of a single family residence. There was a misunderstanding as to where the Right of Way and property lines were when construction began. The home was placed even with the adjacent parcel which was



DAWSON COUNTY PLANNING COMMISSION  
MEETING HELD February 21, 2023  
DAWSON COUNTY GOVERNMENT CENTER

constructed prior to zoning.

Chairman Hamby asked if there was anyone to speak in favor of the application. There were none.

Chairman Hamby asked if there was anyone to speak in opposition of the application.

Bob Thomas, John Woodward & Fran Blakey all of Dawsonville, Georgia spoke in opposition stating concerns of setting a precedence, cars backing into a "busy thoroughfare" from the driveway, and additional growth on the road.

Chairman Hamby then closed the Board for discussion.

Chairman Hamby asked for a motion.

Motion to approve passed 2-1 Hornsey/Sarvi

SU 22-03 Karen Mason is requesting a Special Use to place a manufactured home on less than 5 acres in a Residential Agriculture zoned parcel. TMP 056-053 Summerour Vale

Chairman Hamby asked if there was anyone to speak on behalf of the application. Karen Mason of Gainesville, Georgia spoke on her own behalf. She stated that the land had been in her family for many years and she was wanting to move a new three-bedroom two bathroom manufactured home onto the parcel.

Chairman Hamby asked if there was anyone to speak in favor of the application. Mattie Summerour of Conley, Georgia, aunt of the applicant and owner of the parcel, stated that she is in favor of her niece having a home on the parcel.

Chairman Hamby asked if there was anyone to speak in opposition of the application. There were none.

Chairman Hamby then closed the board for discussion.

Chairman Hamby asked for a motion.

Motion to recommend approval of the request passed 3-0 Sarvi/Hornsey

ZA 22-29 Miles, Hansford & Tallant, LLC is requesting to rezone TMP L15-116-004 from R-A (Residential Agriculture) to R-AC (Residential Agriculture Corrective).

VR 22-29 Miles, Hansford & Tallant, LLC is requesting 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

Chairman Hamby asked if there was anyone to speak on behalf of the application. Bryceson Mercer of Cumming, Georgia spoke to the application. He stated that the lot was a part of an estate that was subdivided many years ago. He was asking the Board to rezone to R-AC so that a single-family residence could be constructed. In addition to the rezoning request a variance was needed for compliance due to the lot not meeting minimum requirements.

Chairman Hamby asked if there was anyone to speak in favor of the application. There were none.

Chairman Hamby asked if there was anyone to speak in opposition of the application. There were none.

Chairman Hamby then closed the Board for discussion.

Chairman Hamby asked for a motion.

Motion to recommend approval of the rezoning request passed 3-0 Hornsey/Sarvi

Motion to recommend approval of the variance request passed 3-0 Hornsey/Sanvi

ZA 22-30 Sharon Jennings is requesting 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. Hwy 9 South

Chairman Hamby asked if there was anyone to speak on behalf of the application. Sharon Jennings of Dawsonville, Georgia spoke on her own behalf. She stated that she inherited the parcel from her mother's estate and wanted to build a home but due to the cost of construction they had to look at other options. She is currently living with her sister and wanted a home of her own. Ms. Jennings has a new manufactured home picked out that would be placed on the parcel.

Chairman Hamby asked if there was anyone to speak in favor of the application. There were none.

Chairman Hamby asked if there was anyone to speak in opposition of the application. There were none.

Chairman Hamby then closed the Board for discussion.

Chairman Hamby asked for a motion.

Motion to recommend approval of the request passed. 3-0 Hornsey/Sanvi

Election of Planning Commission officers for the current year was held.

Chairman Hamby asked for a nomination of Chairman.

Steve Sanvi nominated Jason Hamby for Chairman. Motion was seconded by Neil Hornsey. Motion passed 3-0 for Jason Hamby to remain Chairman for 2023.

Steve Sanvi nominated Neil Hornsey for Vice Chairman. Motion was seconded by Shelton Townley. Motion passed 3-0 for Neil Hornsey to remain Vice Chairman for 2023.

Chairman Hamby stated that the position of Secretary is traditionally held by a member of staff. Neil Hornsey made a motion of Harmony Gee for Secretary. Motion was seconded by Steve Sanvi. Motion passed 4-0 for Harmony Gee to be Planning Commission Secretary.

Updates by Planning and Development were given by Planning Director Sharon Farrell. She stated that work continues on the Impact Fee schedule and that should be wrapped up in March. The County is still under a moratorium for certain zoning classes until May.

There being no further business to discuss, the meeting was adjourned at 6:45 p.m.

\_\_\_\_\_  
Jason Hamby, Vice Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attest: Harmony Gee

\_\_\_\_\_  
Date

Dawson County  
Rezoning Application  
(AMENDMENT TO LAND USE MAP)

**APPLICANT INFORMATION (or Authorized Representative)**

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

Printed Name Carrol Joe Jennings + Sharon Denise Jennings

Address: [Redacted] Road E Dawsonville Georgia 30534

Phone (Listed only please) Cell for Carrol 770- [Redacted] Sharon Cell 470- [Redacted]

Email (Business/Personal): Jennings Denise [Redacted] .com

Status:  Owner  Authorized Agent  Lessee  Option to purchase

I have  / have not  participated in a pre-application meeting with Planning Staff.

If not, I agree  / disagree  to schedule a meeting the week following the submittal deadline.

Meeting Date: 12/20/20 Applicant Signature: Sharon Denise Jennings

**REQUESTED ACTION & DETAILS OF PROPOSED USE**

Rezoning to: RSPmm  Special Use Permit for: \_\_\_\_\_

Proposed Use:

Existing Utilities:  Water  Sewer  Gas  Electric

Proposed Utilities:  Water  Sewer  Gas  Electric

**RESIDENTIAL**

No. of Lots: 1 Minimum Lot Size: \_\_\_\_\_ (acres) No. of Units: 1

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

Type:  Apartments  Condominiums  Townhomes  Single-family  Other

Type of Amenity: 1 Amount of Open Space: 1

**COMMERCIAL & RESTRICTED INDUSTRIAL:**

Building area: n/a No. of Parking Spaces: \_\_\_\_\_

2200020  
22100

# Property Owner/ Property Information

Name: Carol Joe + Sharon Denise Jennings

Street Address of Property being rezoned: No address yet, near 3017 Highway 9 S

Rezoning from: Residential to: Residential Total acreage being rezoned: 1 1/2 acres

Directions to Property (if no address):

Near 3017 Highway 9 South

Subdivision Name (if applicable): None Lot(s) #: \_\_\_\_\_

Current Use of Property: None

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

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

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

### SURROUNDING PROPERTY ZONING CLASSIFICATION:

North RSP South RSP / RSRmm East RSRmm West RSP

Future Land Use Map Designation: RSP

Access to the development will be provided from:

Road Name: Hwy 9 Type of Surface: pavement

# Property Owner Authorization

Carrol Joe + Sharon Denise Jennings

I/we, ~~Carrol Joe + Sharon~~, hereby swear that I/we own the property located at (fill in address and/or tax map parcel #s):

Street Address of Property being rezoned:

TMP#: 085-092-002

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

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

Printed Name of applicant or agent: Carrol Joe Jennings

Signature of applicant or agent: *[Signature]* Date: \_\_\_\_\_

\*\*\*\*\*

Printed Name of Owner(s): Carrol Joe Jennings + Sharon Denise Jennings

Signature of Owner(s): *[Signatures]* Date: 12-20-22

Mailing address: \_\_\_\_\_ Road E

City, State, Zip: Dawsonville Georgia 30534

Phone (Listed/Unlisted): (c) 770- \_\_\_\_\_ (c) 470- \_\_\_\_\_

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

{Notary Seal}

Notary Public

My Commission Expires: \_\_\_\_\_

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



12-20-2022

I Sharon Denise Jennings and my Husband Carol Joe Jennings would like our acre and a half to be rezoned to put a Manufactured Home on. It will be a New one with a permanent Foundation, it will have 1332 sq. ft. We are living with my sister right now and would really love to have a Home of our own. We were going to Build But due to everything being so expensive at this time we just think this would be a better way to go. Because we can Order it and get it in 4 to 6 weeks versus taking 8 months to Build. I really hope this will be rezoned because we just really want our own Home. Thank you for your time. S. Denise and Carol Joe Jennings

Filed 01/21/2020 03:13PM  
 Bk 0085 Pg 0043  
 Plat Doc: PLAT

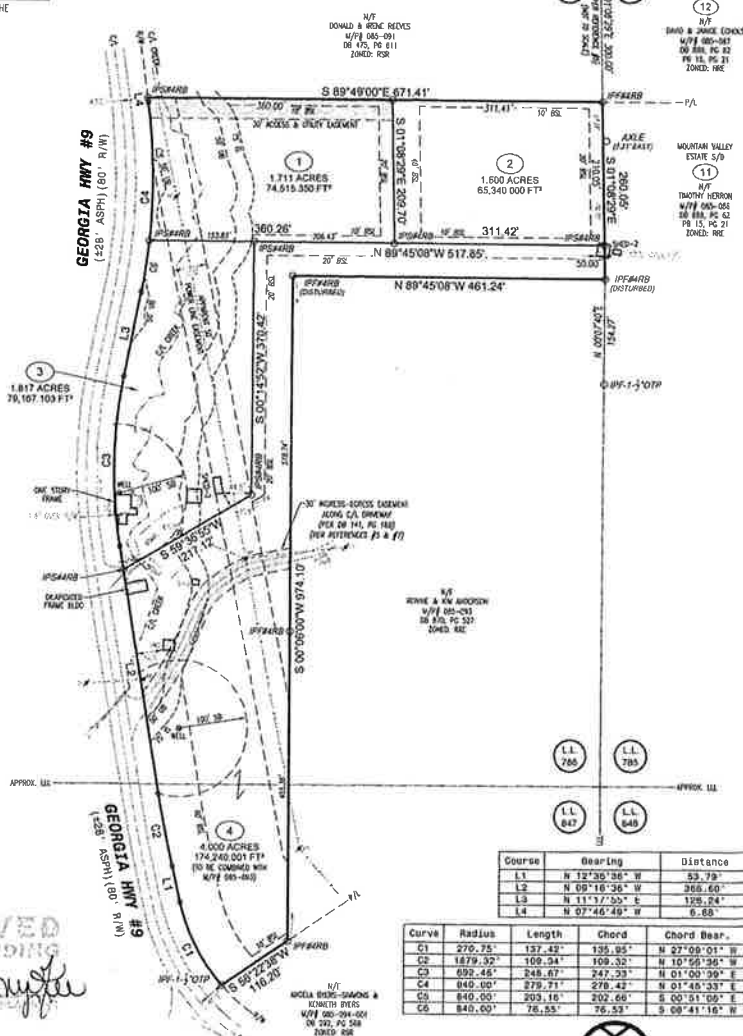
Penalty: \$0.00 Interest: \$0.00  
 Participant: 3802914031  
 JUSTIN POWERS, Clerk of Superior Court  
 DAWSON County, Georgia

THIS BLOCK RESERVED FOR THE CLERK OF SUPERIOR COURT

**LEGEND**

EC = EASEMENT  
 FV = FLOOD VULNERABLE  
 L = LAND USE  
 L1 = LAND LOT  
 L2 = LAND LOT  
 L3 = LAND LOT  
 L4 = LAND LOT  
 L5 = LAND LOT  
 L6 = LAND LOT  
 L7 = LAND LOT  
 L8 = LAND LOT  
 L9 = LAND LOT  
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 L25 = LAND LOT  
 L26 = LAND LOT  
 L27 = LAND LOT  
 L28 = LAND LOT  
 L29 = LAND LOT  
 L30 = LAND LOT

**TOTAL = 9.028 ACRES**  
 393,262.454 SQUARE FEET



THIS SURVEY AND ITS FINISHED COPIES AND CORRECTED COPIES SHALL BE THE PROPERTY OF THE SURVEYOR. NO PART OF THIS SURVEY SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR. THE SURVEYOR'S LIABILITY IS LIMITED TO THE PROFESSIONAL STANDARDS OF THE SURVEYING INDUSTRY. THE SURVEYOR DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED TO THE SURVEYOR. THE SURVEYOR'S LIABILITY IS LIMITED TO THE PROFESSIONAL STANDARDS OF THE SURVEYING INDUSTRY. THE SURVEYOR DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED TO THE SURVEYOR.

THE FIELD DATA UPON WHICH THIS SURVEY IS BASED HAS A CLASSIFICATION OF ONE FOOT OR LESS. THE SURVEYOR HAS CONDUCTED A VISUAL CHECK OF THE FIELD DATA AND HAS FOUND IT TO BE ACCURATE TO WITHIN ONE FOOT OR LESS. THE SURVEYOR HAS CONDUCTED A VISUAL CHECK OF THE FIELD DATA AND HAS FOUND IT TO BE ACCURATE TO WITHIN ONE FOOT OR LESS.

BEARINGS SHOWN ARE BASED ON ANGLES TURNED FROM A SINGLE MAGNETIC OBSERVATION AND ARE SUBJECT TO FIELD CONDITIONS. THE EQUIPMENT USED FOR ANGULAR AND DISTANCE MEASUREMENTS WAS A LEICA TOTAL STATION 1512.

THIS PROPERTY IS NOT LOCATED WITHIN THE 100-YEAR FLOOD HAZARD AREA AS PER FLOOD HAZARD DATA MAP NO. 130650111C DATED 4-1-18.

**NOTES & REFERENCES**

1. TAX MAP/PARCEL: 8086-092  
 2. PARCEL IS ZONED RSR  
 3. SETBACKS  
 FRONT - 80 FEET (ALONG STATE HIGHWAYS)  
 FRONT - 40 FEET (OTHER)  
 SIDE - 10 FEET  
 REAR - 20 FEET

4. PLAT BOOK 18 PAGE 209  
 5. PLAT BOOK 25 PAGE 259  
 6. PLAT BOOK 35 PAGE 117  
 7. PLAT BOOK 01 PAGE 71

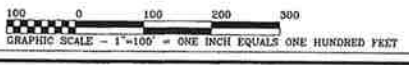
Course	Bearing	Distance
L1	N 13°36'38" W	62.73'
L2	N 09°18'36" W	368.60'
L3	N 11°17'36" E	128.24'
L4	N 07°46'48" W	6.88'

Curve	Radius	Length	Chord	Chord Bear.
C1	276.75'	137.49'	135.95'	N 27°09'01" W
C2	1879.32'	169.24'	169.32'	N 10°56'36" W
C3	692.44'	249.87'	247.23'	N 01°00'39" E
C4	840.00'	279.51'	279.42'	N 01°48'23" E
C5	840.00'	203.16'	202.66'	S 00°51'09" E
C6	840.00'	76.55'	76.53'	S 09°41'16" W

APPROVED FOR RECORDING

*Kathleen Goswick*

SUBDIVISION SURVEY FOR:  
**KATHLEEN GOSWICK ESTATE**  
 LAND LOTS 786 & 847  
 4TH DISTRICT  
 1ST SECTION  
 DAWSON COUNTY, GEORGIA  
 PLAT DATE: JANUARY 13, 2019  
 REVISIONS:



**McCLURE SURVEYING, INC.**  
 2505 JOHNSON DRIVE - SUITE D  
 CUMMING, GA 30040  
 O. (470) 287-5592 F. (770) 888-0281  
 NATHAN@MCCLURESURVEYING.COM

**Surveyor's Certificate**

I hereby certify that all measurements and improvements shown hereon are true and correct and were taken and reduced to sea level by me or under my direct supervision and that I am a duly licensed Professional Surveyor in the State of Georgia.

By:  
 Registered Georgia Land Surveyor No. 3286

SERGEI BORO  
 105 WICKLE DRIVE  
 DAWSONVILLE, GA 30534

JOB NO. 19266

2020F020 2221PM





## ZA 22-30

**Sharon Denise Jennings**

Planning Commission Meeting February 21, 2023

Board of Commission Hearing March 16, 2023

### **Applicant Proposal**

The applicant is seeking to zone the property from RSR (Residential Sub-Rural) to RSRMM (Residential Sub-Rural Manufactured Moved) for the purpose of placing a manufactured home on the parcel. Due to the cost of building materials, the applicant “thinks that this is a better way to go”.

<b>Applicant</b>	Sharon Denise Jennings
<b>Amendment #</b>	ZA 22-30
<b>Request</b>	Rezone Property from RSR to RSRMM
<b>Proposed Use</b>	Placing a manufactured home on the parcel
<b>Current Zoning</b>	RSR
<b>Future Land Use</b>	Sub-Rural Residential
<b>Acreage</b>	1.5
<b>Location</b>	Highway 9 South
<b>Commercial Square footage</b>	N/A
<b>Road Classification</b>	State
<b>Tax Parcel</b>	085-092-002
<b>Dawson Trail Segment</b>	n/a
<b>Commission District</b>	2
<b>DRI</b>	No
<b>Planning Commission Recommendation</b>	Approval

Direction	Existing Zoning	Existing Use
North	RSR	Single Family Residential
South	RSR & RSRMM	Single Family Residential
East	RSRMM	Single Family Residential
West	RSR & R-A	Single Family Residential

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

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

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

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

**County Agency Comments:**

Environmental Health Department: No comments returned as of 1.23.2023

Emergency Services: No comments returned as of 1.23.2023

Etowah Water & Sewer Authority: "No water or sewer available at this parcel."

Planning and Development: RSRMM is a subcategory of the RSR zoning classification and would be compliant with the Future Land Use designation and meets the general character of the area. The applicant inherited the parcel from her mother's estate and will be surrounded by family who have either already built homes or are planning to build in the near future. Access to the parcel will be provided by a 30' platted easement that begins at Highway 9 South.

Public Works Department: No comments returned as of 1.23.2023

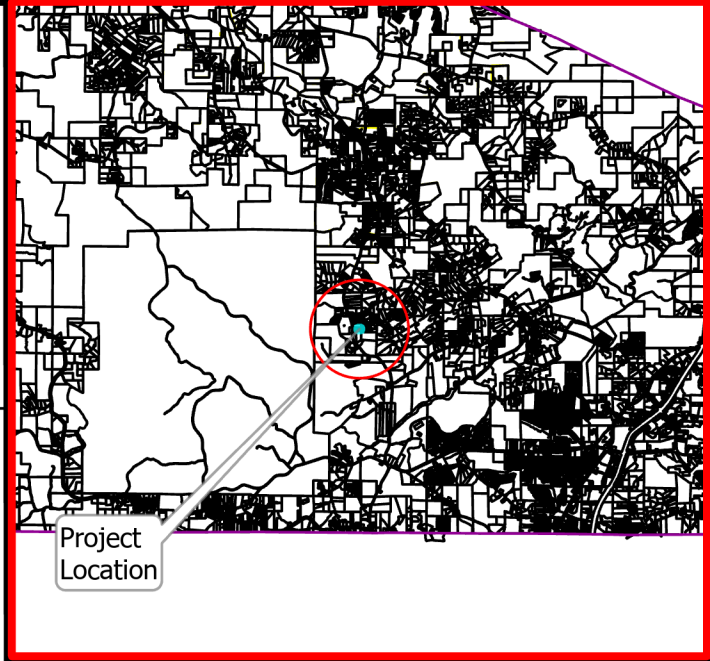
**THE PLANNING COMMISSION SHALL MAKE ITS RECOMMENDATIONS BASED ON THE FOLLOWING CRITERIA:**

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

Photo of Property:



Mountain Spring Drive



Project Location

Hickory Trail West



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



Dawson County  
Planning and Development  
Staff Report: Exhibit

109

Parcel #: 085-092-002  
Current Zoning: RSR  
FLU: SRR  
Application #: ZA 22-30



Aerial View

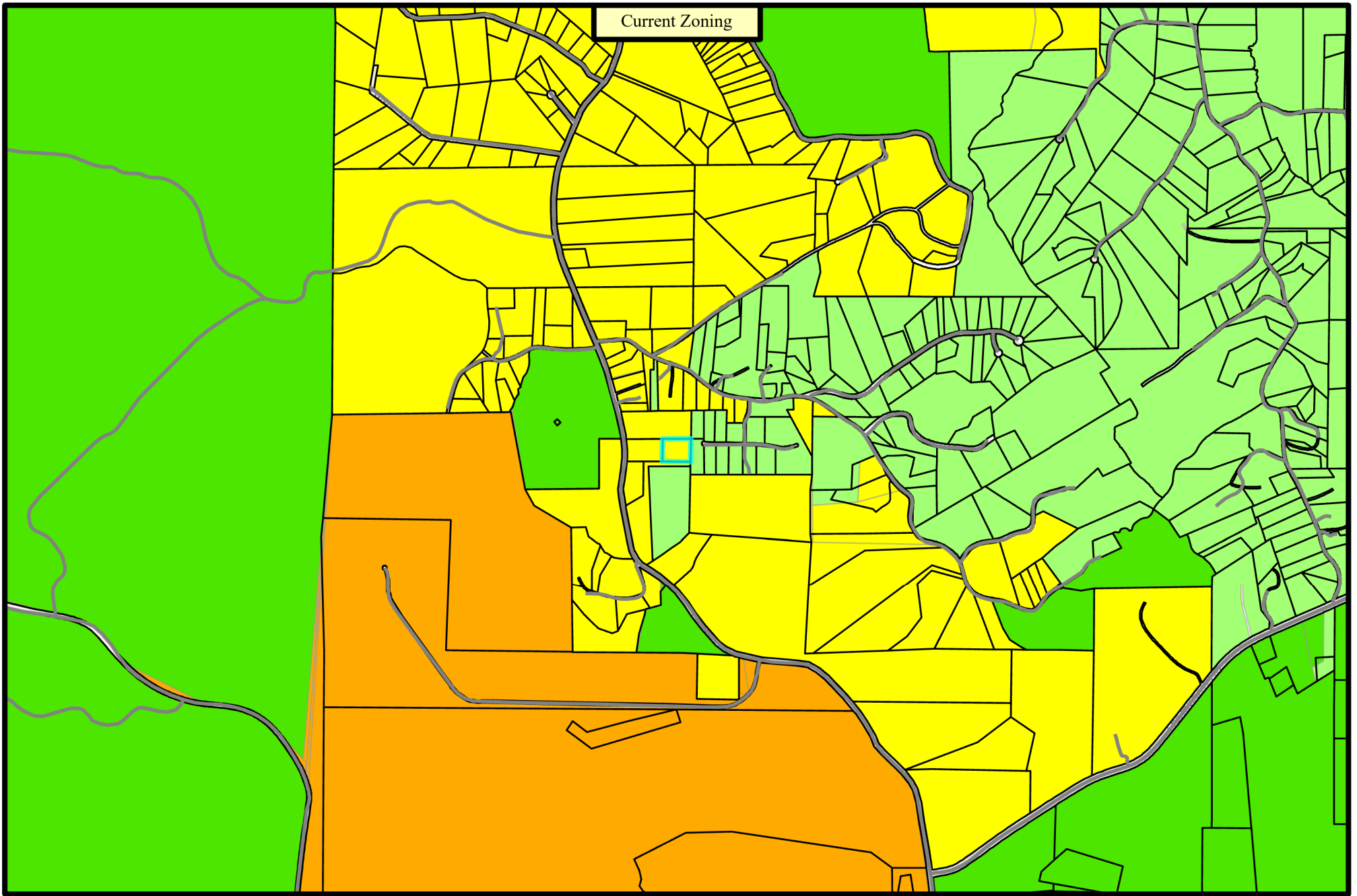


DAWSON COUNTY DISCLAIMS ANY RESPONSIBILITIES, LIABILITIES OR DAMAGES FROM THE USE OF THIS MAP. THIS MAP IS ONLY FOR DISPLAY PURPOSES.

N  
Scale: 1:3,837

Dawson County  
Planning and Development  
110  
Site Report

Parcel #: 085-092-002  
Current Zoning: RSR  
FLU: SRR  
Application #:ZA 22-30



Current Zoning



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N



Scale: 1:20,637

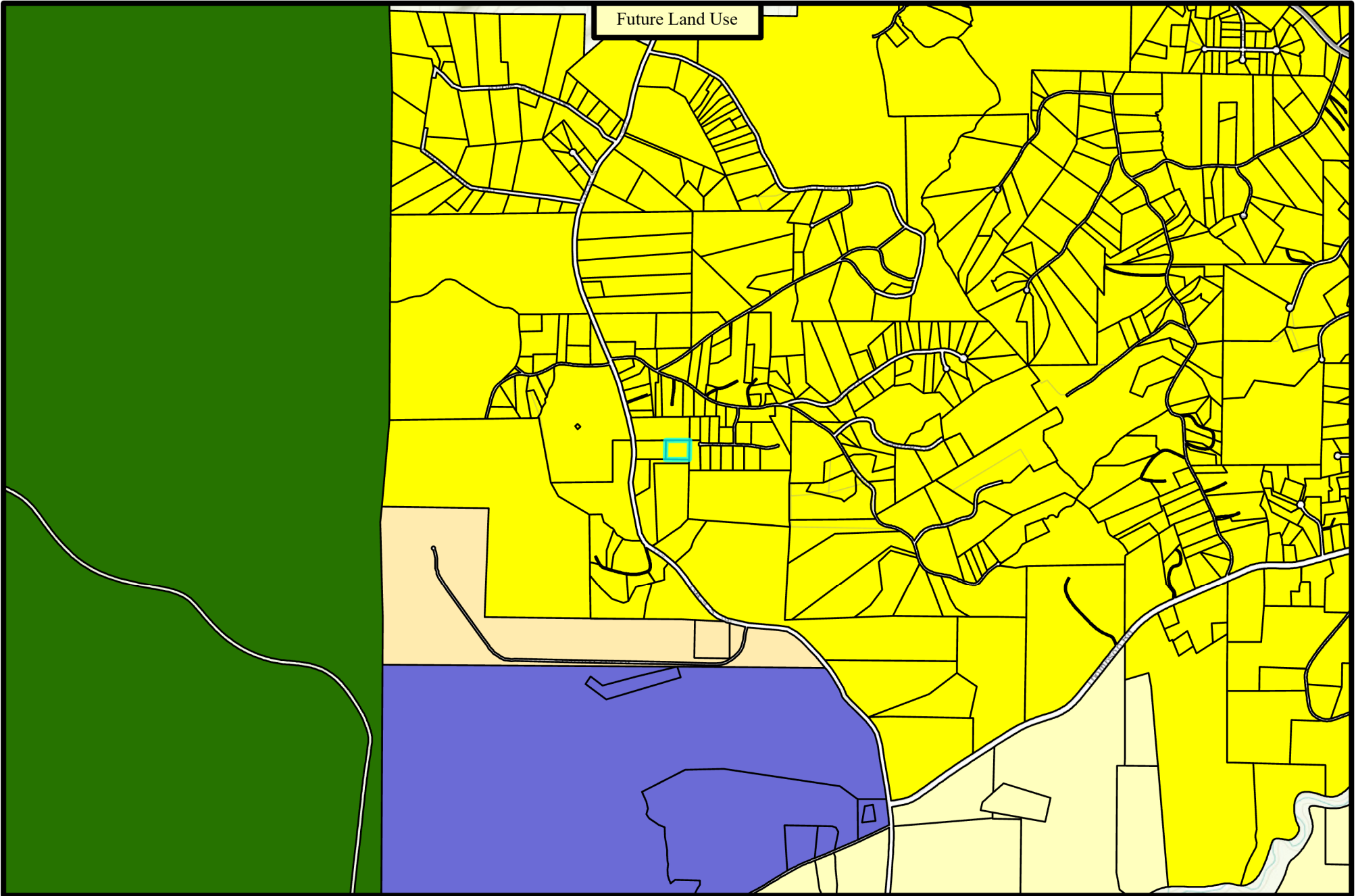
Dawson County

Planning and Development

111

Site Report

Parcel #: 085-092-002  
Current Zoning: RSR  
FLU: SRR  
Application #:ZA 22-30



Future Land Use



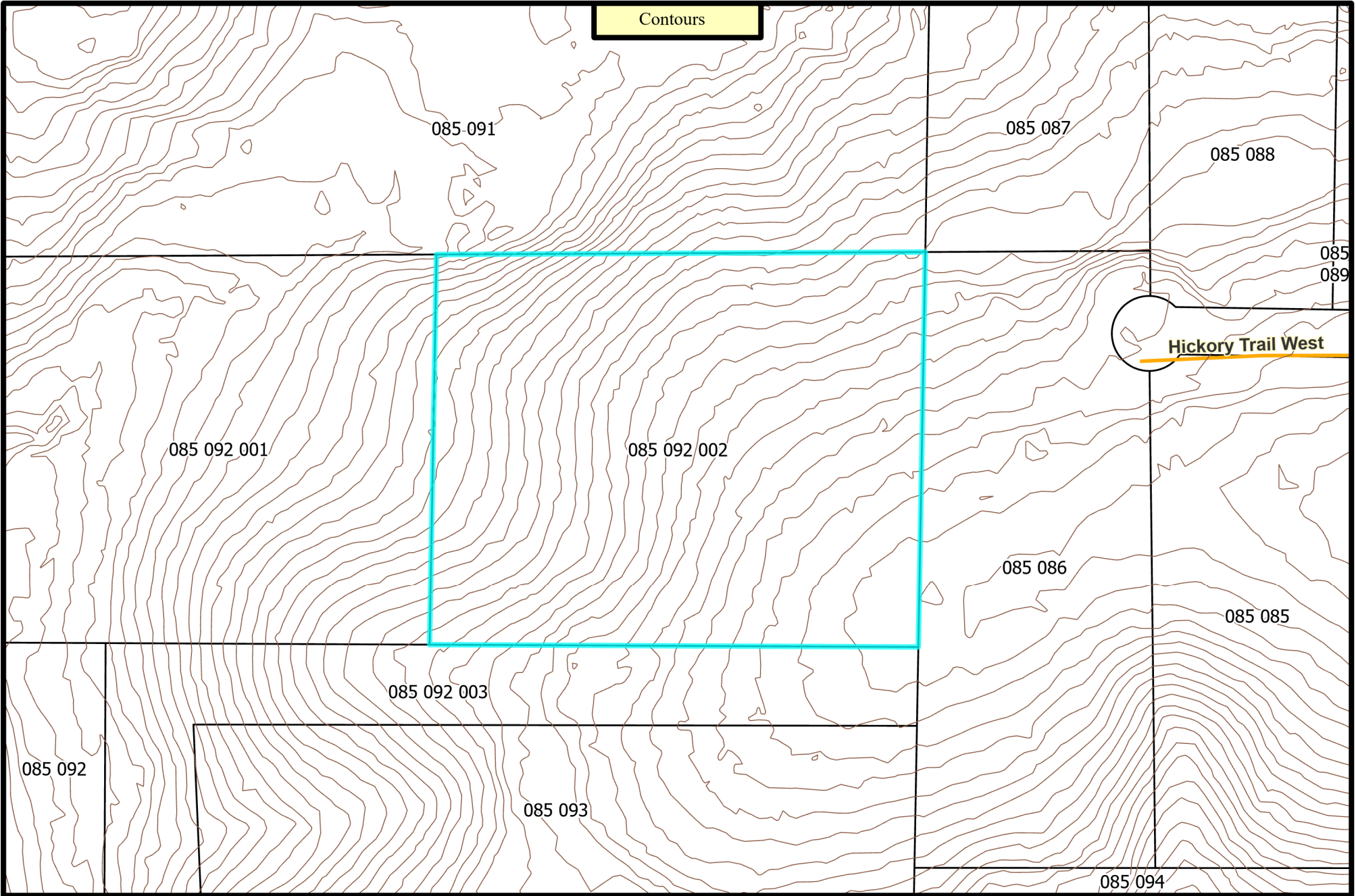
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N  
  
 Scale: 1:24,764

Dawson County  
 Planning and Development  
 112  
 Staff Report

Parcel #: 085-092-002  
 Current Zoning: RSR  
 FLU: SRR  
 Application #:ZA 22-30





Contours

085 091

085 087

085 088

085 089

Hickory Trail West

085 092 001

085 092 002

085 086

085 085

085 092 003

085 092

085 093

085 094



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N



Scale: 1:1,201

Dawson County

Planning and Development

113

Site Report

Parcel #: 085-092-002  
Current Zoning: RSR  
FLU: SRR  
Application #: ZA 22-30

The Dawson County Planning Commission meeting was called to order at 6:00 p.m. by Chairman Jason Hamby.

Neil Hornsey gave the invocation.

The Pledge of Allegiance was led by Chairman Hamby.

Members present: Steve Sanvi, Chairman Appointee; Shelton Townley, District 3; Neil Hornsey, District 4; and Jason Hamby, District 1 Chairman.

Staff present: Harmony Gee, Zoning Specialist and Sharon Farrell, Planning Director.

Chairman Hamby asked for a motion to approve the minutes from the December 20th, 2022 minutes as prepared. Motion passed by a vote of 4-0 Hornsey/Sanvi

Chairman Hamby asked for a motion to approve the agenda as presented by staff. Motion passed by a vote of 4-0. H o r n s e y / S a n v i

Chairman Hamby announced the requirement that a *statement of disclosure of campaign contributions* of \$250 or more must be completed by anyone who wishes to speak in favor or opposition to any application.

**New Business:**

VR 22-28 Danny Lankford obo Tire Discounters is requesting to vary from the Dawson County Sign Ordinance Article IX Section 129-224 allowable wall sign area increase. TMP 114-030-003

Chairman Hamby asked if there was anyone to speak on behalf of the application. Danny Lankford of Decatur, Georgia spoke on behalf of the applicant. Mr. Lankford said that due to the topography of the lot to the rear it made it difficult to see the structure from Dawson Forest and the internal streets and his client was requesting additional square footage for the sign.

Chairman Hamby asked if there was anyone to speak in favor of the application. There were none.

Chairman Hamby asked if there was anyone to speak in opposition of the application. There were none.

Chairman Hamby then closed the Board for discussion.

Chairman Hamby asked for a motion.

Motion to approve passed 3-0 Hornsey/Sanvi

VR 22-30 Nick Taber is requesting to vary from the Dawson County Land Use Resolution Article III Section 121-76 Table 3.2 front setback reduction. TMP 092-071 Frank Bruce Road

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DAWSON COUNTY PLANNING COMMISSION  
MEETING HELD February 21, 2023  
DAWSON COUNTY GOVERNMENT CENTER

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Motion to approve passed 2-1 Hornsey/Sarvi

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Chairman Hamby asked for a motion.

Motion to recommend approval of the request passed 3-0 Sarvi/Hornsey

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Chairman Hamby then closed the Board for discussion.

Chairman Hamby asked for a motion.

Motion to recommend approval of the rezoning request passed 3-0 Hornsey/Sarvi

Motion to recommend approval of the variance request passed 3-0 Hornsey/Sanvi

ZA 22-30 Sharon Jennings is requesting 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. Hwy 9 South

Chairman Hamby asked if there was anyone to speak on behalf of the application. Sharon Jennings of Dawsonville, Georgia spoke on her own behalf. She stated that she inherited the parcel from her mother's estate and wanted to build a home but due to the cost of construction they had to look at other options. She is currently living with her sister and wanted a home of her own. Ms. Jennings has a new manufactured home picked out that would be placed on the parcel.

Chairman Hamby asked if there was anyone to speak in favor of the application. There were none.

Chairman Hamby asked if there was anyone to speak in opposition of the application. There were none.

Chairman Hamby then closed the Board for discussion.

Chairman Hamby asked for a motion.

Motion to recommend approval of the request passed. 3-0 Hornsey/Sanvi

Election of Planning Commission officers for the current year was held.

Chairman Hamby asked for a nomination of Chairman.

Steve Sanvi nominated Jason Hamby for Chairman. Motion was seconded by Neil Hornsey. Motion passed 3-0 for Jason Hamby to remain Chairman for 2023.

Steve Sanvi nominated Neil Hornsey for Vice Chairman. Motion was seconded by Shelton Townley. Motion passed 3-0 for Neil Hornsey to remain Vice Chairman for 2023.

Chairman Hamby stated that the position of Secretary is traditionally held by a member of staff. Neil Hornsey made a motion of Harmony Gee for Secretary. Motion was seconded by Steve Sanvi. Motion passed 4-0 for Harmony Gee to be Planning Commission Secretary.

Updates by Planning and Development were given by Planning Director Sharon Farrell. She stated that work continues on the Impact Fee schedule and that should be wrapped up in March. The County is still under a moratorium for certain zoning classes until May.

There being no further business to discuss, the meeting was adjourned at 6:45 p.m.

\_\_\_\_\_  
Jason Hamby, Vice Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attest: Harmony Gee

\_\_\_\_\_  
Date

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

### 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.

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

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

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## 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.*

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**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.

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(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.



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(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.**

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## 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.

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(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).

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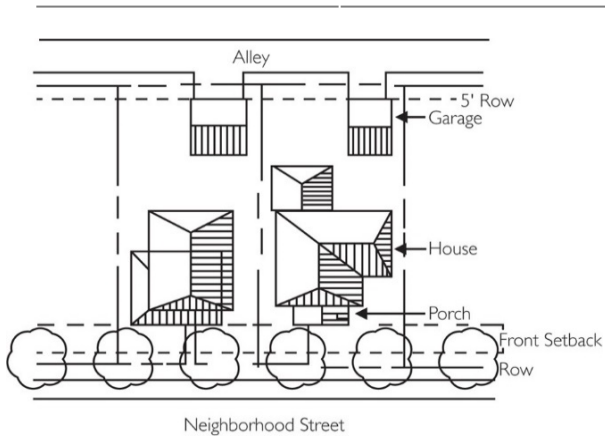
b. *Foundation walls.* Exposed foundation walls must be faced in brick, stone, or manufactured stone to the level of the first finished floor when there is a basement or at least 18 inches above grade for the entire perimeter wall when the building has a slab on grade.

(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.



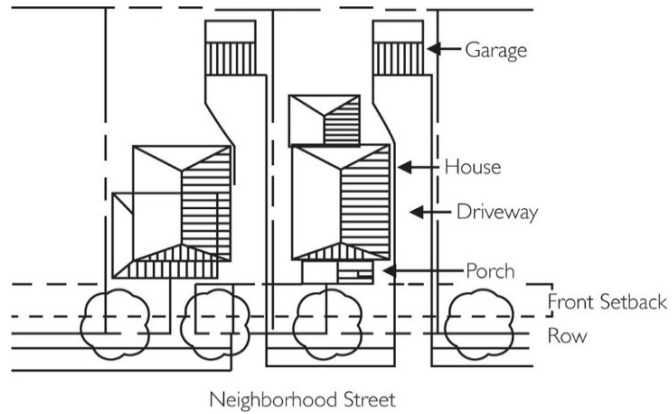
**65-foot-wide lot with rear access**

- 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

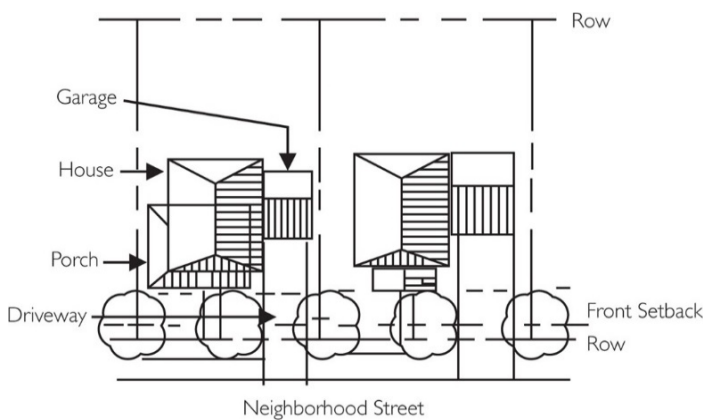


**75-foot-wide lot with front driveway:**

- 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.



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**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.

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**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.

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**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.



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

RS-3 residential suburban districts are areas where moderate density single-family residential growth with access to public sewer occurs 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.

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**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.

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**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.

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**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.

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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.
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(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. All units shall include an enclosed garage a minimum of 400 square feet in size.
- k. Allowed accessory uses are 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.

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- (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.

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**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.



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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.

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**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.

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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.

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**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.

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- 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. then adequate parking facilities must be provided in the form of the following:
1. A minimum of 20 parking spaces must be provided.
  2. Parking facilities may be located on a grass or gravel area. All parking areas shall be defined by either gravel, cut lawn, sand or other visible marking.
  3. All parking areas shall be located a minimum of 25-feet from any exterior property line, and the drives designed in such a manner to avoid traffic hazards associated with entering and exiting the public roadway.
  4. Paved parking areas must meet all design, landscaping and screening and setback requirements set forth by Dawson County codes and regulations. A land disturbance permit is required.
  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.

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(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.**

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**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.

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(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.



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**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.

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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.

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(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.

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**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.

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- 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.
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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\***

<sup>1</sup> Unless otherwise indicated, the minimum square feet required for a residential unit is eight hundred square feet (heated).

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

<sup>3</sup> Public water and sewer; net density calculation

<sup>4</sup> Width at the building line; frontage minimum for individual lots is 30-feet

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

<sup>6</sup> See Sec. 121-59 for development of RT district community.

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

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

a) Major farm buildings shall be a minimum distance of 50 feet from the property line or 200 feet from the nearest residence, other than the residence of the owner, whichever is greater.

b) The exhaust end of all poultry houses shall be located not less than 300 feet from any existing residence other than the 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.

<sup>10</sup> A manufactured home may be located on a lot of record that is less than 3 acres with Special Use Approval.

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

a) Major farm buildings (horse barns, etc.) shall be a minimum distance of 30 feet from the property line or 100 feet from the nearest residence, other than the residence of the owner, whichever distance is greater.

b) No setback is required from 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.

<sup>12</sup> 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

		Minimum foot-candles	Average foot-candles	Maximum foot-candles
4.	Off-street parking lots			
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;

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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.

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

Rural business districts are areas where small businesses are established to meet the needs of the rural communities within the county. These establishments are usually located at rural 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.



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

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

- (1) *Permitted principal uses:* The following uses are allowed within this district:
  - a. Principal uses that are allowed by right or by special use approval are listed on Table 3.3 in this article.
  - b. Restrictions that apply to particular uses allowed by right or special use approval are referenced on Table 3.3 and are contained in section 12-108 of this article.
- (2) *Prohibited uses:* Uses not listed as permitted uses on Table 3.3 are prohibited in this district. In addition, the following uses are specifically not allowed within this district:
  - a. Retail building supply, lumber yards, and similar commercial uses.
  - 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.

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**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.

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**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 121-108 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-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.

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**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,

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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.

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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;

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- 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.

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**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.



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**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.

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**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.

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**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.

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**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

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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

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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.

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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**

<b>Proposed Tower Types</b>	<b>Lattice, Self-Supporting or Guyed</b>	<b>Monopole 75' in Height or Greater</b>	<b>Monopole Less Than 75' in Height</b>
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



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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

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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:

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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/cm<sup>2</sup> for uncontrolled environments.
3. Telecommunication site does not meet FAA/FCC rules and regulations.
4. A previously approved site application will meet the current applicant's coverage or capacity objectives.

c. Any approved wireless telecommunication tower must adhere to the following conditions:

1. Proof of FAA "No hazard determination assessment" or "No notice of construction needed". If a notice of construction is required, the FAA can only grant the "No Hazard of Determination Assessment". Only an aviation consultant once coordinated with the independent consultant can determine if a no notice of construction is warranted if and only if the tower is greater than five miles from an airport or two miles from a heliport.
2. Update of ERP (watts) per site, per sector upon filing for new cell tower.
3. Update of antenna type, antenna beam width, antenna gain, antenna tilt, and radiation center upon filing for new cell tower.

(p) *Variance.* Any request for variance from the provisions of this article shall be presented directly to the Dawson County Planning Commission per article IX of this resolution.

(q) *Violation.* Any person violating the provisions of these regulations shall be guilty of violating a duly adopted ordinance of Dawson County, and upon conviction by a court of competent jurisdiction may be penalized pursuant to section 121-377 of this chapter.

**Secs. 121-110—121-125. Reserved.**

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## 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.

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- 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 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).

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**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.

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.

Upper story uses are permitted for each commercial area.

**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.**



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## 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.

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- (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.

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**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

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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.

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**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):

<b>LAND USE</b>	<b>Maximum</b>	<b>Minimum</b>
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>	

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(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:

<b>Use</b>	<b>Minimum Vehicle Stacking Capacity per Drive-Through Lane</b>
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.



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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.

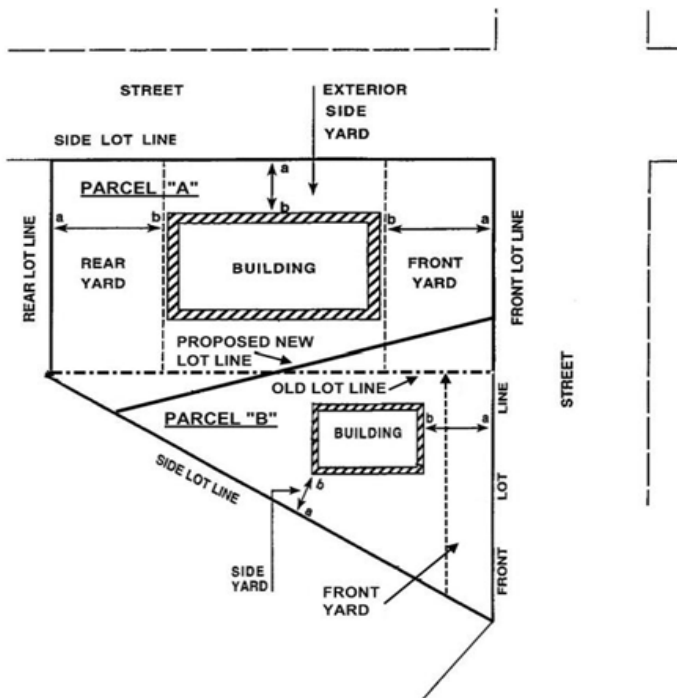
**Sec. 121-178. Reserved.**

**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:

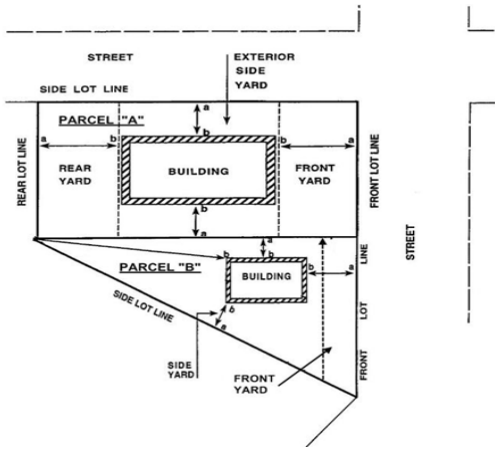
Although a lot may not contain sufficient land area, width or lot frontage to meet the minimum lot size requirements of this resolution, as amended, such lot may be used as a building site if the lot is part of a plat approved by Dawson County in accordance with land subdivision requirements, which has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



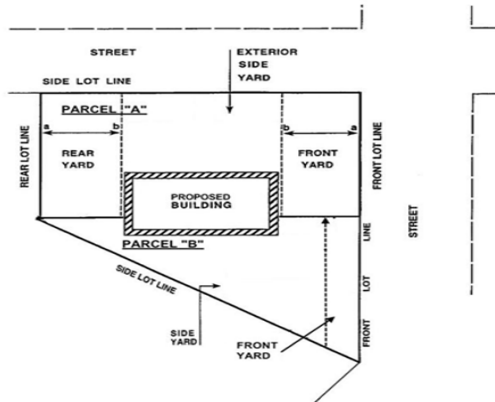
Example A: Parcel A conforms, Parcel B has nonconforming lot size.

**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.

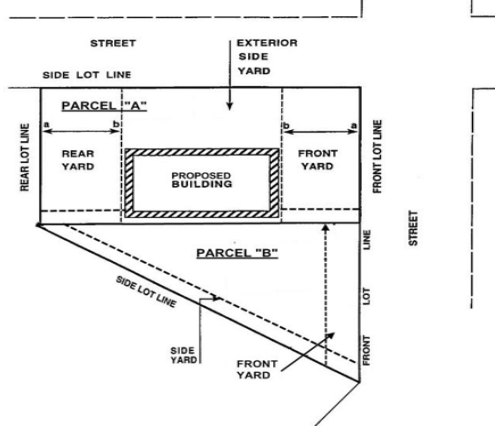


Example B: Re-plat of both lots such that Parcel A is the same size & Parcel B is not smaller.

**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.

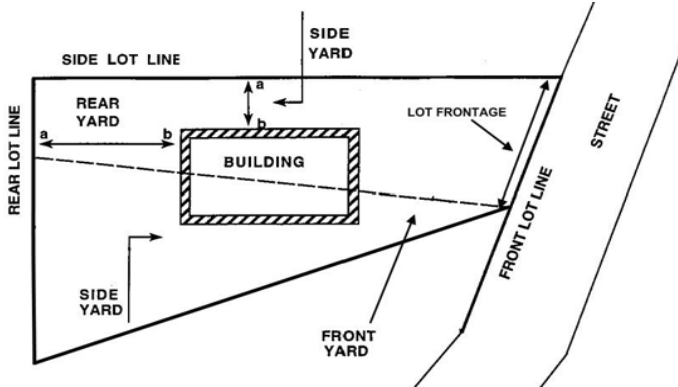


Example C1: Same owner for both parcels Requires re-plat of property to remove separation.

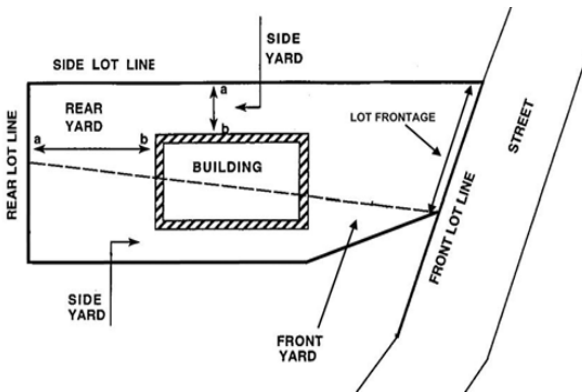


Example C2: Same owner for both parcels. Proposal to build in setback of one parcel requires re-plat or variance approval.

**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.

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**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.

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**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.

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- (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.

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- 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.



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**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.

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**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.**

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## 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 Department of GIS.

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**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:

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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.

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**Sec. 121-276. Revocation.**

Variations 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.**



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## 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.

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- 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.
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- 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

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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.**

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## 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.

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**Sec. 121-341. Powers of the county board of commissioners.**

The county board of commissioners has the authority and responsibility to provide the following services:

- (1) Render official decisions concerning the recommendations of the planning commission, in relation to actions within the scope of this chapter.
- (2) Hear and decide appeals of actions of the planning director or the planning commission.
- (3) Establish fees 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.**

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## 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.

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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. Form of petitions, applications, and appeals.**

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.



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**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

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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.

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*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.

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*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

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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.

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*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.

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*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).



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*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 a single manufactured home and the exclusive use of its occupants.

*Manufactured home park.* A privately owned place where two or more manufactured homes used for human occupancy are parked on a lot, tract, or parcel of land under the same ownership. A manufactured home park may 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.

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*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.

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*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.

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*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.

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*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:
<b>Residential Uses</b>																	
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
<b>Public / Institutional Uses</b>																	
813110	Churches and Other Facilities for Religious Organizations Worship	A	A	A	A	A	A	A	A	A	A	A		A	A		
<b>Recreation Uses</b>																	
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)
<b>Communications &amp; Utilities</b>																	
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 <sup>1</sup>	-	1.5	1.5	-	-	1.5	1.5	5	3 <sup>10</sup>
Minimum lot size when connected to approved public or private water system and on-site septic <sup>2</sup>	.75	.75	1	-	-	1	1	5	3
Minimum lot size when connected to approved public or private water system and sewer system <sup>3</sup>	Sec. 121-59	-	1	-	-	.75	-	5	3
Minimum lot depth (feet)	100	100	100	100	100	100	150	200	200
Minimum lot width (feet) <sup>4</sup>	Sec. 121-59	85	100	85	75	100	100	175	150
Minimum front or side building <sup>5</sup> 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 <sup>1</sup> :
	<b>A = Allowed</b>		<b>S = Allowed if Approved as a Special Use</b>				<b>Blank Space = Prohibited</b>			
<b>Residential Uses</b>			<b>C-RB</b>	<b>C-CB</b>	<b>C-HB</b>	<b>C-HI</b>	<b>C-PCD</b>	<b>C-OI</b>	<b>C-IR</b>	
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)
<b>623</b>	<b>Residential Care Facilities</b>		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	
<b>Institutional Uses</b>			<b>C-RB</b>	<b>C-CB</b>	<b>C-HB</b>	<b>C-HI</b>	<b>C-PCD</b>	<b>C-OI</b>	<b>C-IR</b>	
<b>611</b>	<b>Educational Services: Academic Schools</b>		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>										
<b>6214</b>	<b>Outpatient Medical Care Centers</b>		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	
<b>622</b>	<b>Hospitals</b>		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	
<b>624</b>	<b>Social Assistance</b>		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	

<sup>1</sup> 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:
		<b>A = Allowed</b>								
					<b>S = Allowed if Approved as a Special Use</b>					
										<b>Blank Space = Prohibited</b>
624210	Food Banks and Meal Delivery Programs				A	A		A	A	
624310	Job Counseling and Job Training Services				A	A		A	A	
<b>624</b>	<b>Child Day Care</b>		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
624410	Day Care Center			A	A	A	A	A	A	
624410	Nursery School			A	A	A	A	A	A	
<b>813</b>	<b>Religious, Grantmaking, Civic, Professional, &amp; Similar Organizations</b>		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
8131	Churches and Other Facilities for Religious Organizations Worship		A	A	A	A	A	A	A	
8132	Grantmaking and Giving Services, including Charitable Organization Offices				A	A	A	A	A	
8134	Fraternal Lodges, Veterans Membership Organizations, and Other Civic and Social Organizations				A	A		A	A	121-108
<b>81222</b>	<b>Cemeteries</b>		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
812220	Cemeteries, Memorial Gardens and Mausoleums		A	A	S	S	S	S	S	
812220	Crematories (not combined with a Funeral Home)			S	S	S	S	S	A	
	<b>Retail Trade</b>		<b>C-RB</b>	<b>C-CB</b>	<b>C-HB</b>	<b>C-HI</b>	<b>C-PCD</b>	<b>C-OI</b>	<b>C-IR</b>	
<b>441</b>	<b>Motor Vehicle and Parts Dealers</b>		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
441110	New Car Dealers (for automobiles and light trucks)					A			A	
441110	Auto Broker (no vehicles stored or for sale on site)				A	A		A	A	
441120	Used Car Dealers (for automobiles and light trucks)					S			S	
441210	RV (Recreational Vehicle) Dealers					A			S	
441222	Boat Dealers					A			S	
441228	Motorcycle, ATV, and All Other Motor Vehicle Dealers (excludes medium- and heavy-duty trucks, buses and other motor vehicles; see under Manufacturing, Wholesaling and Warehousing: NAICS Ref. 423110, Automobile and Other Motor Vehicle Merchant Wholesalers)					A			S	
441310	Automotive Parts and Accessories Stores				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:
		<b>A = Allowed</b>	<b>S = Allowed if Approved as a Special Use</b>				<b>Blank Space = Prohibited</b>			
441320	Tire Dealers				A	A			A	
<b>442</b>	<b>Furniture and Home Furnishings Stores</b>		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	
<b>443</b>	<b>Electronics and Appliance Stores</b>		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	
<b>444</b>	<b>Building Material and Garden Equipment and Supplies Dealers</b>		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
<b>445</b>	<b>Food and Beverage Stores</b>		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:
		<b>A = Allowed</b>	<b>S = Allowed if Approved as a Special Use</b>				<b>Blank Space = Prohibited</b>			
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	
<b>446</b>	<b>Health and Personal Care Stores</b>	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	
<b>447</b>	<b>Gas Stations</b>	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	
<b>448</b>	<b>Clothing and Clothing Accessories Stores</b> (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	
<b>451</b>	<b>Sports, Hobby, Music Instrument &amp; Book Stores</b> (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:
		<b>A = Allowed</b>		<b>S = Allowed if Approved as a Special Use</b>				<b>Blank Space = Prohibited</b>		
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	
<b>455</b>	<b>General Merchandise Stores</b>		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				
<b>453</b>	<b>Miscellaneous Store Retailers</b>		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	
<b>454</b>	<b>Nonstore Retailers (excluding portable stalls and mobile vendors)</b>		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
454310	Fuel Dealers								A	
	<b>Commercial Services</b>		<b>C-RB</b>	<b>C-CB</b>	<b>C-HB</b>	<b>C-HI</b>	<b>C-PCD</b>	<b>C-OI</b>	<b>C-IR</b>	
<b>236</b>	<b>Building Construction Services</b>		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:
		<b>A = Allowed</b>	<b>S = Allowed if Approved as a Special Use</b>			<b>Blank Space = Prohibited</b>				
2361	Residential Construction & Remodeling Contractors, Builders and Developers, with outdoor storage					S			A	
2362	Non-Residential Construction Contractors, Builders and Developers, office only			A	A	A		A	A	
2362	Non-Residential Construction & Remodeling Contractors, Builders and Developers, with outdoor storage					S			A	
<b>237</b>	Heavy and Civil Engineering Construction								S	
<b>238</b>	<b>Building Services: Specialty Trade Contractors</b>	C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR		
238	Specialty Trade Contractors (including: Foundation, Structure, and Building Exterior Contractors; Building Equipment Contractors; and, Building Finishing Contractors)				A				A	
<b>52</b>	<b>Financial and Insurance Services</b>	C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR		
5221	Banks, Credit Unions and Savings Institutions			A	A	A	A	A		
522291	Consumer Lending Services			A	A		A	A		
522390	Check Cashing Services			A	A		A	A		
5242	Insurance Agencies, Brokerages, Actuarial Services, and Claims Adjusting			A	A		A	A		
<i>Pawnshops – see under Retail Trade, Ref. 453 Miscellaneous Store Retailers</i>										
<b>532</b>	<b>Rental and Leasing Services</b>	C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR		
531120	Conference and Training Center			A	A				A	
531130	Mini Warehouses			A	A				A	121-108
532111	Passenger Car Rental				A				A	
532120	Truck, Utility Trailer, and RV Rental and Leasing				A				A	
532210	Consumer Electronics and Appliances Rental			A	A				A	
532284	Boat Rental				A				A	
532310	General Rental Centers				A				A	
532490	Farm Implement Rental				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:
		<b>A = Allowed</b>	<b>S = Allowed if Approved as a Special Use</b>				<b>Blank Space = Prohibited</b>			
<b>561</b>	<b>Business &amp; Employment Support Services</b>		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	
<b>611</b>	<b>Job Training: Business Schools, Computer and Management Training, Technical and Trade Schools</b>		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	
<b>721</b>	<b>Accommodation Services (Transient Lodging)</b>		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
<b>722</b>	<b>Food Services and Drinking Places</b>		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:
		<b>A = Allowed</b>								
		<b>S = Allowed if Approved as a Special Use</b>								
		<b>Blank Space = Prohibited</b>								
722410	Brew Pub / Brewery				A	A	A		A	Chapter 6 Dawson Code
722330	Mobile Food Services				S	S			S	
722511	Full- Service Restaurants (including Brewpubs)			A	A	A	A		A	
722513	Fast Food, Drive in				A	S			S	
722514	Cafeterias, Grill Buffets, and Buffets			A	A	A	A		A	
722515	Specialty Snack Shops and Non-Alcoholic Beverage Bars, including Coffee Shops, Donut Shops, Bagel Shops, and Ice Cream Parlors				A	A	A		A	
<b>8111</b>	<b>Automotive Repair and Maintenance Services</b>		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
8111	General and Specialty Automotive Repair; and, Automotive Maintenance Services				A	A			A	
811121	Automotive Body, Paint, and Interior Repair and Maintenance								A	121-108
	<i>For automotive accessory sales and/or installation, see under Retail Trade, NAICS Ref. 441 Motor Vehicle and Parts Dealers</i>									
<b>8113</b>	<b>Commercial and Industrial Machinery and Equipment Repair and Maintenance Services</b>		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
811310	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance Services								A	
<b>8114</b>	<b>Personal and Household Good Repair and Maintenance Services</b>		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR	
811411	Home and Garden Equipment Repair and Maintenance					A			A	
811412	Appliance Repair and Maintenance			A	A	A			A	
811420	Reupholstery and Furniture Repair			A	A	A			A	
811430	Shoe and Leather Goods Repair			A	A	A			A	
81149	Boat Repair and Maintenance					A			A	
81149	Motorcycle Repair and Maintenance					A			A	



**Table 3.3 Principal Use Table: Commercial Land Use Districts**

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		<b>A = Allowed</b>		<b>S = Allowed if Approved as a Special Use</b>				<b>Blank Space = Prohibited</b>		
81149	Other Personal and Household Good Repair and Maintenance (includes Garments, Watches, Jewelry, Musical Instruments, and Bicycles)			A	A	A			A	
<b>8121</b>	<b>Personal Care Services</b>	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>										
<b>8123</b>	<b>Dry cleaning and Laundry Services</b>	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		
<b>Other Personal Services, Animal Care</b>		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	
<b>Other Personal Services</b>		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		
<b>Professional and Administrative Offices</b>		C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR		
<b>51</b>	<b>Publishing Offices</b> (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		

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512230	Music Publishers				A	A	A	A	A	
519130	Internet Publishing and Broadcasting and Web Search Portals				A	A	A	A	A	
<b>52</b>	<b>Financial Offices</b>		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		
<b>541</b>	<b>Professional Offices</b>		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	

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<b>621</b>	<b>Medical Offices</b>		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	
	<b>Arts, Entertainment and Recreation</b>		<b>C-RB</b>	<b>C-CB</b>	<b>C-HB</b>	<b>C-HI</b>	<b>C-PCD</b>	<b>C-OI</b>	<b>C-IR</b>	
<b>711</b>	<b>Performing Arts and Spectator Sports</b>		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	
<b>712</b>	<b>Museums, Historical Sites, and Similar Institutions</b>		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	
<b>713</b>	<b>Amusements and Recreation</b> (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	

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721211	Campgrounds		A	A	A	A			A		
<b>Other Arts, Entertainment and Recreation Uses</b>			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	
<b>Manufacturing, Wholesaling and Warehousing</b>			<b>C-RB</b>	<b>C-CB</b>	<b>C-HB</b>	<b>C-HI</b>	<b>C-PCD</b>	<b>C-OI</b>	<b>C-IR</b>		
<b>Manufacturing</b>			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		
<b>Wholesale Trade</b>			C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR		
42	Wholesale						A				

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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		
<b>Warehousing and Storage</b> <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		
<b>Transportation, Communications &amp; Utilities</b>			C-RB	C-CB	C-HB	C-HI	C-PCD	C-OI	C-IR		
<b>Transportation</b>			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		

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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	
<b>Communications</b>			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
<b>Utilities</b>			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



# DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Parks & Rec

Work Session: 3/2/2023

Prepared By: Matt Payne

Voting Session: 3/2/2023

Presenter: Matt Payne

Public Hearing: Yes  No

Agenda Item Title: Presentation of Request for Two Additional Full-Time Parks & Recreation Employees

**Background Information:**

Request from the Recreation department for two additional full-time employees: an athletic assistant and a maintenance position. Athletics and Programs have grown over 40% since 2018 and our foot traffic is more than we can handle at our current staff. Also, we are looking into the takeover of three more lake parks, thus our maintenance staff is spread too thin. No new positions have been approved for Parks since 2019.

**Current Information:**

These positions were requested in the 2023 budget process and unfortunately not funded at that time. These positions would be funded out of the general fund at the following:

Athletic Assistant: Grade 9 \$15.54/HR

Maintenance Worker: Grade 7 \$14.09/HR

Budget Information: Applicable:  Not Applicable:  Budgeted: Yes  No

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining
100	6120				\$113,812	

Recommendation/Motion: \_\_\_\_\_

Department Head Authorization: \_\_\_\_\_

Date: \_\_\_\_\_

Finance Dept. Authorization: VLN

Date: 2/22/23

County Manager Authorization: Vickie Neikirk

Date: 2/22/23

County Attorney Authorization: \_\_\_\_\_

Date: \_\_\_\_\_

**Comments/Attachments:**

Athletic Assistant total cost = \$58,605  
 Maintenance Worker total cost-\$55,207  
 Total additional funding needed would be \$113,812