

**DAWSON COUNTY BOARD OF COMMISSIONERS  
VOTING SESSION AGENDA – AUGUST 19, 2021  
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM  
25 JUSTICE WAY, DAWSONVILLE, GEORGIA 30534  
6:00 PM**

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**A. ROLL CALL**

**B. INVOCATION**

**C. PLEDGE OF ALLEGIANCE**

**D. ANNOUNCEMENTS**

**E. APPROVAL OF MINUTES**

1. Minutes of the Work Session held on August 5, 2021
2. Minutes of the Voting Session held on August 5, 2021

**F. APPROVAL OF AGENDA**

**G. PUBLIC COMMENT**

**H. PUBLIC HEARINGS**

1. Possible Extension of Existing Moratorium on the Acceptance for Approval of Final Subdivision Plats that Create New Roads (*1st of 1 hearing*)
2. Timber Harvest Ordinance Update (*1st of 1 hearing*)
3. Capital Improvements Element Annual Update (*1st of 1 hearing*)
4. Georgia 400 and Highway 53 Corridor Guidelines (*2nd of 2 hearings; 1st hearing was held at the August 17, 2021, Planning Commission Meeting*)

**I. ZONING**

1. ZA 21-14 - Jim King requests to rezone TMP 113-044 from CHB (Commercial Highway Business) to CIR (Commercial Industrial Restricted) for the purpose of developing an office warehouse.  
VR 21-10 - Jim King requests to vary from the Dawson County Land Use Resolution Article IV Section 400 A with a front setback reduction.  
VR 21-11 - Jim King requests to vary from the Dawson County Land Use Resolution Article VI Section 607.1.A for a reduction in the minimum parking requirements.

**J. NEW BUSINESS**

1. Consideration of Request for Sheriff's Office Staffing Recruitment and Retention Funding
2. Consideration of 2021 Charity Boot Drives
3. Consideration of Rural Fire Defense Agreement and Memorandum of Understanding with Georgia Forestry Commission

- [4.](#) Consideration of IFB #384-21 - Culverts Renovation Project for Dawson County
- [5.](#) Consideration of Request for Additional Funding for Legal Costs
- [6.](#) Consideration of Special Purpose Local Option Sales Tax VI Overage Allocation
- [7.](#) Consideration of Hotel-Motel Tax Ordinance Update

**K. PUBLIC COMMENT**

**L. ADJOURNMENT**

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

**DAWSON COUNTY BOARD OF COMMISSIONERS  
WORK SESSION MINUTES – AUGUST 5, 2021  
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4:00 PM**

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*Those present were Chairman Billy Thurmond; Commissioner Sharon Fausett, District 1; Commissioner Chris Gaines, District 2; Commissioner Tim Satterfield, District 3; Commissioner Emory Dooley, District 4; County Manager David Headley; County Attorney Angela Davis; County Clerk Kristen Cloud; and interested citizens of Dawson County.*

**PUBLIC HEARING**

*2021 Millage Rate and Property Tax (1st of 1 hearing)*

Chairman Thurmond presented a PowerPoint presentation concerning the 2021 Millage Rate and Property Tax, which was followed by board discussion.

Chairman Thurmond opened the hearing by asking if there was anyone present who wished to be heard on the 2021 Millage Rate and Property Tax and, hearing none, closed the hearing.

**NEW BUSINESS**

1. Presentation of Request for Sheriff's Office Staffing Recruitment and Retention Funding- Sheriff Jeff Johnson  
*This item will be placed on the August 19, 2021, Voting Session Agenda.*
2. Presentation of 2021 Charity Boot Drives- Emergency Services Director Danny Thompson  
*This item will be placed on the August 19, 2021, Voting Session Agenda.*
3. Presentation of Rural Fire Defense Agreement and Memorandum of Understanding with Georgia Forestry Commission- Emergency Services Director Danny Thompson  
*This item will be placed on the August 19, 2021, Voting Session Agenda.*
4. Presentation of IFB #384-21 - Culverts Renovation Project for Dawson County- Public Works Director Denise Farr / Purchasing Manager Melissa Hawk  
*This item will be placed on the August 19, 2021, Voting Session Agenda.*
5. Presentation of Request for Additional Funding for Legal Costs- Chief Financial Officer Vickie Neikirk  
*This item will be placed on the August 19, 2021, Voting Session Agenda.*
6. Discussion of Special Purpose Local Option Sales Tax VI Overage Allocation- Chief Financial Officer Vickie Neikirk  
*This item will be placed on the August 19, 2021, Voting Session Agenda.*
7. Presentation of Hotel-Motel Tax Ordinance Update- County Attorney Angela Davis  
*This item will be placed on the August 19, 2021, Voting Session Agenda for consideration to move forward to a public hearing.*

8. County Manager Report

*This item was for information only.*

9. County Attorney Report

*County Attorney Davis had no information to report and requested an Executive Session.*

Motion passed 4-0 to enter into Executive Session to discuss personnel and litigation. Fausett/Dooley

APPROVE:

ATTEST:

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

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

DRAFT

**DAWSON COUNTY BOARD OF COMMISSIONERS  
VOTING SESSION MINUTES – AUGUST 5, 2021  
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Motion passed 4-0 to come out of Executive Session. Satterfield/Gaines

**ROLL CALL:** Those present were Chairman Billy Thurmond; Commissioner Sharon Fausett, District 1; Commissioner Chris Gaines, District 2; Commissioner Tim Satterfield, District 3; Commissioner Emory Dooley, District 4; County Manager David Headley; County Attorney Angela Davis; County Clerk Kristen Cloud; and interested citizens of Dawson County.

**INVOCATION:** Chairman Thurmond

**PLEDGE OF ALLEGIANCE:** Chairman Thurmond

**ANNOUNCEMENTS:**

None

**APPROVAL OF MINUTES:**

Motion passed 4-0 to approve the Minutes of the Work Session held on July 15, 2021. Fausett/Gaines

Motion passed 4-0 to approve the Minutes of the Voting Session held on July 15, 2021. Dooley/Satterfield

**APPROVAL OF AGENDA:**

Motion passed 4-0 to approve the agenda as presented. Satterfield/Gaines

**PUBLIC COMMENT:**

None

**PUBLIC HEARINGS:**

*Broadband Ready Community Ordinance (1<sup>st</sup> of 1 hearing)*

Chairman Thurmond opened the hearing by asking if there was anyone present who wished to be heard on a Broadband Ready Community Ordinance and, hearing none, closed the hearing.

Motion passed 4-0 to approve a Broadband Ready Community Ordinance. Gaines/Fausett

*Animal Control Ordinance Update (1<sup>st</sup> of 1 hearing)*

Chairman Thurmond opened the hearing by asking if there was anyone present who wished to be heard on an Animal Control Ordinance Update and, hearing none, closed the hearing.

Motion passed 4-0 to approve an Animal Control Ordinance Update. Satterfield/Dooley

Mobile Home Ordinance (1<sup>st</sup> of 1 hearing)

Chairman Thurmond opened the hearing by asking if there was anyone present who wished to be heard on a Mobile Home Ordinance and, hearing none, closed the hearing.

Motion passed 4-0 to approve a Mobile Home Ordinance. Satterfield/Gaines

**NEW BUSINESS:**

Consideration to Move Forward with a Public Hearing for a Capital Improvements Element Annual Update

Motion passed 4-0 to approve to Move Forward with a Public Hearing for a Capital Improvements Element Annual Update. Fausett/Dooley

Consideration of Review of Dawson County Employee Handbook's Paid Time Off Policy (Section 14.3)

Motion passed 4-0 to approve the Dawson County Employee Handbook's Paid Time Off (PTO) Policy (Section 14.3) as follows: Employees may receive a one-time payout of up to 40 hours each calendar year for any unused PTO, provided that a minimum of 20 PTO hours is left remaining in the employee's PTO balance, not including sick bank, subsequent to the payout. Satterfield/Fausett

Consideration of an Intergovernmental Agreement with the City of Dawsonville Concerning Howser Mill Road Construction Project

Motion passed 4-0 to approve an Intergovernmental Agreement with the City of Dawsonville Concerning a Howser Mill Road Construction Project. Fausett/Gaines

Consideration of 2021 Millage Rate and Property Tax

Motion passed 4-0 to approve a full rollback of the 2021 property tax, reducing the millage rate to 7.625. The millage rate of 7.625 is a reduction from the 2020 rate of 7.885. Gaines/Dooley

**PUBLIC COMMENT:**

None

**ADJOURNMENT:**

APPROVE:

ATTEST:

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

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

**A RESOLUTION OF THE DAWSON COUNTY BOARD OF COMMISSIONERS ENACTING AN EMERGENCY MORATORIUM ON ACCEPTANCE FOR APPROVAL OF FINAL SUBDIVISION PLATS THAT CREATE NEW ROADS**

**WHEREAS**, the Dawson County Land Use Resolution (“Land Use Resolution”) regulates the use of property located in Dawson County, Georgia (“County”); and

**WHEREAS**, the Dawson County Board of Commissioners (“Board”) is the governing body of the County, and therefore, is responsible for providing appropriate public infrastructure and services to best serve the public interest, including but not limited to such infrastructure and services associated with current and future development within the County; and

**WHEREAS**, the Board has asked the Planning and Development and Public Works Departments to review the current procedures, ordinances, rules and requirements with respect to approval of final subdivision plats that create new roads and to consider possible revisions to same; and

**WHEREAS**, the Georgia Supreme Court has held that a moratorium with respect to application of a zoning ordinance may be put in place for a reasonable period of time without the necessity of complying with the notice requirements of the Georgia Zoning Procedures Law; and

**WHEREAS**, the Board finds a moratorium barring for 30 days (until June 19, 2021), the acceptance for approval of final subdivision plats that create new roads to be reasonably necessary, the least restrictive means available, a reasonable exercise of the County’s police power, and in the best interests of the public health, safety, and welfare;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF DAWSON COUNTY, GEORGIA, AS FOLLOWS:**

1. The Dawson County Board of Commissioners does hereby enact a moratorium for 30 days (until June 19, 2021), barring the acceptance for approval of final subdivision plats that create new roads.
2. The moratorium imposed by this Resolution shall terminate on the earliest date of (1) June 19, 2021; (2) approval by the Dawson County Board of Commissioners of an additional moratorium after a public hearing; or (3) Board action terminating the moratorium within the 30-day period.

3. This Resolution shall be effective upon a majority vote by the Board of Commissioners.

**SO RESOLVED** this 20<sup>th</sup> day of May, 2021, the public's health, safety, and welfare demanding it.

**DAWSON COUNTY BOARD OF COMMISSIONERS**

By:   
\_\_\_\_\_  
**Billy Thurmond, Chairman**

**Attest:**

By:   
\_\_\_\_\_  
**Kristen Cloud, County Clerk**





**A RESOLUTION OF THE DAWSON COUNTY BOARD OF COMMISSIONERS EXTENDING AN EXISTING MORATORIUM ON ACCEPTANCE FOR APPROVAL OF FINAL SUBDIVISION PLATS THAT CREATE NEW ROADS**

**WHEREAS**, the Dawson County Land Use Resolution (“Land Use Resolution”) regulates the use of property located in Dawson County, Georgia (“County”); and

**WHEREAS**, the Dawson County Board of Commissioners (“Board”) is the governing body of the County, and therefore, is responsible for providing appropriate public infrastructure and services to best serve the public interest, including but not limited to such infrastructure and services associated with current and future development within the County; and

**WHEREAS**, the Board previously asked the Planning and Development and Public Works Departments to review the current procedures, ordinances, rules and requirements with respect to approval of final subdivision plats that create new roads and to consider possible revisions to same; and

**WHEREAS**, the Planning and Development and Public Works Departments are in the process of revising the current procedures, ordinances, rules and requirements with respect to approval of final subdivision plats that create new roads; and

**WHEREAS**, on May 20, 2021, the Board adopted a moratorium for 30 days (until June 19, 2021), barring the acceptance for approval of final subdivision plats that create new roads; and

**WHEREAS**, the Board conducted a public hearing on June 17, 2021, with respect to the possible extension of the existing moratorium on the acceptance for approval of final subdivision plats that create new roads until August 20, 2021; and

**WHEREAS**, the Board finds extension of the existing moratorium on the acceptance for approval of final subdivision plats that create new roads until August 20, 2021, to be reasonably necessary, the least restrictive means available, a reasonable exercise of the County’s police power, and in the best interests of the public health, safety, and welfare;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF DAWSON COUNTY, GEORGIA, AS FOLLOWS:**

1. The Dawson County Board of Commissioners does hereby extend until August 20, 2021, the existing moratorium barring the acceptance for approval of final subdivision plats that create new roads.

2. The moratorium imposed by this Resolution shall terminate on the earliest date of (1) August 20, 2021; (2) approval by the Dawson County Board of Commissioners of an additional moratorium after a public hearing; or (3) Board action terminating the moratorium within the moratorium period.

3. This Resolution shall be effective upon a majority vote by the Board of Commissioners.

**SO RESOLVED** this 17<sup>th</sup> day of June, 2021, the public's health, safety, and welfare demanding it.

**DAWSON COUNTY BOARD OF COMMISSIONERS**

By:   
\_\_\_\_\_ **Billy Thurmond, Chairman**

**Attest:**

By:   
\_\_\_\_\_ **Kristen Cloud, County Clerk**





## DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Planning & Development

Work Session: 7/01/2021

Prepared By: Harmony Gee

Voting Session: 7/15/2021

Presenter: Jameson Kinley

Public Hearing: Yes  No

Agenda Item Title: Presentation of Timber Harvest Ordinance Update

**Background Information:**

An existing county ordinance that is in need of updating.

**Current Information:**

We are in need of updating the county ordinance to be in compliance with state code updates.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

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

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

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

Finance Dept. Authorization: Vickie Neikirk

Date: 6/24/21

County Manager Authorization: David Headley

Date: 6-24-2021

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

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

**Comments/Attachments:**



# DAWSON COUNTY BOARD OF COMMISSIONERS Planning and Development

March 2, 2021

Planning

Jameson Kinley, Director  
Planning and Development  
Dawson County

Zoning

Code Enforcement

Sir,

GIS

The following is an analysis of the changes to the Dawson County Buffer, Landscape and Tree Ordinance in regards to timber harvesting in order to be in compliant with state law:

Building Permits  
and  
Inspections

Chapter 109 Article II Section 109-25(e.2.) of the Code of Dawson County, Georgia has been replaced, the new subsection expands from the original text to include the following new items:

Business Licenses

- In regards to planning of a harvest county ordinance requires a map showing the location of the harvest and the main point of ingress/egress. The expanded language requires multiple points of ingress/egress be identified if they are to be used.
- A new subsection has been included which will require the timber harvester to utilize a state web-based reporting system for timber harvest activities.
- Expanded language on bonds and or letters of credit required for timber harvest operations has been included. This language limits the number of bonds a timber harvester is required to post as one bond or LOC will be required regardless of the number of harvest operations the individual or corporation is carrying out. Additionally, language expands upon the reasons that Dawson County may call a bond/LOC including calling for road and ditch repair. Rules for how and when to call the bond/LOC along with processes for multiple violators is detailed therein.
- Additionally, consistent with O.C.G.A. §12-6-24:
  - The county is forbidden from charging a fee for timber harvesting
  - Further, no permit, including a driveway permit, shall be required of the person or firm engaged in a timber harvesting operation but may be asked to consult with county officials responsible for roads and public works for the purpose of minimizing damage to the county's roads, rights of way and infrastructure, and are urged to follow recommendations from county officials.Notwithstanding the forgoing, the person or firm conducting the

Alcohol Licenses

911 Mapping

Animal Control

Dawsonville County  
Government Center  
25 Justice Way  
Suite 2322  
Dawsonville, GA 30534  
Phone 706-344-3604  
Fax 706-344-3652



Planning

Zoning

Code Enforcement

GIS

Building Permits  
and  
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timber harvest operation bears ultimate responsibility for their actions, and nothing in this Ordinance shall preclude the Board of Commissioners of Dawson County from taking any and all legal action necessary to protect its property and the health, safety and welfare of its citizens.

Chapter 109 Article II Section 109-31(b) of the Code of Dawson County, Georgia has been amended to allow for a fine up to \$1,500.00 per day instead of the previous \$1,000.00 limit.

Please let me know if I can clarify further.

Sincerely,

  
Robbie Irvin  
County Planner

**AN ORDINANCE OF THE DAWSON COUNTY BOARD OF COMMISSIONERS TO AMEND THE CURRENT REGULATIONS REGARDING TIMBER HARVESTING; TO REPEAL CONFLICTING PROVISIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

WHEREAS, timber harvesting operations occur in the unincorporated portions of Dawson County on a recurring basis; and

WHEREAS, timber harvesting is an important component of the local economy in Dawson County, providing revenue to landowners, business opportunities, and jobs for local residents; it is the intent of the Board of Commissioners of Dawson County to facilitate this industry while at the same time protecting county infrastructure and the safety of the community; and

WHEREAS, timber harvesting in many instances requires the use of county-maintained roads in order to transport the product to market; and

WHEREAS, it is in the public interest to protect the county road system from damage caused by timber harvesting operations to the extent allowed by state law; and

WHEREAS, O.C.G.A. §12-6-24 authorizes and establishes the terms and conditions under which this Ordinance may be adopted and enforced; and

WHEREAS, it is the intent of the Board of Commissioners of Dawson County to preserve and exercise where appropriate all powers and authority granted to it under state law, including but not limited to O.C.G.A. §32-4-42 and O.C.G.A. §40-6-371, that are not in conflict with O.C.G.A. §12-6-24, in order to protect the health, safety and welfare of the community.

NOW, THEREFORE, it is hereby ORDAINED by the Board of Commissioners of Dawson County as follows:

**SECTION 1.**

Chapter 109 Article II Section 109-25(e.2.) of the Code of Dawson County, Georgia is amended as shown in Exhibit A hereto.

**SECTION 2.**

Chapter 109 Article II Section 109-31(b) of the Code of Dawson County, Georgia is amended as shown in Exhibit B hereto.

SO ORDAINED, this \_\_\_\_\_ day of \_\_\_\_\_, 202\_.

**Dawson County Board of Commissioners**

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

\_\_\_\_\_  
Tim Satterfield, Member

\_\_\_\_\_  
Sharon Fausett, Member

\_\_\_\_\_  
Emory Dooley, Member

\_\_\_\_\_  
Chris Gaines, Member

## EXHIBIT A

Chapter 109 Article II Section 109-25(e.2.) of the Code of Dawson County, Georgia is amended as follows:

### (2) Timber Harvesting.

- a. All persons or firms harvesting standing timber in any unincorporated area of Dawson County for delivery as pulpwood, logs, poles, posts, or wood chips to any wood yard or processing plant located inside or outside this state shall provide Notice of such harvesting operations to the Dawson County Board of Commissioners or the designated agent thereof prior to entering onto the property if possible, but in no event later than 24 hours after entering onto the property. Further, such persons shall give Notice of cessation of cutting within 24 hours after the job is completed. The Notice of harvesting operations required by this Ordinance shall be provided for each separate tract to be harvested. Such Notice shall be made in such form as prescribed by rule or regulation of the Director of the Georgia Forestry Commission, and shall include the following information:

1. A map of the area which identifies the location of the tract to be harvested and, as to those trucks which will be traveling to and from such tract for purposes of picking up and hauling loads of cut forest products, the main point of ingress to such tract from a public road and, if different, the main point of egress from such tract to a public road. If multiple points of ingress and/or egress will be used, all such points shall be identified;
2. A statement as to whether the timber will be removed pursuant to a lump sum sale, per unit sale, or owner harvest for purposes of ad valorem taxation under O.C.G.A. §48-5-7.5;
3. The name, address, and daytime telephone number of the timber seller if the harvest is pursuant to a lump sum or per unit sale or of the timber owner if the harvest is an owner harvest; and
4. The name, business address, business telephone number, and nighttime or emergency telephone number of the person or firm harvesting such timber.

### b. State Website

1. Subject to the provisions of Section 5 of this Ordinance, upon notification published by the Director of the Georgia Forestry Commission that a state-wide notification website or platform is available for public use, persons or firms wishing to utilize said website or platform to provide the Notice required by this Ordinance may do so at their option, and Dawson County will accept notifications submitted in this manner.
2. On and after a date specified and published by the Director of the Georgia Forestry Commission, use of the state-wide notification website or platform shall be mandatory and shall be the sole means of providing the Notice required by this Ordinance; on and after said date submission of the Notice by any of the means listed in Section 3 above shall cease and will no longer be deemed acceptable or in compliance with this Ordinance.

### c. Bonds, Letters of Credit and Damages



1. The Notice required by this Ordinance shall not be or remain effective unless and until the person or firm providing such Notice has delivered to the Board of Commissioners of Dawson County or its designated agent a valid surety bond, executed by a surety corporation authorized to transact business in this state, protecting Dawson County against any damage caused by such person or firm in the amount of \$5,000.00; provided, however, that at the option of the person or firm harvesting timber a valid irrevocable letter of credit issued by a bank or savings and loan association, as defined in O.C.G.A. §7-1-4, in the amount of \$5,000.00 may be provided in lieu of a surety bond. No more than one bond or letter of credit shall be required from each person or firm harvesting timber, regardless of the number of tracts harvested in the county for so long as the bond or letter of credit remains in effect. The bond or letter of credit required herein shall be valid only for the calendar year in which it was delivered. Such bonds or letters of credit shall be subject to the conditions set forth in the following:
2. The bond or letter of credit shall protect Dawson County against any damage requiring re-ditching or repair of existing ditch structures or the removal of any harvesting residue, including tree tops, debris, logs, pulpwood and other materials, placed in or around the county's rights of way caused by such person or firm tendering the bond or letter of credit. The proceeds of such bond or letter of credit shall be available to reimburse the county for any cost incurred to repair such damages or remove such debris in or around the county's rights of way. The proceeds of such bond or letter of credit shall also be available to reimburse the county for any costs incurred to maintain or repair county roads damaged by the ingress or egress of motor vehicles engaged in the harvest operations located within 500 feet of any point of ingress or egress of the timber harvesting operation. The right of Dawson County to call such bond or letter of credit in accordance with the provisions of Section 4.a.2 of this Ordinance shall be in addition to any other remedies available to the county at law or in equity for damage to county roads or rights of way.
3. When damage results from a person or firm's harvesting activities, the Board of Commissioners of Dawson County shall make and provide a written claim to the person or firm causing the damage within 30 business days after the Board of Commissioners becomes aware of the damage. Such claim may be given in person, by facsimile, email or mail. The claim shall describe the damage in detail and give the person or firm the opportunity to repair such damage within 30 days of the notification; provided, however, the county shall be authorized to repair the damage immediately if the Board of Commissioners or its designee determines the conditions present a threat to public safety, health or welfare and, upon making such repairs, shall present to the person or firm and the issuer of the applicable bond or letter of credit an itemized list of expenses incurred as a claim against the responsible party and the issuer of its bond or letter of credit. Upon the issuance of a claim as provided in this Section the Board of Commissioners of Dawson County or its designee shall notify the issuer of the bond or letter of credit that a claim has been made and will be resolved or adjudicated according to the terms of this Ordinance.
4. Within 30 days of receipt of the written claim described in Section 8, the person or firm against whom the claim is submitted may:

- a. Repair such damage at his or its own expense with the approval and supervision of the Board of Commissioners of Dawson County or its designee. When repairs are completed to the satisfaction of the Board of Commissioners or its designee, the Board of Commissioners or its designee shall provide a written notification of satisfactory completion within five business days to the responsible person or firm and to the surety issuing the bond or the bank issuing the letter of credit, thereby terminating the claim.
  - b. In the event of inclement weather or other factors preventing repair of the damage, request a 30-day extension to repair the damage from the Board of Commissioners of Dawson County, provided that no extensions shall exceed 90 days from the date the claim was tendered. Approval of any extension shall be at the discretion of the Board of Commissioners of Dawson County or its designee.
  - c. Appeal the claim to the Magistrate Court of Dawson County. Any such appeal must name the issuer of the bond or letter of credit as a party, who shall be served with all pleadings in the action and shall have the right to appear. The Magistrate Court will hear evidence and arguments within 30 days of the written appeal and issue a ruling within ten days of such hearing. Any such appeal shall toll the 30-day period, or any extension thereof. If the Magistrate Court rules in favor of the person or firm against whom the claim was made, the county shall have no right to recover any proceeds of the bond or letter of credit, and judgment shall be entered against the county. If the Magistrate Court rules in favor of the county the court shall determine the amount of damages to which the county is entitled to recover and enter judgment accordingly; the Board of Commissioners of Dawson County shall be authorized to call the bond or letter of credit and recover from the proceeds thereof an amount equal to the judgment entered by the court, up to the total amount of the bond or letter of credit. The portion of any judgment entered in favor of the county that exceeds the amount of the bond or letter of credit shall be subject to collection by any additional remedies at law or equity.
  - d. In the event the person or firm against whom the claim has been submitted fails to take any of the actions allowed under subsections (a), (b) or (c) of this Section within the time required therein, such person or firm shall be deemed to have waived any and all rights to contest the call of the bond or letter of credit.
5. If the person or firm tendering a bond or letter of credit pursuant to the requirements of this Ordinance continues its timber harvesting operation beyond the calendar year in which the bond or letter of credit was issued, the person or firm continuing the timber harvesting operation shall tender a new bond or letter of credit within five (5) business days after the first day of the new calendar year.
  6. In the event a bond or letter of credit tendered pursuant to the requirements herein is revoked by the surety or bank, then a valid replacement bond or letter of credit must be delivered to the Board of Commissioners of Dawson County within five business days after the date of revocation in order for timber harvesting operations to continue. In addition, if the person or firm tendering the bond or letter of credit caused its revocation, the amount of the bond or letter of credit required shall be increased to \$7,500 after the first revocation, and \$10,000 after a second revocation caused by the person or firm

tendering the bond or letter of credit. The maximum amount of the bond or letter of credit shall not exceed \$10,000.

7. Submission of the Notice required by this Ordinance shall authorize the person or firm submitting same to undertake the timber harvesting operation described in the Notice and shall remain in effect until such time as the person or firm gives Notice that the harvesting operation is complete; provided, however, that any change in the facts required to be provided for purposes of such Notice, including but not limited to a change in the scope or extent of the operation, must be reported to the Board of Commissioners of Dawson County within three business days after such change.
8. This Ordinance applies to activities which qualify as forestry land management practices or agricultural operations under O.C.G.A. §12-7-17 (5) and (6) on land that is zoned for or used for forestry, silvicultural or agricultural purposes. It shall not authorize land disturbing activities incidental to development in conflict with the limitations set forth in O.C.G.A. §12-7-17 (6).

d. Consistent with O.C.G.A. §12-6-24:

1. No fee shall be charged to provide and submit the Notice required by this Ordinance; and
2. No permit, including a driveway permit, shall be required of the person or firm engaged in a timber harvesting operation as defined by said Code section. Persons and firms providing the Notice required by this Ordinance may be asked to consult with county officials responsible for roads and public works for the purpose of minimizing damage to the county's roads, rights of way and infrastructure, and are urged to follow recommendations from county officials. Notwithstanding the forgoing, the person or firm conducting the timber harvest operation bears ultimate responsibility for their actions, and nothing in this Ordinance shall preclude the Board of Commissioners of Dawson County from taking any and all legal action necessary to protect its property and the health, safety and welfare of its citizens.

## EXHIBIT B

Chapter 109 Article II Section 109-31(b) of the Code of Dawson County, Georgia is amended as follows:

### Section 109-31(b)

- (b) Any person violating this article shall be guilty of violating a duly adopted ordinance of Dawson County, and upon conviction by a court of competent jurisdiction, may be punished either by a fine of not less than \$100.00 per day and not to exceed \$1,500.00 per day (or \$500.00 per day if violating timber harvesting notification), or confinement in the Dawson County jail not to exceed 60 days, or both. The court shall have the power and authority to place any person found guilty of a violation of this article on probation and to suspend or modify any fine or sentence. As a condition of said suspension or modification, the court may require payment of restitution or impose other punishment allowed by law, which may include mandatory attendance at an educational program regarding tree preservation.



## DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Planning & Development

Work Session: 07/15/2021

Prepared By: Robbie Irvin

Voting Session:

Presenter: Jameson Kinley

Public Hearing: No

Agenda Item Title: Presentation of Dawson County Capital Improvement Element adoption.

**Background Information:**

Capital Improvements Element plan has been prepared to be presented for Public Hearing. An approval to submit to DCA is required by the BOC. It shall then be submitted to the DCA for review.

**Current Information:**

Staff has compiled data and requests BOC approval to transmit to DCA.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

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

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

Date:

Finance Dept. Authorization: \_\_\_\_\_

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

County Manager Authorization: David Headley

Date: 7-08-21

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

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

**Comments/Attachments:**

# **Capital Improvements Element 2021 Annual Update:**

## **Financial Report & Community Work Program**

Dawson County, GA

**Draft**

## Introduction

This Capital Improvements Element Annual Update has been prepared based on the rules and regulations pertaining to impact fees in Georgia, as specified by the Development Impact Fee Act (DIFA) and the Department of Community Affairs (DCA) documents Development Impact Fee Compliance Requirements and Standards and Procedures for Local Comprehensive Planning. These three documents dictate the essential elements of an Annual Update, specifically the inclusion of a financial report and a schedule of improvements.

According to the Compliance Requirements, the Annual Update:

“must include: 1) the Annual Report on impact fees required under O.C.G.A. 36-71-8; and 2) a new fifth year schedule of improvements, and any changes to or revisions of previously listed CIE projects, including alterations in project costs, proposed changes in funding sources, construction schedules, or project scope.” (Chapter 110-12-2-.03(2)(c))

## Financial Report

The Financial Report included in this document is based on the requirements of DIFA, specifically:

“As part of its annual audit process, a municipality or county shall prepare an annual report describing the amount of any development impact fees collected, encumbered, and used during the pre- ceding year by category of public facility and service area.” (O.C.G.A. 36-71-8(d)(1))

The County’s fiscal year runs from January 1 to December 31. Thus, this financial report is based on the audit prepared for FY 2020. The required financial information for each public facility category appears in the main financial table (page 3); service area designations appear in the project tables that follow (pages 4 through 7).

## Schedule of Improvements

In addition to the financial report, the County has prepared a five-year schedule of improvement a community work program (CWP) as specified in the Compliance Requirements (Chapter 110-12-2-.03(2)(c)), which states that local governments that have a CIE must “update their entire Community Work Programs annually.”<sup>1</sup>

According to DCA's requirements,<sup>2</sup>  
the CWP must include:

- A brief description of the activity;
- Timeframe for undertaking the activity;
- Responsible party for implementing the activity;
- Estimated cost (if any) of implementing the activity; and,
- Funding source(s), if applicable.

All of this information appears in the Community Work Program portion of this document, beginning on page 8. This Community Work Program is based on the CIE adopted July 10, 2018.

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<sup>1</sup>Note that the Compliance Requirements specify that the community work program is to meet the requirements of Chapter 110-12-1-.04(7) (a), which is a reference to the STWP requirements in a previous version of the Standards and Procedures for Local Comprehensive Planning. The correct current description of a STWP is found at Chapter 110-12-1-.05(2) (c) (i).

<sup>2</sup> Chapter 110-12-1-.05(2) (c) (i).

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## IMPACT FEES FINANCIAL REPORT – DAWSON COUNTY, GA Fiscal Year 2020

DAWSON COUNTY

Annual Impact Fee Financial Report - Fiscal Year 2020

	Library Services	Fire Protection	Law Enforcement	Roads	Parks & Recreation	Administration	TOTAL
<b>Service Area</b>	County-wide	County-wide	County-wide	Ga 400 Corridor	County-wide		
<b>Impact Fee Fund Balance January 1, 2020</b>	\$220,065.99	\$114,738.21	\$46,068.51	\$130,657.44	\$750,656.53	(\$22,558.34)	\$1,239,628.35
<b>Impact Fees Collected (January 1, 2020 through December 31, 2020)</b>	\$266,151.63	\$118,501.76	\$0.00	\$53,347.66	\$845,380.85	\$38,494.35	\$1,321,876.25
<b>Subtotal: Fee Accounts</b>	\$486,217.62	\$233,239.97	\$46,068.51	\$184,005.10	\$1,596,037.38	\$15,936.01	\$2,561,504.60
<b>Accrued Interest</b>	\$795.39	\$381.55	\$75.36	\$301.01	\$2,610.93	\$26.07	\$4,190.32
<b>(Impact Fee Refunds)</b>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>(FY 2020 Expenditures)</b>	\$16,822.62	\$0.00	\$0.00	\$0.00	\$651,130.00	\$60.00	\$668,012.62
<b>Impact Fee Fund Balance December 31, 2020</b>	\$470,190.39	\$233,621.52	\$46,143.87	\$184,306.11	\$947,518.31	\$15,902.08	\$1,897,682.29
<b>Impact Fees Encumbered</b>	\$470,190.39	\$233,621.52	\$46,143.87	\$184,306.11	\$947,518.31		\$1,897,682.29

\*Effective July 10, 2018, no impact fees allocated for law enforcement.

Public Facility:	Library Services							
Service Area:	County-wide							
Project Description	Project Start Date	Project End Date	Local Cost of Project	Maximum Percentage of Funding from Impact Fees	Maximum Funding Possible from Impact Fees	Impact Fees Expended to Date	Impact Fees Encumbered	Status/Remarks
Collection Materials	2018	2018	\$38,934.07	99.49%	\$38,735.51			Delayed
Collection Materials	2019	2019	\$38,934.07	99.49%	\$38,735.51			Delayed
Books and Periodicals	2020	2020	\$39,262.72	99.50%	\$39,066.41	\$16,822.62	\$ 289,387.12	
Collection Materials	2021	2021	\$39,350.36	99.50%	\$39,153.61		\$ 20,613.79	
Collection Materials	2022	2022	\$39,021.71	99.49%	\$38,822.70		\$ 39,021.71	
Collection Materials	2023	2023	\$38,605.42	99.49%	\$38,408.53		\$ 38,605.42	
Collection Materials	2024	2024	\$38,758.79	99.49%	\$38,561.12		\$ 38,758.79	
Collection Materials	2025	2025	\$38,671.15	99.49%	\$38,473.93		\$ 38,671.15	
Collection Materials	2026	2026	\$38,934.07	99.49%	\$38,735.51		\$ 5,132.41	
Collection Materials	2027	2027	\$39,087.44	99.50%	\$38,892.00			
Collection Materials	2028	2028	\$39,175.08	99.50%	\$38,979.20			
Collection Materials	2029	2029	\$39,087.44	99.50%	\$38,892.00			
Collection Materials	2030	2030	\$38,758.79	99.49%	\$38,561.12			
Collection Materials	2031	2031	\$38,846.43	99.49%	\$38,648.31			
Collection Materials	2032	2032	\$38,671.15	99.49%	\$38,473.93			
Collection Materials	2033	2033	\$38,517.78	99.49%	\$38,321.34			
Collection Materials	2034	2034	\$38,430.14	99.49%	\$38,234.15			
Collection Materials	2035	2035	\$38,254.86	99.49%	\$38,059.76			
Collection Materials	2036	2036	\$38,671.15	99.49%	\$38,473.93			
Collection Materials	2037	2037	\$39,262.72	99.50%	\$39,066.41			
Collection Materials	2038	2038	\$40,117.21	99.45%	\$39,896.57			
Collection Materials	2039	2039	\$40,796.42	99.46%	\$40,576.12			
Collection Materials	2040	2040	\$41,212.71	99.47%	\$40,994.28			
New library space (13,991 sf)	2026	2026	\$4,365,192.00	100.00%	\$4,365,192.00			
			\$5,264,553.68		\$5,259,953.93	\$16,822.62	\$ 470,190.39	

Public Facility:	Fire Protection							
Service Area:	County-wide							
Project Description	Project Start Date	Project End Date	Local Cost of Project	Maximum Percentage of Funding from Impact	Maximum Funding Possible from Impact Fees	Impact Fees Expended to Date	Impact Fees Encumbered	Status/ Remarks
Medic	2020	2020	\$250,000.00	100.00%	\$250,000.00			
Engine	2019	2019	\$400,000.00	100.00%	\$400,000.00	\$122,000.00		Delayed
Tender	2021	2021	\$300,000.00	100.00%	\$300,000.00		\$ 233,621.52	
Engine	2022	2022	\$400,000.00	100.00%	\$400,000.00			
Medic	2022	2022	\$250,000.00	100.00%	\$250,000.00			
Engine	2023	2023	\$400,000.00	100.00%	\$400,000.00			
Ladder	2023	2023	\$1,100,000.00	100.00%	\$1,100,000.00			
Engine	2028	2028	\$400,000.00	100.00%	\$400,000.00			
New Station 3	2023	2023	\$1,937,339.00	25.00%	\$484,334.75			
Station 11	2025	2025	\$133,894.00	100.00%	\$133,894.00			
Station 12	2028	2028	\$505,594.00	100.00%	\$505,594.00			
Station 13	2031	2031	\$140,997.00	100.00%	\$140,997.00			
Station 14	2034	2034	\$144,658.00	100.00%	\$144,658.00			
Station 15	2037	2037	\$2,184,961.00	100.00%	\$2,184,961.00			
Training Center	2024	2024	\$220,807.00	100.00%	\$220,807.00			
			<b>\$8,768,250.00</b>		<b>\$7,315,245.75</b>	<b>\$122,000.00</b>	<b>\$ 233,621.52</b>	

Public Facility:	Roads							
Service Area:	County wide							
Project Description	Project Start Date	Project End Date	Local Cost of Project	Maximum Percentage of Funding from Impact Fees	Maximum Funding Possible from Impact Fees	Impact Fees Expended to Date	Impact Fees Encumbered	Status/Remarks
Kelly Bridge Road, full depth reclamation and widening both lanes	2018	2018	\$2,262,592.57	44.6778557%	\$1,010,877.84			delayed
Lumpkin Campground Road, lane addition and lane widening	2019	2019	\$4,230,847.21	44.6778557%	\$1,890,251.81			delayed
Red Rider Road, right-of-way acquisition and road widening	2019	2019	\$1,269,254.16	44.6778557%	\$567,075.54			satisfied
Sweetwater Juno Road, road widening and resurfacing	2019	2019	\$1,375,025.34	44.6778557%	\$614,331.84			delayed
Couch Road, road wideing and resurfacing	2020	2020	\$3,807,317.28	44.6778557%	\$1,701,027.72		\$130,657.44	
Grant Road East, upgrade dirt to pavement and road widening	2020	2020	\$870,243.95	44.6778557%	\$388,806.34		\$24,824.34	
Shoal Creek - Shoal Creek Road Bridge, replacement with additional lanes and weight	2020	2020	\$2,719,512.35	44.6778557%	\$1,215,019.80		\$28,824.33	
Amicalola River - Goshen Church Bridgem replacement with additional lanes and weight	2021	2021	\$1,678,131.39	44.6778557%	\$749,753.12			
Whitmire Drive West, add third (center turn) lane	2021	2021	\$895,003.41	44.6778557%	\$399,868.33			satisfied
Prepare Transportation Plan (in house)	2020	2020		n/a				
			<b>\$19,107,927.66</b>		<b>\$8,537,012.35</b>		<b>\$184,306.11</b>	

\*satisfied – Projects were satisfied through other means, therefore removed from CWP.

Public Facility:	Parks and Recreation							
Service Area:	County wide							
Project Description	Project Start Date	Project End Date	Local Cost of Project	Maximum Percentage of Funding from Impact Fees	Maximum Funding Possible from Impact Fees	Impact Fees Expended to Date	Impact Fees Encumbered	Status/Remarks
Park Acres	2020	2020	\$2,995,770.00	84.76%	\$2,539,214.65		\$349,405.53	
Baseball/Softball Fields	tbd	tbd						
Basketball Courts (outdoor)	tbd	tbd	\$395,649.00	99.53%	\$393,789.45			
Multi-Purpose Fields	2020	2020	\$1,134,839.00	95.16%	\$1,079,912.79	\$651,130.00	\$196,861.78	
Picnic Pavilions	tbd	tbd	\$463,753.00	77.78%	\$360,707.08			
Playgrounds	tbd	tbd	\$695,626.00	66.66%	\$463,704.29			
Aquatic Center (deferred)	tbd	tbd		58.34%				
Tennis Courts	tbd	tbd	\$993,690.00	83.33%	\$828,041.88			
Gymnasium	tbd	tbd	\$2,550,964.00	100.00%	\$2,550,964.00			
Maintenance Sheds	tbd	tbd	\$415,646.00	100.00%	\$415,646.00			
Office/Concession	tbd	tbd	\$489,462.00	100.00%	\$489,462.00			
Recreation Center	tbd	tbd	\$5,402,116.00	100.00%	\$5,402,116.00			
Restroom/Concession	tbd	tbd	\$799,593.00	95.18%	\$761,052.62			
Senior Rec Center	2019	2021	\$401,251.00	100.00%	\$401,251.00		\$401,251.00	
Maintenance Yard	tbd	tbd	\$6,118.00	100.00%	\$6,118.00			
Walking Trails	tbd	tbd	\$569,373.00	100.00%	\$569,373.00			
Parking	tbd	tbd	\$1,898,284.00	100.00%	\$1,898,284.00			
			<b>\$19,212,134.00</b>		<b>\$18,159,636.76</b>	<b>\$651,130.00</b>	<b>\$947,518.31</b>	



**2020-2024 COMMUNITY WORK PROGRAM  
DAWSON COUNTY, GA**

DCA Category	Activity	2021	2022	2023	2024	Responsible Party	Cost Estimate	Funding Source
Com. Facilities	Purchase of collection materials	✓	✓	✓	✓	Dawson County Library	\$194,186	99.5% impact fees; SPLOST
Com. Facilities	New Jail (Wrap-up to previous new jail project identified in the 2006 CIE)					Sherriff's Office	\$45,715.05	100% impact fees
Com. Facilities	Purchase fire engine for Station 4		✓			Emergency Services	\$400,000	100% impact fees
Com. Facilities	Purchase medic vehicle for Station 4		✓			Emergency Services	\$250,000	100% impact fees
Com. Facilities	Purchase medic vehicle for Station 5	✓				Emergency Services	\$250,000	100% impact fees
Com. Facilities	Purchase fire engine for Station 9		✓			Emergency Services	\$400,000	100% impact fees
Com. Facilities	Purchase tender for Station 9		✓			Emergency Services	\$300,000	100% impact fees
Com. Facilities	Install fire hydrants (Annual installation in accordance with the Authority's schedule)	✓	✓	✓	✓	EWSA	\$237,900	100% impact fees
Com. Facilities	Acquire park land (140 acres)		✓			Parks & Rec Dept., BOC	\$800,000	84.76% impact fees; SPLOST
Com. Facilities	Senior Rec Center (Cost excludes \$750,000 grant)	✓				Senior Services	\$401,251	100% impact fees

\*Fire Stations renumbered in 2018

\*2019-2023 CWP lists impact fee eligible projects. A complete CWP can be found in the Comprehensive Plan.

DCA Category	Activity	2021	2022	2023	2024	Responsible Party	Cost Estimate	Funding Source
Transportation	Kelly Bridge Road, full depth reclamation and widening both lanes	✓				PWD	\$2,200,000	44.68% impact fees; SPLOST
Transportation	Lumpkin Campground Road, lane addition and lane widening	✓	✓	✓		PWD	\$4,000,000	44.68% impact fees; SPLOST
Transportation	Sweetwater Juno Road, road widening and resurfacing	✓	✓			PWD	\$1,300,000	44.68% impact fees; SPLOST
Transportation	Couch Road, road widening and resurfacing		✓	✓		PWD	\$3,500,000	44.68% impact fees; SPLOST
Transportation	Grant Road East, up-grade dirt to pavement and road widening			✓		PWD	\$800,000	44.68% impact fees; SPLOST
Transportation	Shoal Creek – Shoal Creek Road Bridge, replacement with additional lanes and weight limit				✓	PWD	\$2,500,000	44.68% impact fees; SPLOST
Transportation	Amicalola River – Goshen Church Bridge, replacement with additional lanes and weight		✓	✓		PWD	\$1,500,000	44.68% impact fees; SPLOST
Transportation	Transportation Plan (Prepared by staff)	✓				PWD	\$0	Prepared by Staff
Transportation	Update impact fee Capital Improvements Element with road improvements (Consultant	✓	✓			PWD	\$0	Prepared by Staff



## **Adoption Resolution**

### **Capital Improvements Element Annual Update**

#### **Dawson County, Georgia**

WHEREAS, Dawson County adopted a Capital Improvements Element as an amendment to the *Dawson County Comprehensive Plan*; and

WHEREAS, Dawson County has prepared an Annual Update to the adopted Capital Improvements Element; and

WHEREAS, the Capital Improvements Element Annual Update was prepared in accordance with the “Development Impact Fee Compliance Requirements” and the “Minimum Planning Standards and Procedures for Local Comprehensive Planning” adopted by the Board of Community Affairs pursuant to the Georgia Planning Act of 1989, and a duly advertised Public Hearing was held on (Month Day), 2021, at 4:00 P.M. in the Dawson County Government Center;

BE IT THEREFORE RESOLVED, that the Board of Commissioners of Dawson County does hereby adopt the Capital Improvements Element Annual Update, as per the requirements of the Development Impact Fee Compliance Requirements.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

BY: \_\_\_\_\_  
Billy Thurmond, Chairman

ATTEST: \_\_\_\_\_  
Kristen Cloud, County Clerk

**STATE OF GEORGIA  
COUNTY OF DAWSON**

**A RESOLUTION AUTHORIZING THE TRANSMITTAL OF A DRAFT CAPITAL IMPROVEMENTS  
ELEMENT 2021 ANNUAL UPDATE TO THE GEORGIA MOUNTAINS REGIONAL COMMISSION  
FOR REGIONAL AND STATE REVIEW**

WHEREAS, Dawson County adopted a Capital Improvements Element in 2018 as an amendment to the *Dawson County Comprehensive Plan*; and

WHEREAS, Dawson County has drafted a 2021 Annual Update to the 2018 Capital Improvements Element, which incorporates an impact fee financial report for FY 2020 along with an updated Community Work Program; and

WHEREAS, the draft Capital Improvements Element 2021 Annual Update was prepared in accordance with the "Development Impact Fee Compliance Requirements" and the "Minimum Planning Standards and Procedures for Local Comprehensive Planning" adopted by the Board of Community Affairs pursuant to the Georgia Planning Act of 1989, and a duly advertised Public Hearing was held on (Month Day), 2021, at 4:00 p.m. in the Dawson County Government Center, 25 Justice Way, Dawsonville, Georgia; and

BE IT THEREFORE RESOLVED that the Board of Commissioners does hereby authorize the transmittal of the draft Capital Improvements Element 2021 Annual Update to the Georgia Mountains Regional Commission for Regional and State review, as per the requirements of the Development Impact Fee Compliance Requirements adopted pursuant to the Georgia Planning Act of 1989.

**RESOLVED** this \_\_\_ day of \_\_\_\_\_, 2021

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

Attest:

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

## **Chapter 117 GA 400 Overlay District**

### **Article I. General**

#### **Sec. 117-1-1 Purpose**

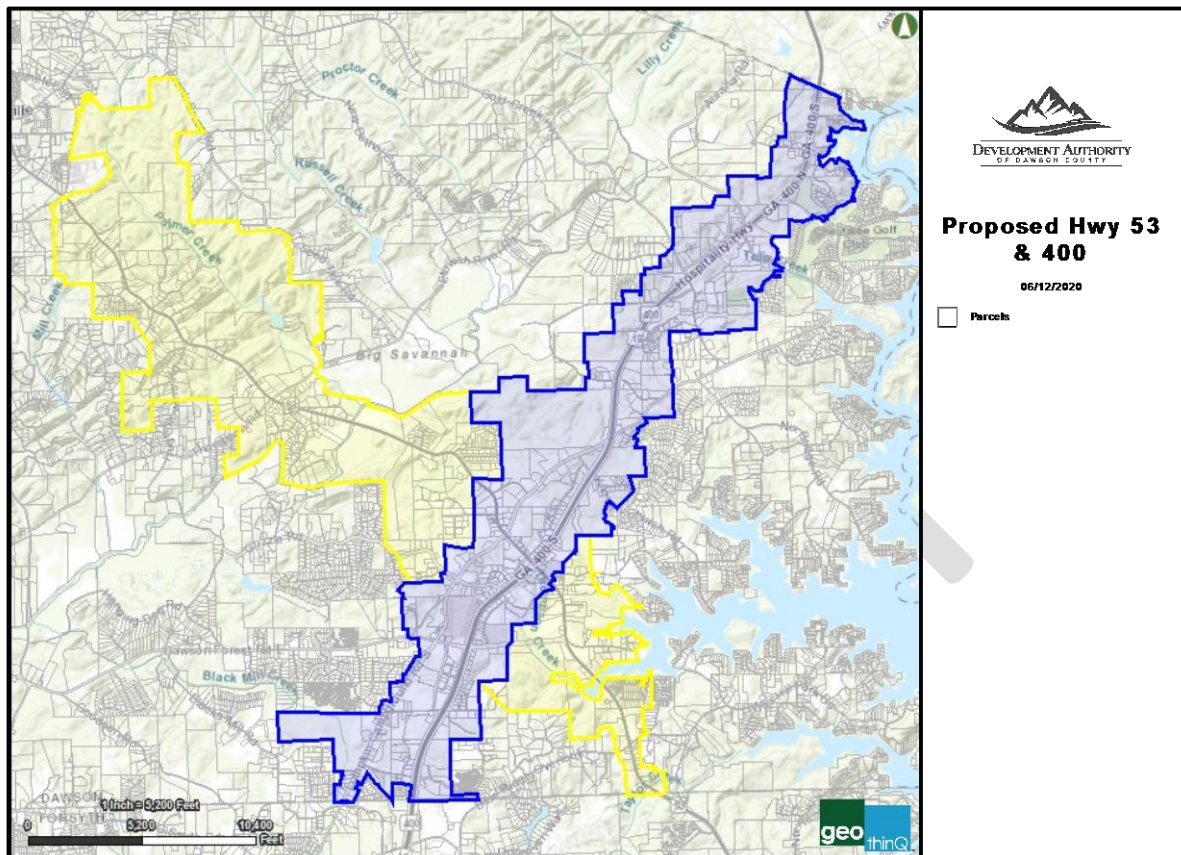
As Dawson County experiences development pressures from the expanding Metro Atlanta area, it seeks to protect the scenic and local amenities of the area while allowing for desired growth through the establishment of two Overlay Districts: GA 400 Overlay District and SR 53 Overlay District. The purpose of these Overlay Districts is to establish minimum standards for site development or redevelopment, pedestrian access, open space, exterior architectural design, landscaping, lighting, and signage that create a cohesive aesthetic relating the commercial gateways to the valued natural amenities of the County. The Overlay Districts' regulations allow for flexibility in individual site design, ensure project feasibility, and coordinate the overall look and feel of the commercial corridors.

The GA 400 Overlay District is established in order to:

- (1) Create a unique sense of place distinctive along the GA 400 corridor in Dawson County.
- (2) Allow a mix of uses, including more intense commercial, industrial, and higher density residential.
- (3) Design auto and multi-modal/pedestrian friendly sites that link to future greenways and greenspaces.
- (4) Create mini-destinations and outdoor venues.
- (5) Enhance traditional strip mall development.
- (6) Standardize signage.



## Sec. 117-1-2 GA 400 Overlay District Boundary and Applicability



- (1) The boundaries of the GA 400 Overlay District is established as shown on Exhibit A, the map entitled Dawson County Overlay Districts which is hereby made a part of the Code and shall be on file in the Dawson County Office of Planning and Development, Dawsonville, Georgia.
- (2) Applicability of Boundaries
  - a. In addition to the parcels shown on the Overlay District Map, parcels that are currently outside the GA 400 Overlay District's boundaries shall be regulated by the Overlay if they are assembled into a project that contains any parcel currently within the Overlay Boundary.
- (3) The Overlay District's Standards regarding architectural shall apply to any building(s) or section of the property that is visible from the adjacent public right of way, any streets sections within the Overlay District, and any internal drive within the Overlay District.

- (4) Where uncertainty exists with respect to the boundaries of any of the GA 400 Overlay District, the Planning Director shall render a decision.
- (5) Overlay District requirements shall apply wholly to all new development. Development projects exceeding 50% of the existing building value shall be required to comply with Overlay District standards to the greatest extent possible, as decided by the Planning Director. Single family residential lots are not subject to the provisions of this chapter unless located within a new subdivision development.

### **Sec. 117-1-3 Definitions.**

Except as provided below, definitions are regulated by Subpart B-LAND DEVELOPMENT ORDINANCES Chap 101 Article I - IN GENERAL, Sec 101-2 and the underlying zoning district.

## **ARTICLE II. Use Regulation**

### **Sec. 117-2-1 GA 400 Overlay District Permitted Uses.**

- (1) For the GA 400 Overlay Districts, permitted uses are regulated by the underlying zoning district.

### **Sec. 117-2-2 GA 400 Overlay District Prohibited Uses.**

Except as provided below for the GA 400 Overlay District, uses are regulated per the underlying zoning.

- (1) GA 400 Overlay District prohibited uses:
  - a. Campgrounds
  - b. Fishing ponds
  - c. Boat repair and storage
  - d. Flea markets
  - e. Greenhouses or nurseries unless accompanying a retail establishment.

### **Sec. 117-2-3 GA 400 Overlay District Conditional Uses.**

Except as provided below for the GA 400 Overlay District, uses are regulated per the underlying zoning.

- (1) GA 400 Overlay District conditional uses
  - a. Outdoor commercial recreational facility

- b. Food trucks or food truck court

### **ARTICLE III. GA 400 OVERLAY DISTRICT SITE PLANNING**

#### **Sec. 117-3-1 GA 400 Overlay District Planning Principles.**

- (1) Site planning for the GA 400 Overlay District should take into account the following principles:
  - a. Buildings should face GA 400 or internal streets. For industrial developments, an internal circulation that includes a central parkway or drive should be created for buildings to face.
  - b. Entrances to the buildings shall face GA 400 unless approved expressly by the Planning Director.
  - c. Curb cuts should be located on a side street whenever possible. Interparcel access is encouraged.
  - d. Retail and commercial sites should incorporate open space and/or green space that allows for public gathering to the greatest extent possible.
  - e. Sites should connect and integrate greenspace with future greenways.
  - f. Site layouts should accommodate pedestrian access and alternative modes of transportation.
  - g. Parking, while may be located between buildings and the right of way, should not be the dominant element. Parking lots should be augmented with landscape buffers, landscape islands, pedestrian ways, lighting. Long runs of parking spaces should be limited. When possible, parking should be located to the side or rear of buildings.
  - h. Sites should incorporate Dawson County's GA 400 cohesive streetscape standards, including landscape, sidewalks, fencing, lighting, signage, and architecture along the right of way.
  - i. When structured parking is utilized, utilize grade changes for access.
  - j. Service and loading area should be located to the rear of buildings. No overhead or service doors or bays should face the public right of way.
  - k. Existing topography should be accommodated and full site grading should be limited to the greatest extent possible.
  - l. Buildings should be designed to create a cohesive highway commercial corridor that is reflective of the value natural assets of Dawson County.



- m. Public art is encouraged.
- n. Green building techniques and certifications are encouraged.

### **Sec. 117-3-2 GA 400 Overlay District Site Grading.**

Except as provided below, site grading is regulated by Chap 109 – ENVIRONMENT AND NATURAL RESOURCES, Article III. – SOIL EROSION AND SEDIMENTATION CONTROL, Sec. 109-56. Minimum requirements for erosion and sedimentation control using best management practices.

- (1) Master planned developments in MUV, CPCD and or RPC zoning districts may receive a 150% density bonus if designed to limit mass grading and leave 40% of the site undisturbed. Significant ridge lines visible from the surrounding area and riparian areas are to be given priority for limiting disturbance. Sites available for bonus must be a minimum of 15 acres.
- (2) Retaining walls, when visible from a public right-of-way, are to be faced with or constructed of stone, brick, decorative concrete modular block or other similar material as approved by the Planning Director.

### **Sec. 117-3-3 GA 400 Overlay District Setbacks, Buffers, Landscape Areas.**

Except as provided below, setbacks and buffers are regulated by Chap. 109 – ENVIRONMENT AND NATURAL RESOURCES, Article II., BUFFERS, LANDSCAPING AND TREES. and the underlying zoning district. See Sec. 117-3-10. Landscape Standards for buffer and landscape area planting requirements.

- (1) Setbacks
  - a. Setbacks are established by the underlining zoning
- (2) Buffers
  - a. A 50' landscape buffer is required along GA 400 for new residential or non street-facing developments.
- (3) Landscape Area
  - a. 10' min landscape area required adjacent to the public right-of-way
  - b. 5' landscape area required between adjacent parcels, including parking lots

### **Sec. 117-3-4 GA 400 Overlay District Open Space**

Except as provided below, the standards of the underlying zoning district apply.

- (1) Incentives to encourage creation of public gathering destinations are available in the form of a reduction of the required open space. This applies to new construction and redevelopment developments over five acres within the Overlay District. The required open space may be reduced to 20% if the following are provided:
  - a. Public space that offers a level of amenity high enough to attract day and nighttime use by customers and from the surrounding community as a local destination.
  - b. Shopping centers contiguous public gathering space is a minimum square footage of 3% of the building footprint or 13 square feet per parking space.

### **Sec. 117-3-5 GA 400 Overlay District Screening of storage yards.**

- (1) Storage is not permitted in the front yard.
- (2) All areas devoted to the outside storage of vehicles, merchandise, and/or equipment not intended for display for public rent, lease, or sale, shall be screened from view from the right-of-way along the entire property frontage. Screening may be accomplished by a landscape buffer that meets the requirements of Sec. 117-3-10 – Landscape Standards, a building, an earthen berm, a 100 percent opaque solid wooden fence, a wall, or combination of these screening methods.
- (3) The use of low-lying landscaping that does not screen the storage areas from view from the public right-of-way shall not be deemed to comply with this requirement.

### **Sec. 117-3-6 GA 400 Overlay District Street Design Standards.**

Except as provided below, the design of roads and driveways are regulated by Chap 42 – ROADS AND BRIDGES and GDOT standards.

- (1) Local street minimums (*Figure 1*)
  - a. ROW 60'
  - b. Street width 22'
  - c. 4' sidewalk with 6.5' landscape strip between curb and sidewalk and 8.5' between curb and edge of development
  - d. Street trees spacing
    1. Between driveways for single family lots

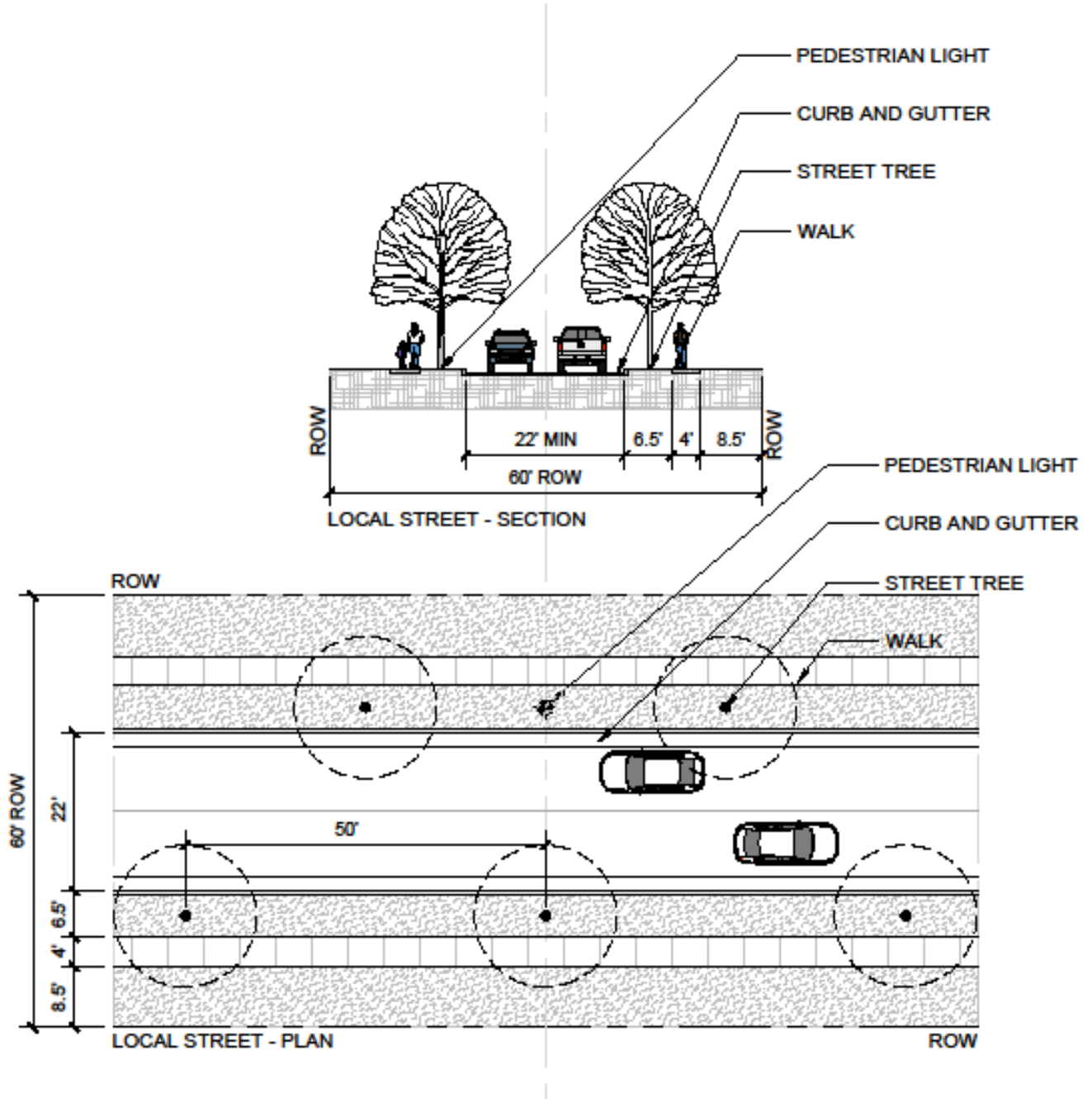


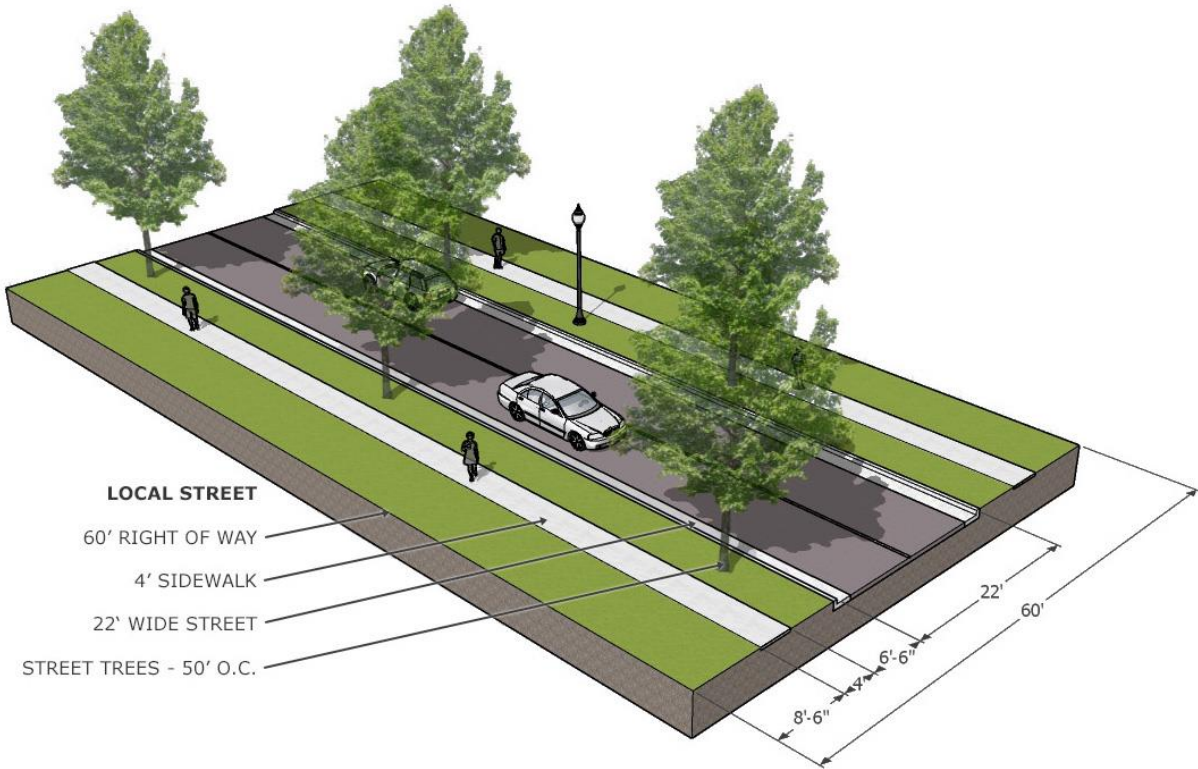


2. 50' OC
- (2) Collector street minimums (*Figure 2*)
    - a. ROW 60'
    - b. Street width 24'
    - c. Sidewalks 5' with 6.5' landscaping strip on both sides
    - d. Tree spacing 50'
  - (3) Commercial street minimums (*Figure 3*)
    - a. ROW 80'
    - b. Street width 40'
    - c. Sidewalks 5' lawn strip between curb and sidewalk and 8.5' between curb and edge of development
    - d. Tree spacing 40'
  - (4) Arterial street minimums (*Figure 4*)
    - a. ROW 80'
    - b. Street width 40'
    - c. Sidewalks 5' landscape strip between curb and sidewalk and 8.5' between curb and edge of development
    - d. Tree spacing 40'
    - e. Fences are encouraged at property line.
  - (5) Retail street minimums (*Figure 5*)
    - a. ROW 80'
    - b. Street width 42'
    - c. Sidewalks 12' with landscape strip to back of curb
    - d. Tree spacing 50'
  - (6) Industrial street minimums
    - a. ROW 60'
    - b. Street Width 36'
    - c. Sidewalks 4' with 4.5' landscape strip to back of curb and 10' landscape strip to edge of parking.
    - d. Tree spacing 50'

(7) *Crosswalks.* The design of crosswalks shall be in accordance with GDOT Signing and Marking Guidelines with crosswalk patterns to be striped per GDOT Detail T-11A and provided at all frequently used pedestrian crossings in streets and parking lots.

Figure 1





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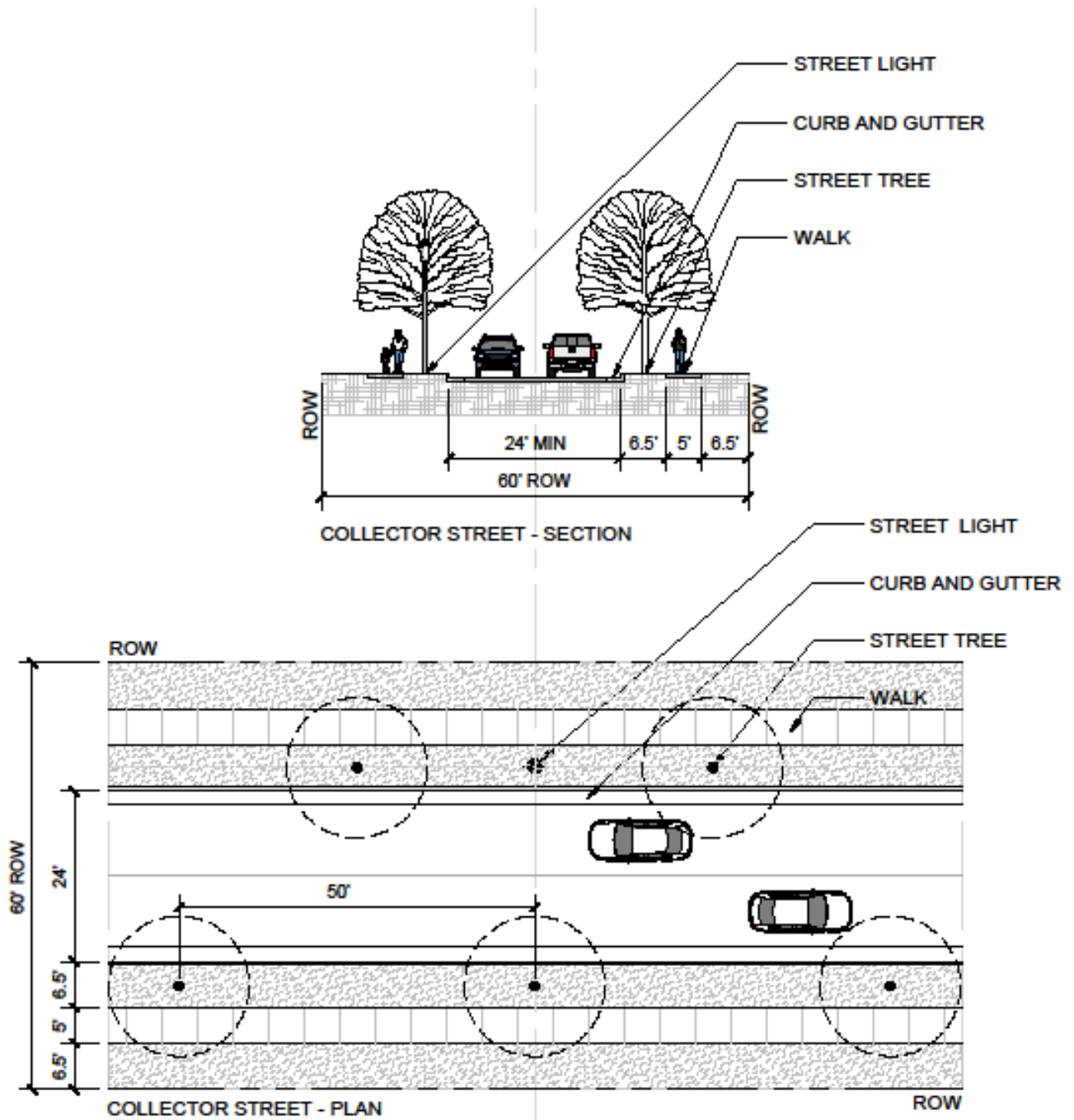
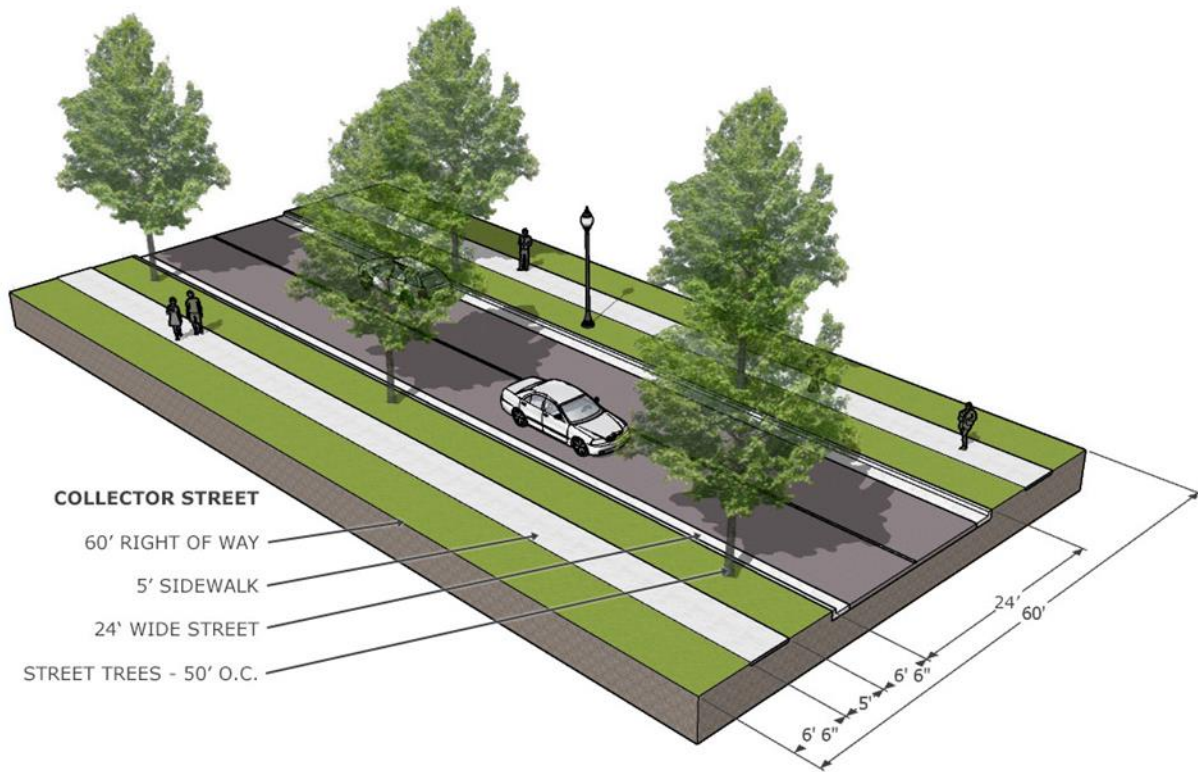


Figure 2



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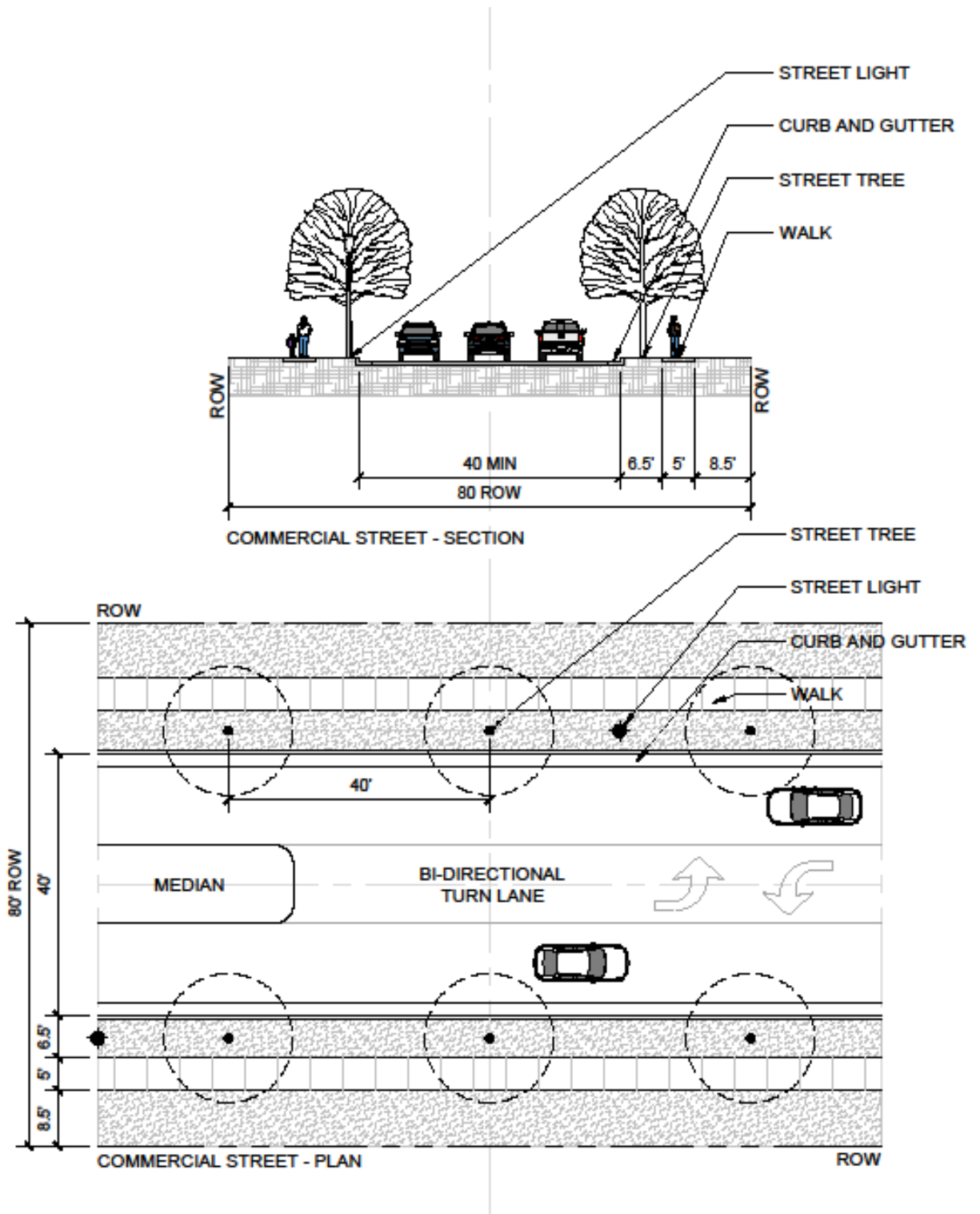
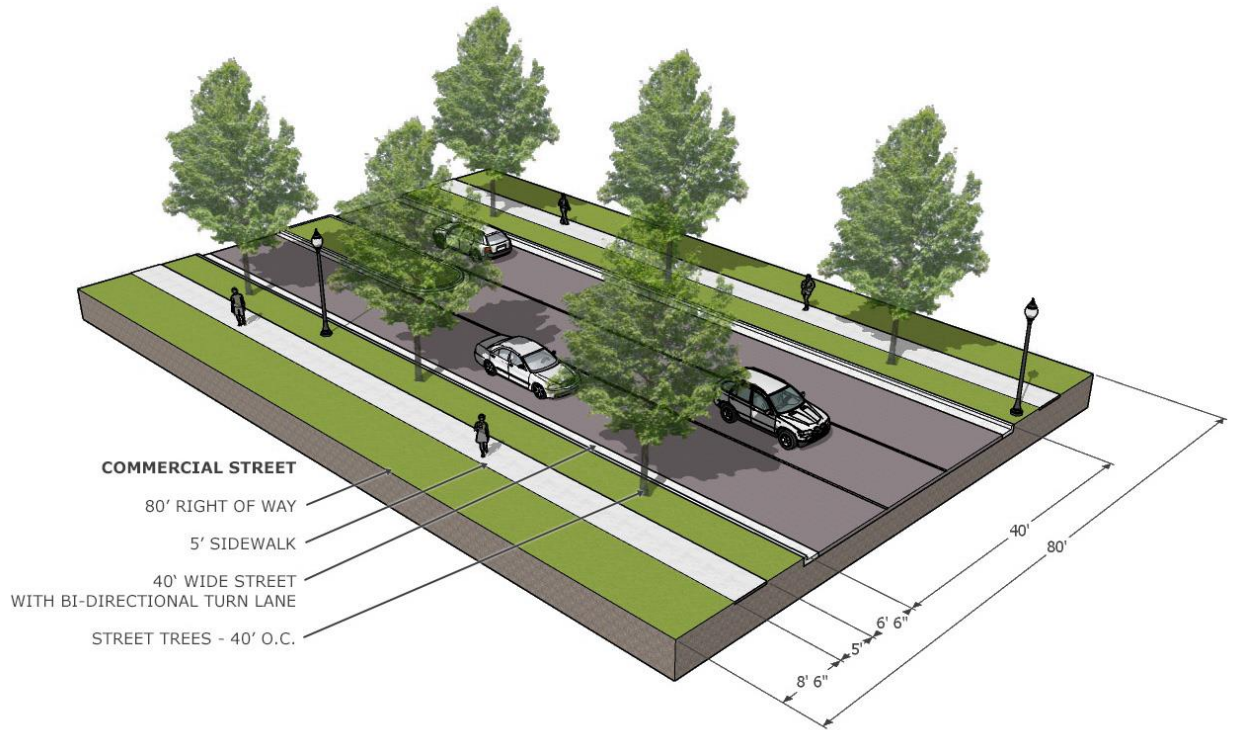


Figure 3

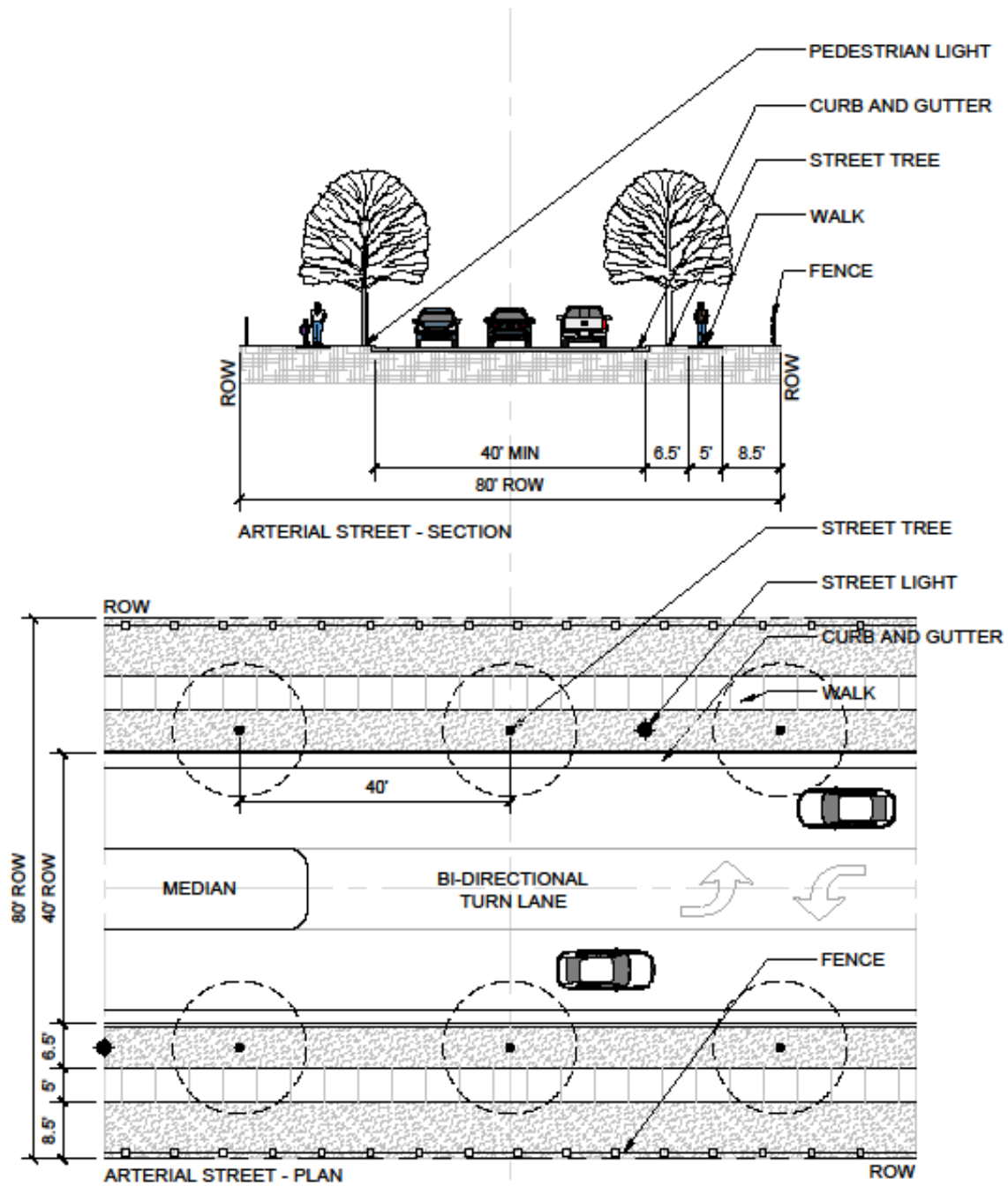




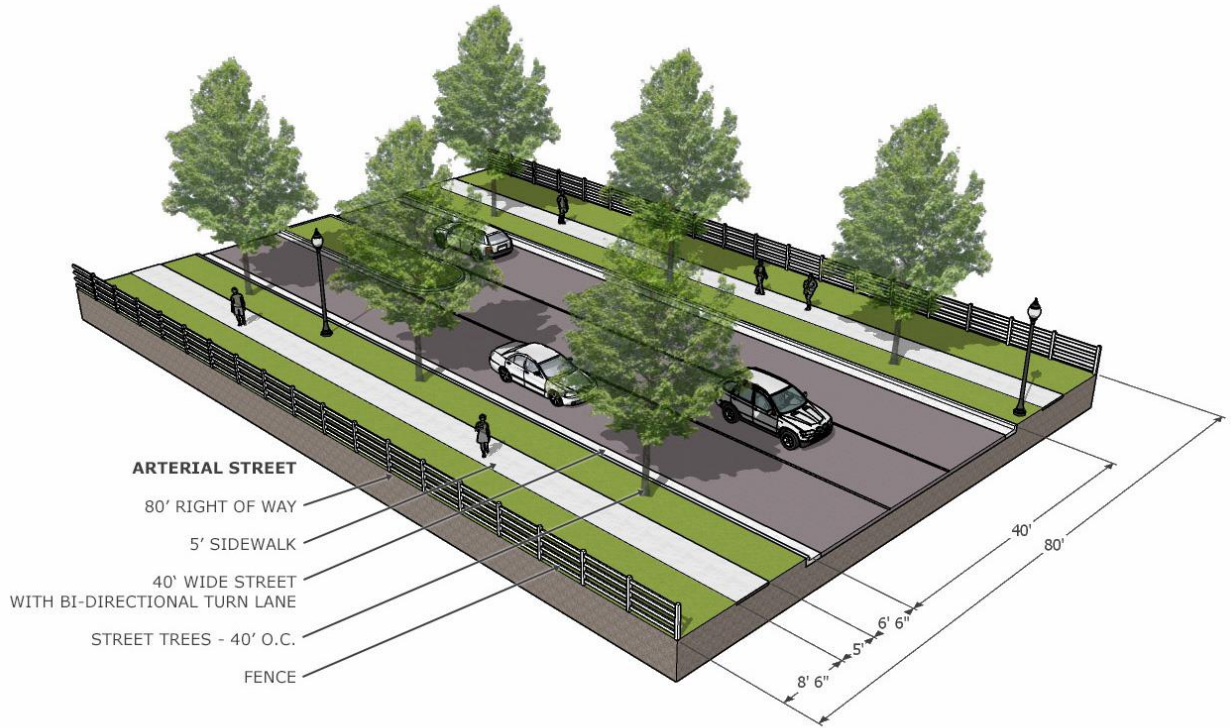
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Figure 4



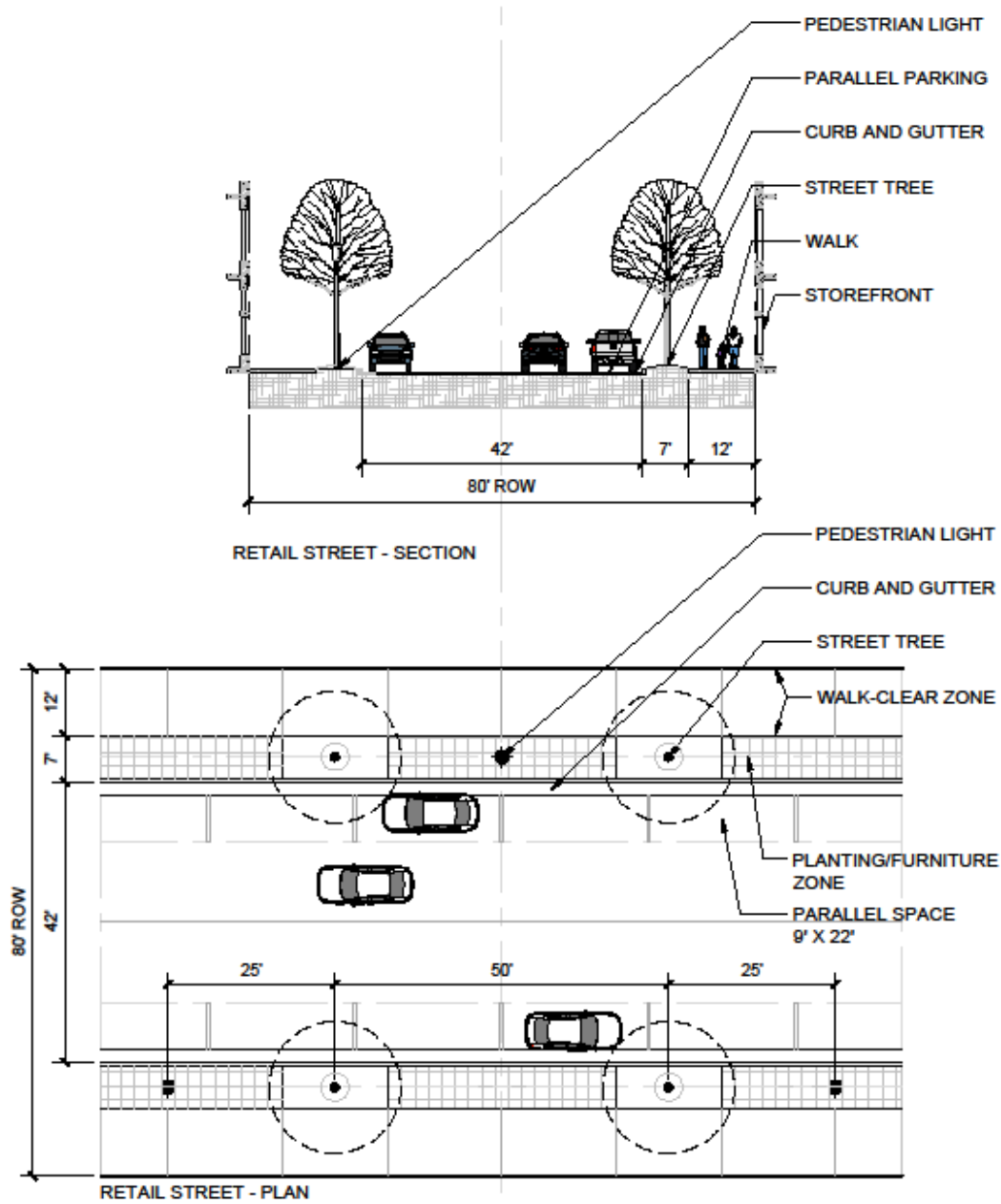


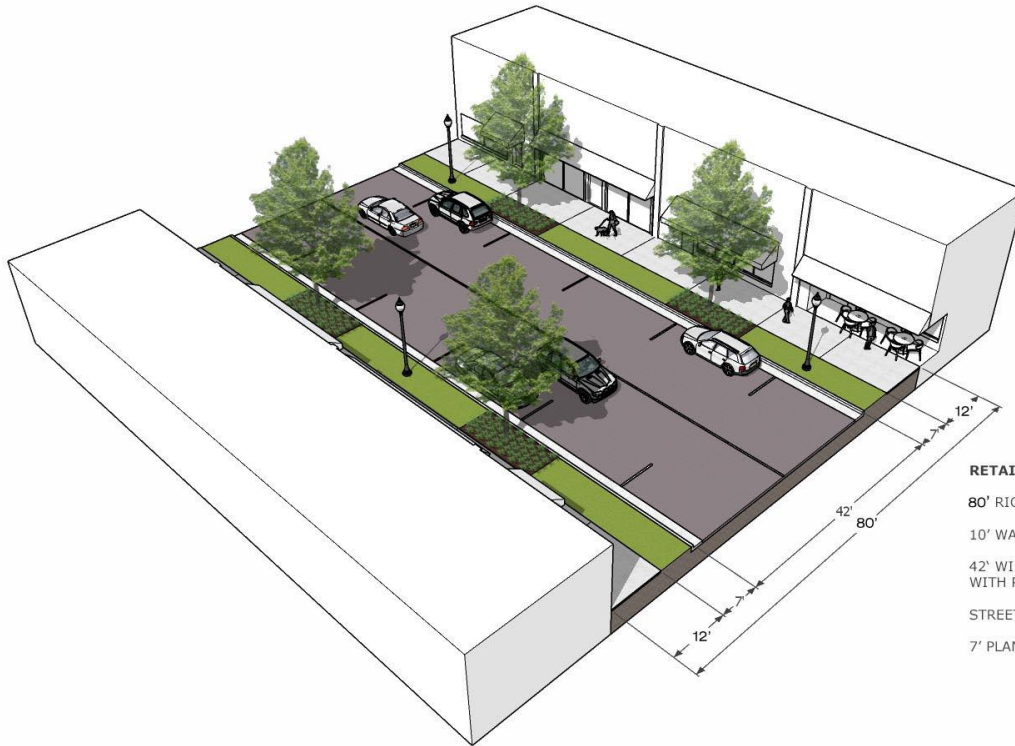


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Figure 5



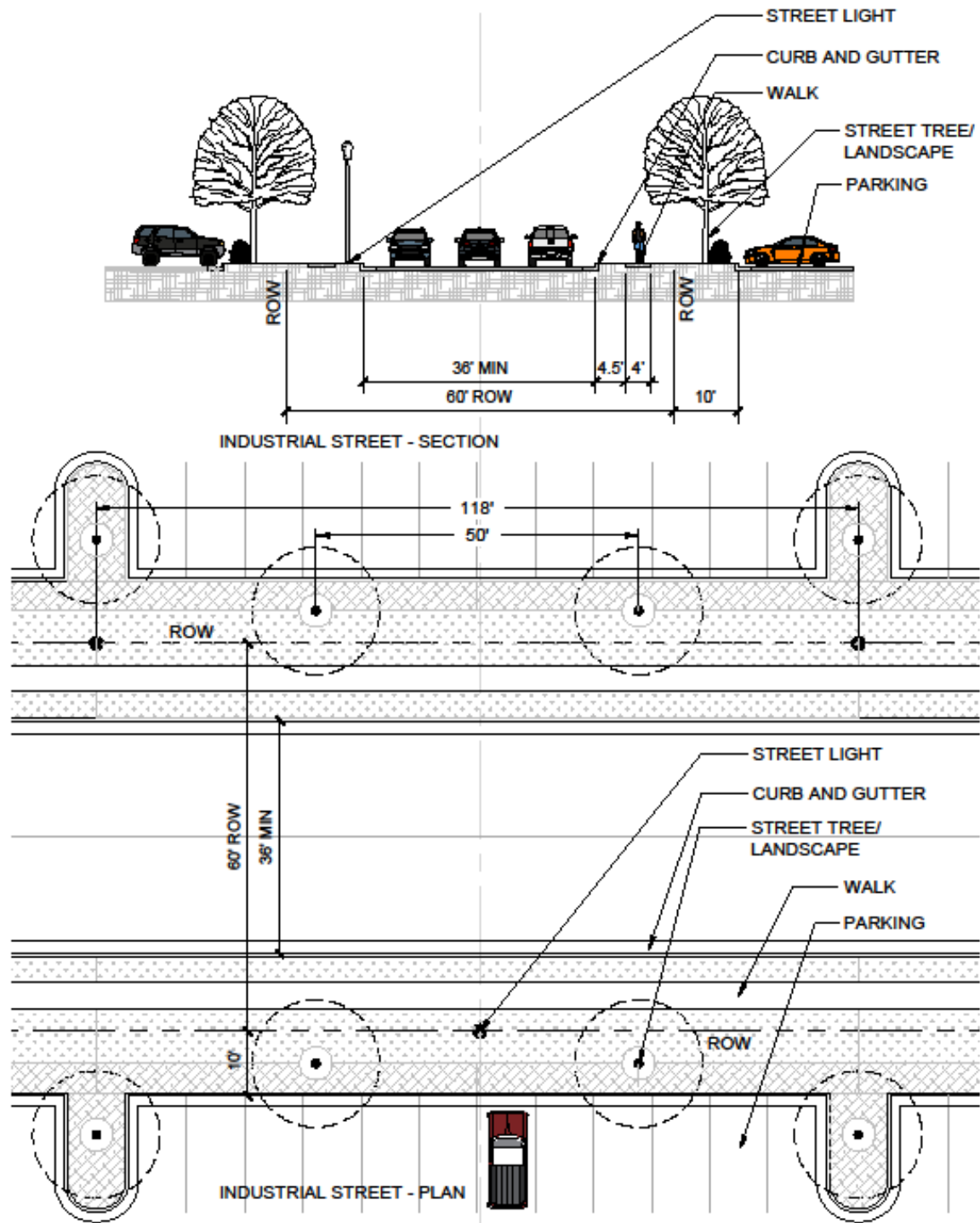


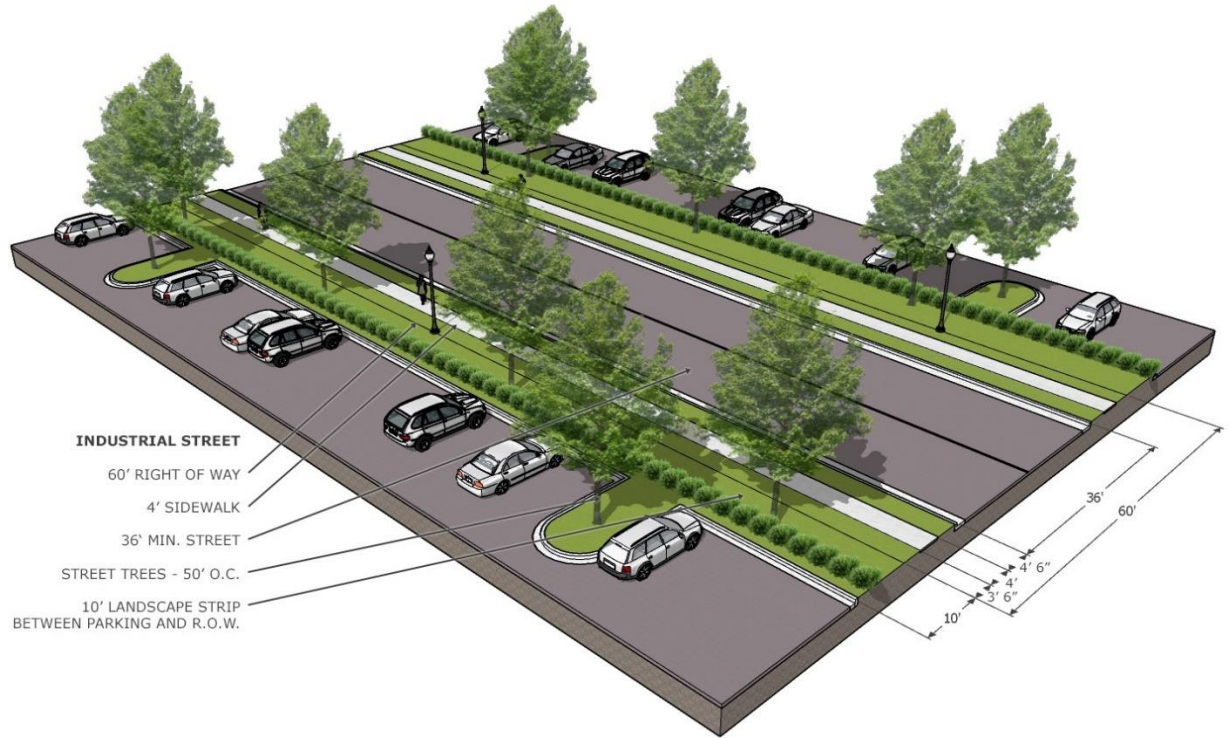
- RETAIL STREET**
- 80' RIGHT OF WAY
- 10' WALK-CLEAR ZONE
- 42' WIDE STREET WITH PARALLEL PARKING (9' x 22')
- STREET TREES - 50' O.C.
- 7' PLANTING/FURNITURE STRIP

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Figure 6





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### Sec. 117-3-7 GA 400 Vehicular Access.

Except as provided below, the design of roads and driveways are regulated by Chap 42 – ROADS AND BRIDGES and GDOT standards. Except as provided below, driveway and curb cut access are regulated by Article VI., GENERAL PROVISIONS, Sec. 1221-176 – Curb cut and access specifications. Development fronting arterial roads shall have vehicular access as regulated with streets designed per Sec. 117-3-6 GA 400 Overlay District Street Design Standards.

- (1) Development fronting GA 400 shall have streets designed per Sec. 117-3-6 Street Design Standards with the following vehicular access framework:
  - a. *Parallel access drive.* A parallel access drive shall be provided behind outparcels fronting GA 400. A *parallel access drive* with sidewalks and street trees shall be provided for commercial projects where site depth is greater than 1250'. Inter-parcel access shall be provided between outparcels.
  - b. Driveways. Driveways from GA 400 are to be built per GDOT Regulations for Driveway and Encroachment Control. Except as provided below, all other driveways are regulated by Dawson County.
    1. Minimum distances:
      - i. 530' between driveway and intersection ROW along GA 400.
      - ii. 375' between right-in right-out driveways along GA 400.
      - iii. 200' between driveway and GA 400 ROW along project entrance drive.
      - iv. 225' between any two driveways along GA 400 parallel access drive.
      - v. 300' along arterial and collector streets.
    2. Widths
      - i. Maximum 24' for parcel access from arterial and collector streets, with 36' exception provided for driveway with 3 lane ingress/egress.
      - ii. Maximum 30' width for driveways that must accommodate tractor trailers.
    3. Driveway curb cuts shall not be permitted on any street that functions as an arterial street or collector street when access may be provided from a side or rear street located immediately adjacent to a contiguous property, with the exception of hotel patron drop-off drives.
    4. Developments on properties with a single street frontage greater than 400 feet shall be permitted two curb cuts along one street frontage.



- The Planning Director may authorize a common or joint driveway. A letter of agreement is required from both property owners stating their understanding and agreement with the proposed common driveway curb-cut.

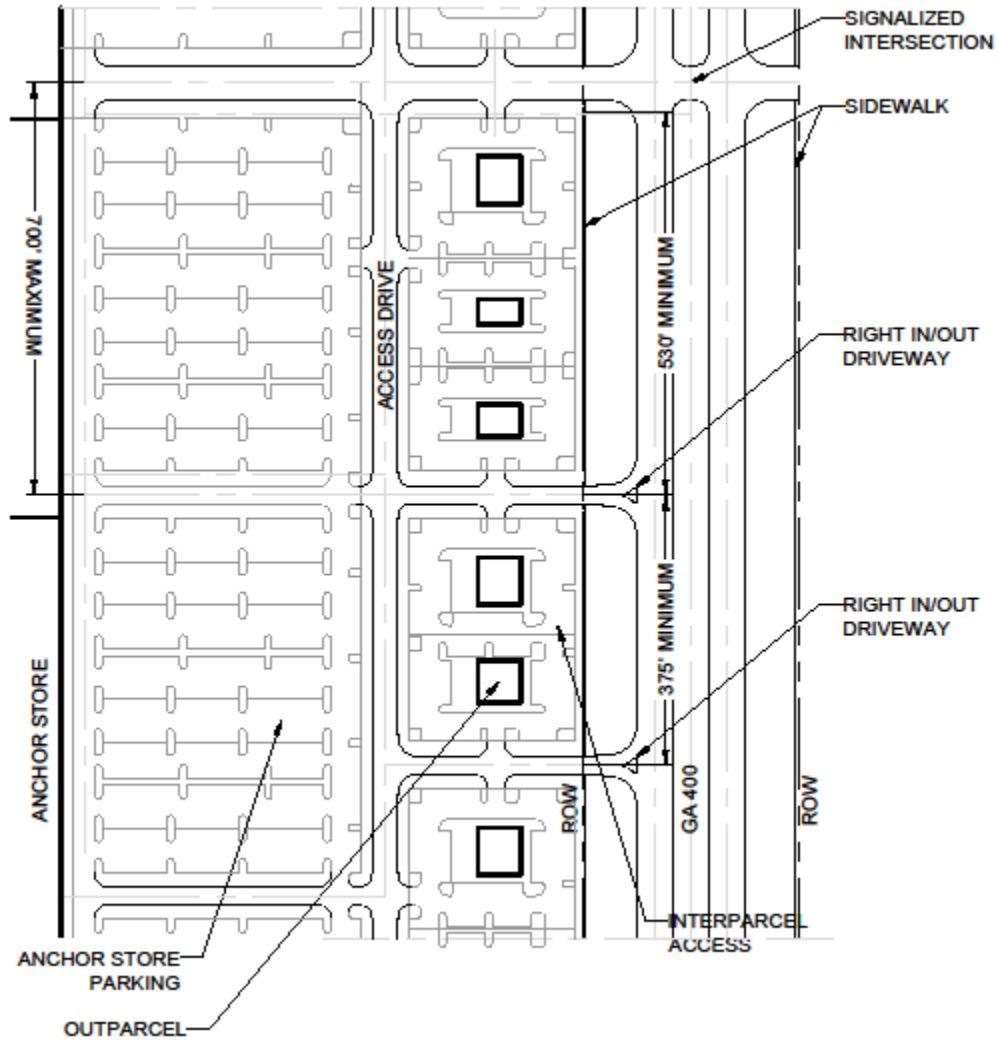


Figure 7



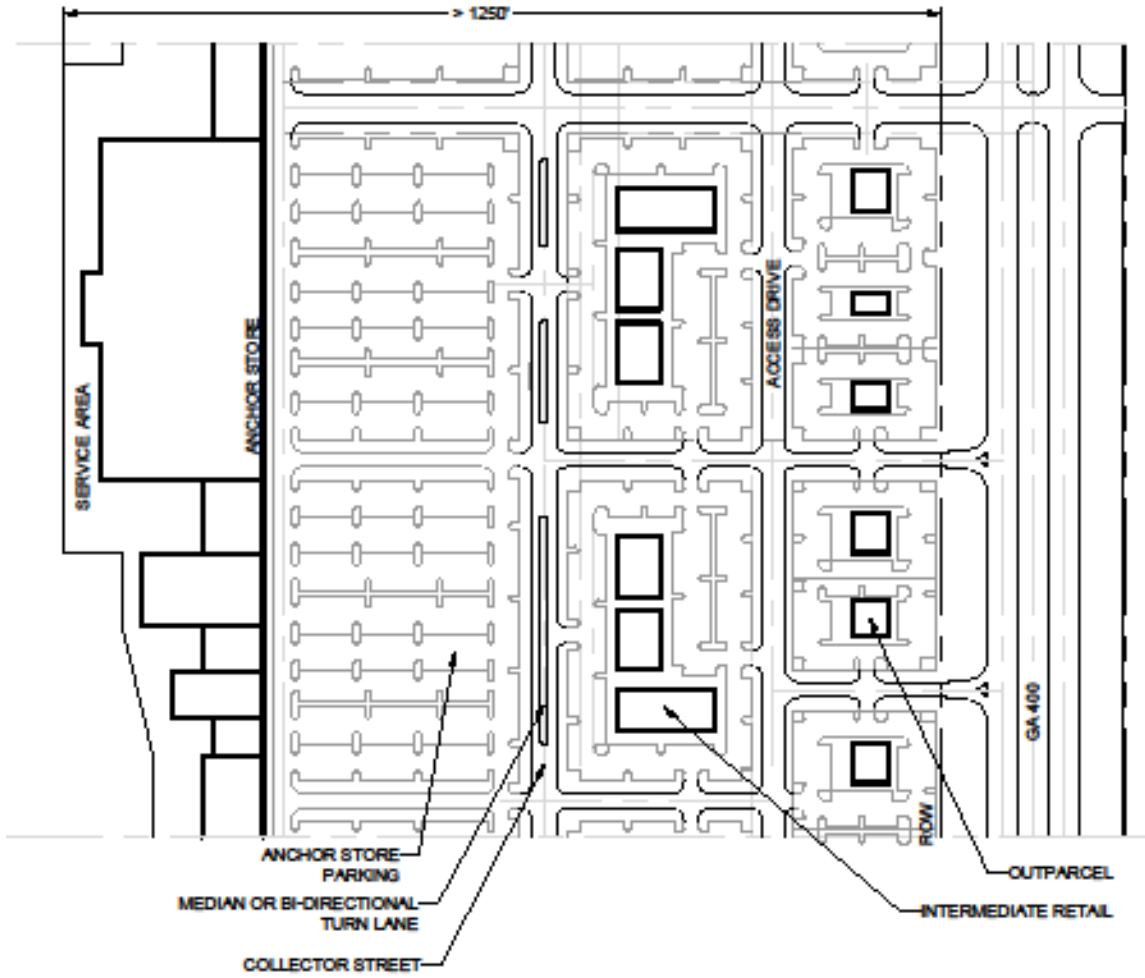
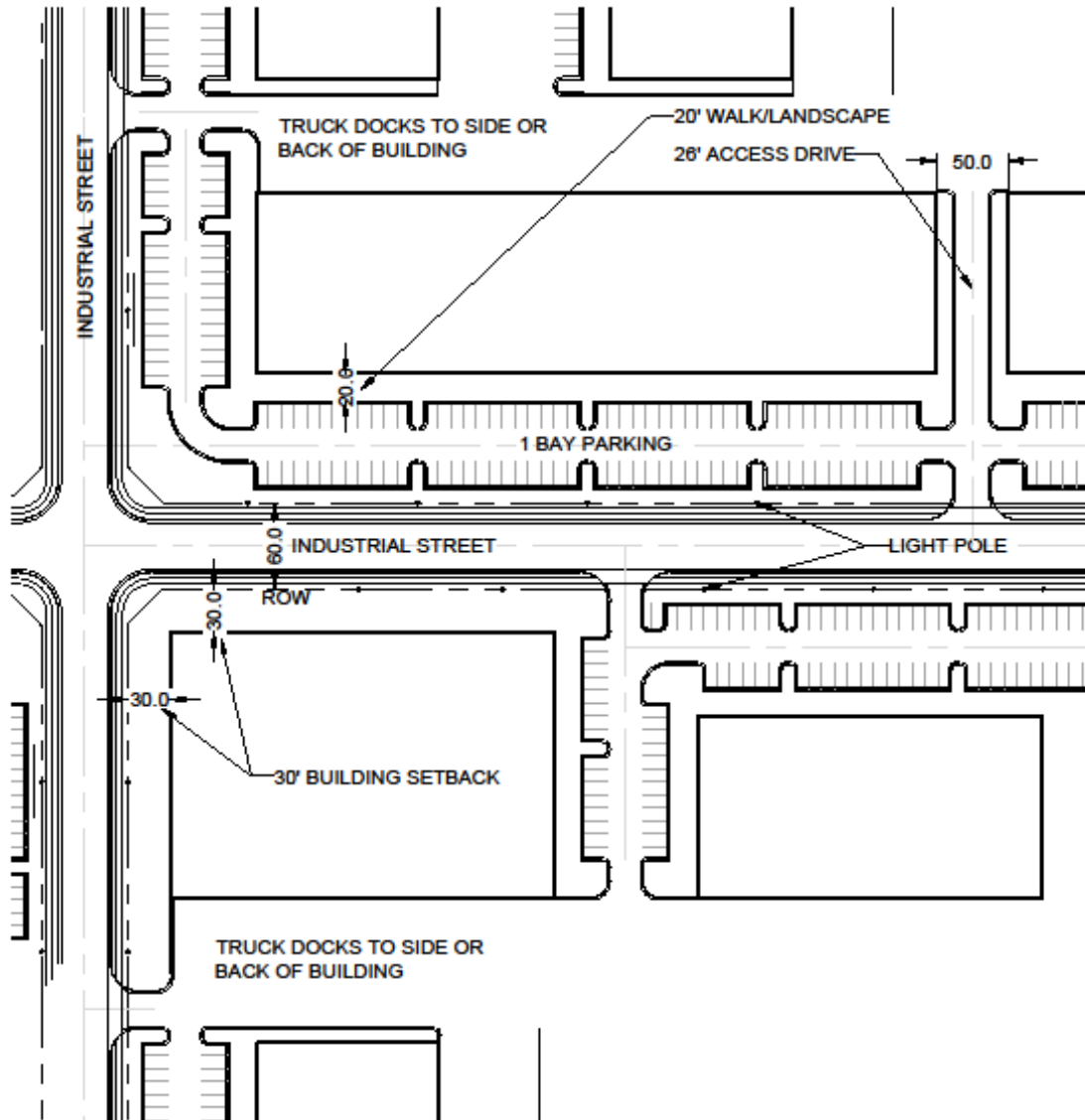


Figure 8





Figure 9



- (1) Loading areas should be located to the rear of the building unless site design precludes a rear location, in which case loading shall be to the side of a building. Loading areas shall not be permitted within front yards.

**Sec. 117-3-8 GA 400 Overlay District Pedestrian/Alternative Transportation Access.**

Except as provided below, pedestrian access is regulated by the requirements of the underlying zoning district.

- (1) Development within the GA 400 Overlay District shall have following pedestrian access:
  - a. Sidewalks/Multi-use pathways
    1. Pedestrian access via sidewalks or multi use pathways shall be provided along GA 400 and all streets.
    2. Pedestrian access shall be connected to signalized crosswalks and bus stops where applicable.
    3. Provide painted crosswalks or other treatments where pedestrian access crosses vehicular access.
    4. Pedestrian access through parking lots should minimize the number of vehicular crossings.
    5. Street furniture shall be located outside the specified width of any sidewalk or multi use pathway.
    6. Pedestrian access from the public right of way to the front building entrance must be provided.
  - b. The ability to provide access to proposed trail system master plans must be accommodated in the design of parking lots for new developments.
  - c. Restaurant outparcels with outdoor dining areas must provide comfortable furniture including shaded seating.
    1. Outdoor dining areas must be separated with the use of temporary or permanent barriers, including fences, hedges, planters, trees, removable columns, and others. Fabric inserts, chain link fencing, chicken wire or cyclone fencing may not be used as barriers. Barrier heights shall be between 36 and 42 inches. This does not include plant material in planters, which should not exceed 6 feet in height.

2. Any enclosure, including awnings, canopies and removeable sidewalls must be approved by the County's Planning Director.
3. A minimum of a 6 foot sidewalk clear zone must provide pedestrians with continuous access.

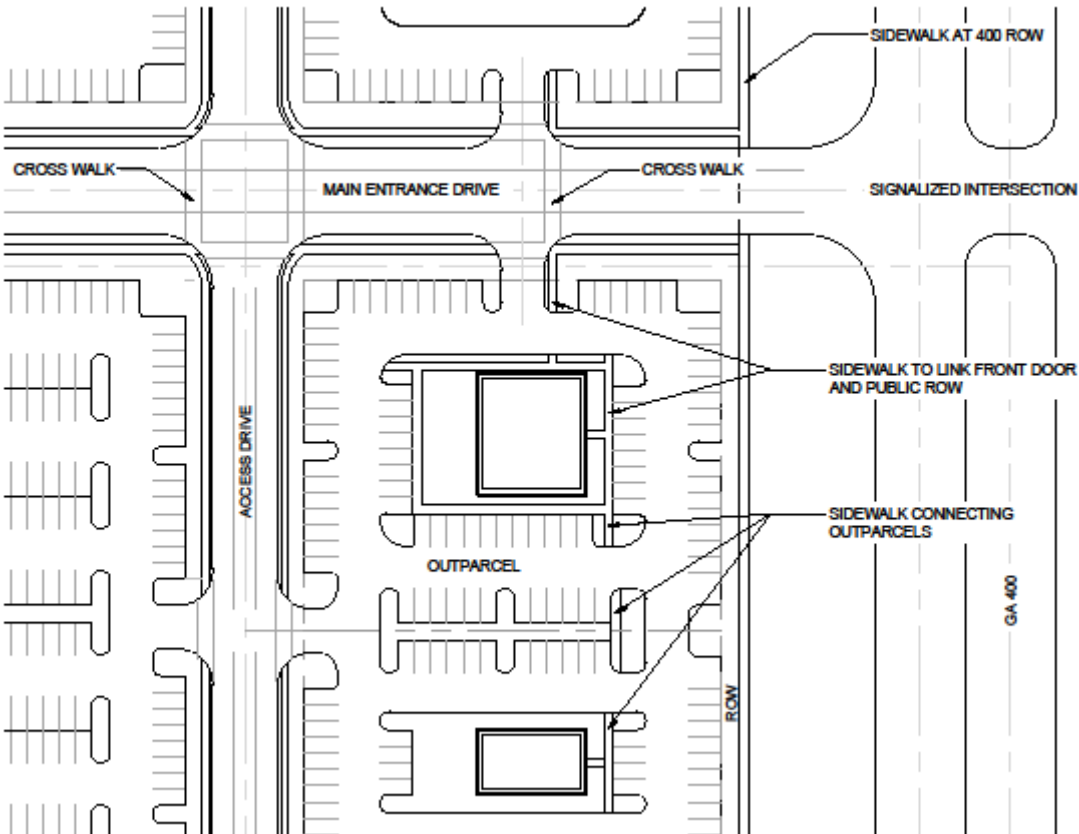


Figure 10

#### Sec. 117-3-9 – Off Street Parking.

Except as provided below, parking design standards are regulated by Chap 121 – LAND USE, Article VI – GENERAL PROVISIONS, Sec. 121-177.

- (1) Parking lots shall be screened from view from public rights-of-way as described in Landscape Section of these standards.
- (2) Parking lots shall provide for future interconnectivity and inter-parcel access.

- (3) Parking landscape islands. See Sec. 117-3-10. Landscape Standards for planting requirements.
- a. A 10' wide planting strip shall be provided between every three bays of parking.
  - b. There shall be no more than twelve contiguous parking spaces between landscape islands.
  - c. Up to fifteen contiguous spaces are allowable between perimeter landscape islands if an equal quantity of landscape island area is consolidated into the required landscape islands within the interior of the parking lot in a manner that allows trees to be grouped in larger contiguous internal landscape islands.
  - d. No more than 50% of the required perimeter islands can be consolidated as described in Sec. 117-3-10.
  - e. No more than 35 percent of required perimeter trees can be clustered in groups of three or greater.
  - f. Landscape islands shall encapsulate all parking bays with more than twenty spaces.
  - g. Landscape islands in parking lots shall be a minimum 10' width.
- (4) All surface parking provided in excess of 100 percent of the minimum number of off-street parking spaces required by type of permitted use shall be constructed using a pervious paving system.
- (5) Maximum of 20% of surface parking may be a minimum of 8.5' wide by 16' deep for compact cars
- (6) No ninety (90) degree parking or angled parking is permitted on arterial streets, collector streets, or parallel access drives.
- (7) Loading areas shall be screened from the public rights-of-way or residential uses by placement behind the main building or appropriately scaled wall or the use of landscape buffer that is no less than five feet in height.

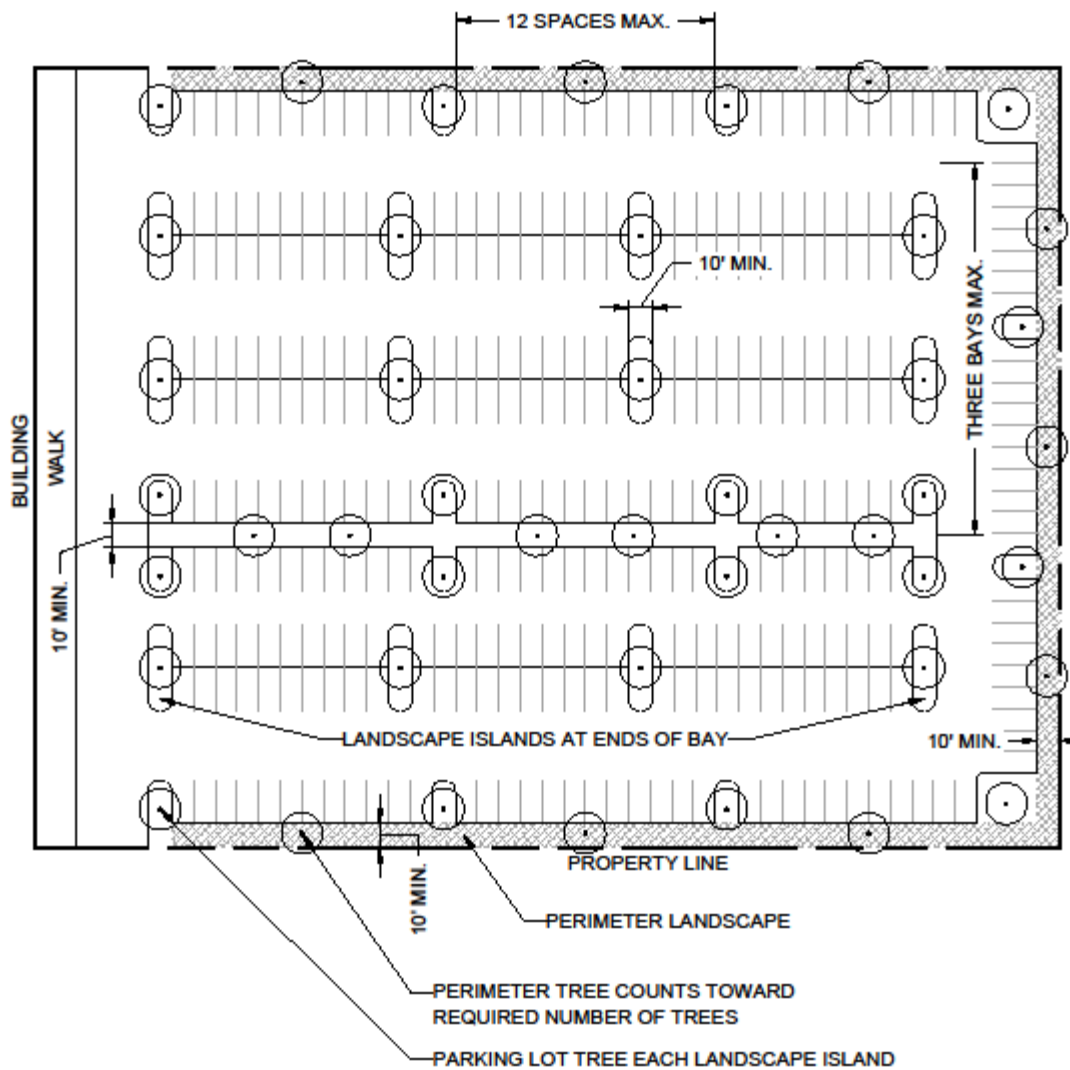


Figure 11 Landscape Islands

**Sec. 117-3-10 Landscape Standards.**

Except as provide below, the protection and preservation of trees, the planting of new trees, and buffers between dissimilar uses are regulated by Chap. 109 – ENVIRONMENT AND NATURAL RESOURCES, Article II., BUFFERS, LANDSCAPING AND TREES. American Nursery Stock Standard, Z-60.1 applies to quality and measurement of all installed nursery stock.

- (1) Trees



- a. Single leader
- b. Uniform branching and consistent form
- c. Street and required trees for parking lot islands shall be selected from the species list below:

Street/Parking Lot Trees		
Common name	Latin name	Note
Dawn Redwood	<i>Metasequoia glyptostroboides</i>	Registered and trademarked cultivars recommended
Elm, Jefferson	<i>Ulmus americana</i> 'Jefferson'	
Elm, Princeton	<i>Ulmus americana</i> 'Princeton'	
Elm, Lacebark	<i>Ulmus parvifolia</i>	Allee and Bosque recommended
Ginkgo	<i>Ginkgo biloba</i>	Male only
Hornbeam, Palisade American Hornbeam	<i>Carpinus caroliniana</i> 'CCSQU' P.P.#11,280	
Hornbeam, Pyramidal European*	<i>Carpinus betulus</i> 'Fastigiata'	
Oak, Swamp White Oak	<i>Quercus bicolor</i>	
Oak, Scarlet Oak	<i>Quercus coccinea</i>	
Oak, Jaybird Georgia Oak	<i>Quercus georgiana</i> 'Jaybird'	Small to medium size
Oak, Overcup Oak	<i>Quercus lyrata</i>	Registered and trademarked cultivars recommended
Oak, Nuttall	<i>Quercus nuttallii</i>	Registered and trademarked cultivars recommended
Oak, Willow	<i>Quercus phellos</i> cultivars	Registered and trademarked cultivars recommended

Oak, English	<i>Quercus robur</i>	
Oak, Northern Red	<i>Quercus rubra</i>	
Oak, Shumard	<i>Quercus shumardii</i>	Registered and trademarked cultivars recommended
Maple, Trident	<i>Acer buergeranum</i>	Small to medium
Maple, Armstrong Gold Red	<i>Acer rubrum 'Armstrong Gold'</i>	Straight species not acceptable, for perimeter of parking lot only
Maple, October Glory Red	<i>Acer rubrum 'October Glory'</i>	Straight species not acceptable, for perimeter of parking lot only
Maple, Built to Last Red	<i>Acer rubrum 'Built to Last'</i>	Straight species not acceptable
Maple, Main Street Shantung	<i>Acer truncatum 'WF-ATI' PP 20109</i>	Small to medium size
*Columnar trees limited to %30 of overall number of planted trees		

## (2) Shrubs

- a. Minimum 3-gallon container size
- b. Minimum 18" height (except prostrate shrubs)

## (3) Groundcover

- a. Minimum 1-quart container size
- b. Maximum 24" on center spacing

## (4) Parking lot landscape requirements

- a. Trees
  1. All required parking island trees shall be medium to large canopy species.
  2. Maximum 30 percent of planted trees can be a columnar species tree
  3. Maximum 20 percent of planted trees can be of any one species

4. Minimum 2.5" caliper, 10' height at time of planting
  5. One shade tree for every eight parking spaces
  6. Minimum one tree per landscape island
  7. Minimum 600 cubic feet of soil required per lot tree location
  8. All parking islands shall be filled with a planting soil mix or top soil to achieve the desired finished grade.
  9. See Sec. 117-3-6 for tree quantity and spacing requirements.
- b. Shrubs
1. Minimum 36" on center spacing for hedges screening parking lots.
  2. Minimum 18" height, 3-gallon shrubs for hedges screening perimeter of parking lots.
  3. Required parking lot landscape islands shall be planted with evergreen ground covers and or shrubs
  4. Pine straw mulch shall cover all areas of parking lot landscape islands not covered by installed plants.
- (5) Streetscape Trees
- a. Minimum 3" caliper, 12' height at time of planting.
  - b. See Sec. 117-3-6 Street Design Standards for tree quantity and spacing requirements.



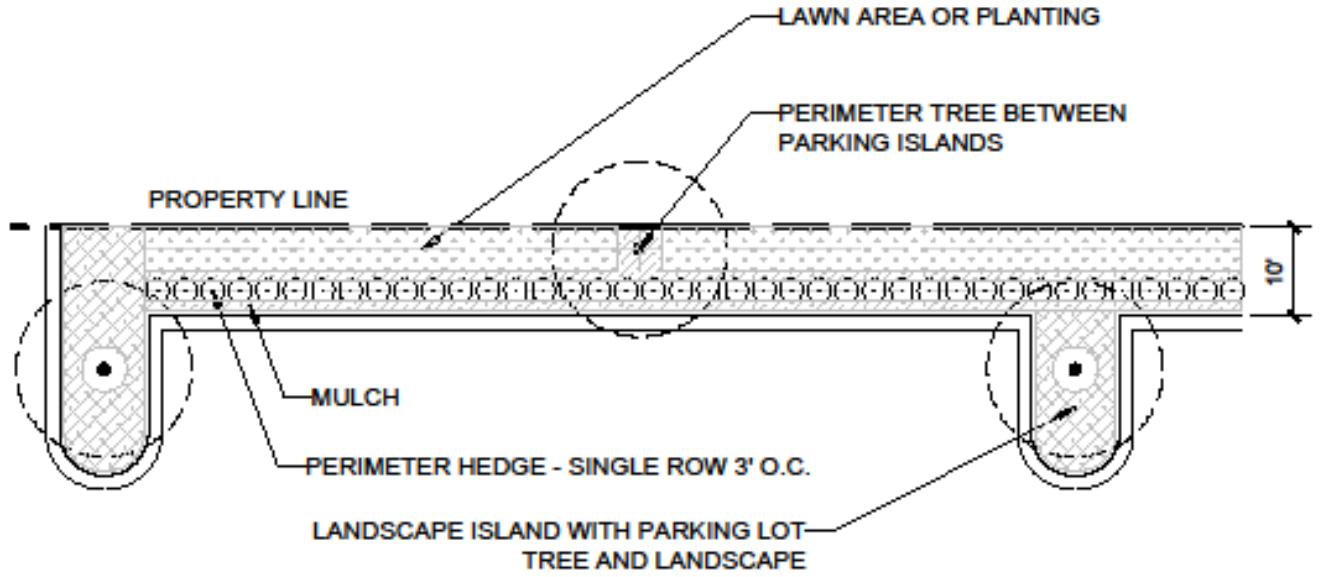
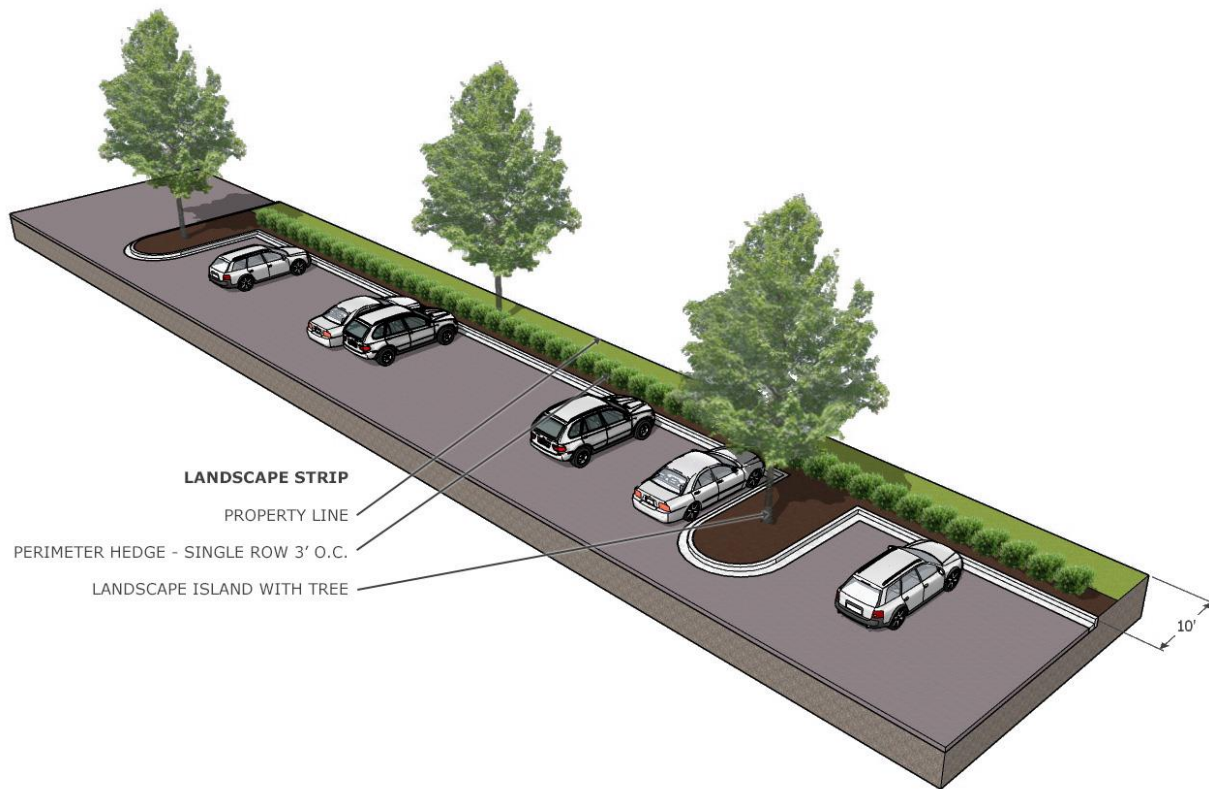


Figure 12 Perimeter Landscape Area for Parking Lot



### **Sec. 117-3-11 GA 400 Overlay District Signage.**

Except as provided below, sign design standards are regulated by Subpart B – LAND DEVELOPMENT ORDINANCES, Chap 129 – SIGNS.

#### (1) Free standing signs

- a. All freestanding signs shall be monument style signs, which shall be constructed of the same or architecturally compatible materials with the principal building.
- b. Signs must substantially incorporate one of the following three elements: wood, timber, or brick.
- c. For industrial developments, sign structures and faces constructed of canvas materials are prohibited on all permanent signs.
- d. Multi-tenant signs
  1. GA 400 frontage multi-tenant signs may have a maximum height 30 feet. Up to an additional six feet in height may be added resulting in a total maximum height of 36 feet if the base of the sign is below the grade of the adjoining road as calculated at a one foot of rise of sign height above grade per one foot of drop from road grade elevation. 6' maximum base height below the grade of the adjoining road as calculated at a one-foot rise of sign height per one-foot drop from road grade elevation.
  2. All other frontages may have a maximum height of 15' including the base.

### **Sec. 117-3-12 GA 400 Overlay District Lighting.**

With the exception of roadway lighting, the following general requirements apply.

#### (1) General requirements

- a. Lighting Design. In general, lighting is to be the minimum required for each use that will provide safety, security and building / landscape accents on each developed site, but not impose direct illumination or light trespass beyond the site. Lighting needs and designs are to be specifically tailored to each site which means that they could be quite different, one site to another. Fully shielded luminaries shall be provided for all high intensity exterior lighting. Avoid light spillage from commercial uses onto residential lots.
- b. Lighting shall be architecturally integrated with neutral or earth tone colors.

- c. For drive-under canopies, the luminaries shall be recessed into the canopy ceiling so that the bottom of the luminaries does not extend below the ceiling.
- d. Promotional beacons, search lights, laser source lights, strobe lights or any similar light when projected above the horizon, and lighting used for causing sky glow to attract attention in excess of the lighting used to provide safety, security and utility are prohibited. Projects that want to integrate lines or rows of lights within a defined pedestrian plaza may seek administrative approval upon submission of lighting specifications. Such lights shall not be placed permanently on building exteriors.
- e. Exposed neon and fluorescent lighting is not permitted except for open and closed signs.
- f. Lamping/Fixture requirements
  - i. LED fixtures are recommended
  - ii. Color temperature: 3,000K – 4,000K (degrees kelvin)
  - iii. Dark Sky compliant cutoff fixtures. Full Cutoff fixtures are preferred. Semi-cutoff fixtures will be allowed in certain areas with the approval of the Planning Director.
  - iv. Comfort optics lenses, shielding, or other light and glare mitigation devices are required when adjacent to residential areas.
  - v. Examples of Acceptable / Unacceptable Lighting Fixtures: See below
- g. Controls. Lighting Controls should be utilized to maintain consistent light output, longevity of fixtures, energy conservation, and to lower operational costs. Area and Pedestrian lights should be equipped with 7-pin receptacles to allow for photoelectric cells, dimming capabilities, and connectivity expansion.
- h. Light levels
  - 1. Parking Lots
  - 2. Average: 1fc – 1.5fc
  - 3. Range: 0.5fc min – 3fc max
  - 4. Gas Station Canopy
    - i. Average: 12.5fc
    - ii. Range: 10fc min – 15fc max
  - 5. Automotive Dealerships
    - i. Average: 20fc

- ii. Range: 7.5min – 40fc max
  - 6. Pedestrian areas:
    - i. Average: 0.8fc
    - ii. Range: 0.5min – 1fc max
  - 7. Safety (Building Exterior)
    - i. Average: 1fc
    - ii. Range: 0.5min – 2fc max
  - i. Area lights
    - 1. Pole and fixture styles should be coordinated with GA Power, Suwanee or Amicalola EMC
    - 2. Mounting Heights 15' min - 25' max
  - j. Pedestrian lights
    - 1. Pole and fixture style should be coordinated with GA Power, Suwanee or Amicalola EMC Mounting heights 9' min.-14' max.
- (2) Shopping Centers. Large shopping center parking lots shall provide adequate light levels for safety and uniformity but avoid glare and light trespass onto residential lots or adjacent character areas.
- a. Lamping/Fixture requirements
    - 1. LED
    - 2. Color temperature: 4,000K
    - 3. Dark Sky Full Cut Off or Fully Shielded Fixtures. Limit the use of decorative fixtures to lower level lighting
  - b. Controls
    - 1. 7-Pin Receptacle
  - c. Parking Lot Light Levels:
    - 1. Urban – Maximum 1.5foot-candle per square foot
    - 2. Suburban – Maximum 1foot-candle per square foot
  - d. Area lights
    - 1. Pole and fixture style should be coordinated with GA Power, Suwanee or Amicalola EMC
    - 2. Mounting Heights 25' max
  - e. Pedestrian lights

1. Pole and fixture style should be coordinated with GA Power, Suwanee or Amicalola EMC
  2. Mounting heights 14' max
- (3) Pedestrian Oriented Uses. Lighting design should enhance safety and security for pedestrians while adding a pedestrian-scale element. This applies to smaller parking lots and pedestrian plaza areas for pedestrian oriented mixed-use, office or retail areas. Lighting design utilizes decorative pedestrian lights (Post Top / Pendant) and accent lighting and is designed for use by pedestrians versus cars. Accent lighting includes path lights, festoon lights, bollards, and landscape lighting.
- a. Lamping/Fixture requirements
    1. LED
    2. Color temperature: 3,000K
    3. Dark Sky Semi-Cut Off or Semi-Shielded Fixtures. Decorative Fixtures only.
  - b. Controls
    1. 7-Pin Receptacle
  - c. Parking Lot Light Levels:
    1. Urban – Maximum 1.5foot-candle per square foot
    2. Suburban – Maximum 1foot-candle per square foot
  - d. Area lights
    1. Pole and fixture style should be coordinated with GA Power, Suwanee or Amicalola EMC
    2. Mounting Heights 20' max
  - e. Pedestrian lights (Post Top / Pendant)
    1. Pole and fixture style should be coordinated with GA Power, Suwanee or Amicalola EMC
    2. Mounting heights 14' max
    3. Banner Arms, Plant Support, and other decorative features allowed
- (4) Streetscapes. Street lighting shall be designed to control glare, minimize light trespass onto adjacent properties, minimize direct upward light emission, promote effective safety and security, provide for safe operation of motor vehicles, and enhance safety for all modes of travel. Streetlighting should be used as an element to establish the character of the areas as distinguished from arterial streets.

- a. Lamping/Fixture requirements
    - 1. LED
    - 2. Color temperature: 3,000K
    - 3. Dark Sky Semi-Cut Off or Semi-Shielded Fixtures. Decorative Fixtures only.
  - b. Controls
    - 1. 7-Pin Receptacle
  - c. Light Levels:
    - 1. 0.8fc max
  - d. Area lights
    - 1. Pole and fixture style should be coordinated with GA Power, Suwanee or Amicalola EMC
    - 2. Mounting Heights 18' max
  - e. Pedestrian lights (Post Top / Pendant)
    - 1. Pole and fixture style should be coordinated with GA Power, Suwanee or Amicalola EMC
    - 2. Mounting heights 12' max
    - 3. Banner Arms, Plant Support, and other decorative features allowed
- (5) *Residential Streets.* Residential streetlighting shall be designed to control glare, minimize light trespass onto adjacent properties, minimize direct upward light emission, promote effective safety and security, provide for safe operation of motor vehicles, and residents.
- a. Lamping/Fixture requirements
    - 1. LED
    - 2. Color temperature: 3,000K
    - 3. Dark Sky Full Cut Off or Fully Shielded Fixtures. Decorative Fixtures only.
  - b. Controls
    - 1. 7-Pin Receptacle
  - c. Light Levels:
    - 1. 1fc max
  - d. Area lights
    - 1. Not permitted
  - e. Pedestrian lights (Post Top / Pendant)

1. Pole and fixture style should be coordinated with GA Power, Suwanee or Amicalola EMC
2. Mounting heights 9' max

**Sec. 117-3-13 GA 400 Overlay District Refuse Areas and Receptacles.**

The following standards apply to refuse areas and receptacles.

(1) *Areas*

- a. Refuse areas shall be identified on site plans.
- b. All structures and facilities for trash, storage, loading and outdoor equipment shall be placed in the rear yard, or if not possible, in the least visible location from the public right-of-way and screened from view from any street or pedestrian circulation area with architectural features and landscaping.
- c. Refuse areas and receptacles shall not be placed within 50 feet of existing residential zoning or use.
- d. All refuse areas shall be placed in the rear yard and may be located five feet from the property line if the adjoining property is zoned non-residential and five feet from all applicable buffers if the adjoining property is zoned residential.
- e. The gates of a refuse area shall not face a public street without a visual buffer between the enclosure and the street.
- f. A pedestrian door is required to allow access with the truck gate closed for containers 8 yards and over.

(2) *Materials*

- a. Refuse areas shall be enclosed on three sides with opaque walls. The fourth side shall be a self-closing gate made of non-combustible materials.
  1. Opaque walls shall be 12 inches higher than the receptacles.
  2. Opaque walls shall be constructed of same materials and colors as that of the primary building. If primary building material is not a masonry material, the opaque walls shall be constructed of non-combustible brick, stone, split concrete masonry block or other similar material as approved by the Planning Director.
- b. Enclosure materials shall reflect the architectural materials and style of the primary building on site and utilize the following:
  1. Walls-masonry, brick or stone veneer

2. Doors-steel frame with wood or steel slats
  - c. Enclosure height
    1. Minimum 6' for 4 to 6 yard boxes and under 20 yard roll off containers
    2. Minimum 8' for 8 yard boxes and 20 yard and over roll off containers
    3. Minimum 9' for 40 yard roll off containers
  - d. Door construction standards
    1. Minimum 6" steel post door anchor
    2. Minimum 1-1/2" min. steel frame
    3. Minimum 500 lb. weld on barrel/block style or steel sleeve hinges
    4. Hinges to have grease fittings
  - e. Metal panel doors or min. 4/4 wood slats
- (3) Where a nonconforming refuse area and receptacle exists on the adoption date of this Article and is visible from a public right-of-way, such refuse area and receptacle shall be brought into conformance with this Article or removed within 24 months of this Article adoption date.

### **Sec 17-3-14 GA 400 Overlay District Fences**

The following standards shall apply.

- (1) Walls or fences, required or otherwise, when visible from the public right-of-way shall complement the exterior materials of the primary structure on site. Tarps and banner signs shall not be attached to fencing material.
- (2) Fence materials shall be comprised of treated lumber, fiber cement, vinyl, aluminum or steel.
- (3) All wooden fences should be stained or painted.
- (4) Razor wire, barbed wire, concertina, wired, and electrified fencing are prohibited in the front yard. Where visible from the right of way, this type of fencing may be allowed along the sides and rear of the property if it is screened with evergreen trees, shrubs, and/or decorative fencing for the full length and height of the fence.
- (5) Chain link or coated chain link fencing is prohibited in the front yard unless required for detention ponds. Where visible from the right of way, chain link fencing may be allowed along the sides and rear of the property if it is screened with evergreen trees, shrubs, and/or decorative fencing for the full length and height of the fence.



- (6) Low wooden fences are encouraged at the ROW to demarcate the property.

## **ARTICLE IV. – ARCHITECTURAL DESIGN STANDARDS AND MATERIALS**

### **Sec 117-4-1 GA 400 Overlay Architectural Design Intent**

Within the Overlay Districts, consistency in architectural design and use of materials is desired. The GA 400 Corridor is recognized as a highway commercial district leading from Metro Atlanta into the picturesque mountains of North Georgia. While there are no required architectural styles, building orientation and architectural materials that reflect and enhance the highly valued natural environment of Dawson County are encouraged. These include preservation of scenic vistas and incorporation of natural materials. The standards below regarding building massing and orientation and exterior materials and architectural design features should be employed within the GA 400 Overlay District. Architectural examples are on file with the Office of Planning and Development to provide guidance.

### **Sec. 117-4-2 GA 400 Overlay District Building Heights and Massing, Orientation, and Design Principals**

- (1) Building Heights and Massing
  - a. Building heights are regulated by underlying zoning.
  - b. Massing of buildings should protect scenic vistas with minimum 30' breaks between buildings.
- (2) Building Orientation
  - a. Buildings should be arranged to preserve views from adjacent properties and streets. Courtyards, surface parking, and open spaces should align with view sheds from adjacent properties.
- (3) Architectural Design Principals for Commercial/Retail
  - a. The principal entry area of a building, or if in a shopping center the largest tenant or a central location of a group of buildings, shall be articulated and should express greater architectural detail than other portions of the building. Entries shall include at least three of the following or similar architectural elements:
    1. Overhangs, canopies, recesses/projections, porches, columns, arcades, corniced parapets over the door, peaked roof forms, arches, display windows,

or integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

- b. For commercial/retail buildings exceeding 60 feet in width, variations in facade, roofline and depth shall be provided to lend the appearance of multi-tenant occupancy.
  - 1. Facades over 60 feet in length must incorporate wall projections or recesses a minimum of 12 inches in depth. The combined length of said recesses and projections must constitute at least 20 percent of the total facade length.
  - 2. Front façade design shall provide varying wall offsets and features to create horizontal (wall) and vertical building articulation. Along with the wall plane requirements, at least one of the following treatments shall be incorporated:
    - i. Change in texture or color.
    - ii. Change in pattern or material (at inside corners)
    - iii. An equivalent element that subdivides the wall into pedestrian scale proportions.
- c. Rooflines should vary reflecting changes in façade.
- d. Windows
  - 1. Windows should be vertically oriented on the ground floor. Upper floors windows may be square or vertically oriented.
  - 2. Fenestration should comprise a minimum of 30% of the length of the total façade.
- e. Drive-through windows and all vehicular queuing, when permitted by zoning, shall be placed to the rear or side of the building facade,

(4) Architectural Design Principals for Industrial

- a. The office portion of industrial buildings should be located in the front portion of buildings and should face the public right-of-way.
- b. The front façade should follow regulations for large commercial buildings.
- c. Architectural treatments of front facades shall continue major features for a minimum of 50 feet alongside facades facing a public right of way.
- d. Sides and rear of buildings may be tilt up concrete, corrugated metal or metal panels.

(5) Architectural Design Principals for Residential (Multi-family or Attached)

- a. All residential structures, multi-family or townhome, shall require any side or rear facade that is visible from the public right-of-way to include similar exterior finish materials and similar landscaping as the front of the structure. In addition, it should include composed windows and architectural features similar to the front facade, including but not limited to, awnings, cornice work, edge detailing or other decorative finish materials.
  - b. Ground floor multi-family facades may resemble commercial storefronts at a pedestrian scale.
  - c. Freestanding accessory structures shall have architectural detailing and design elements consistent with the primary buildings of the development complex to provide a cohesive design.
  - d. Awnings and canopies are permitted.
- (6) Whenever possible, stormwater detention and retention ponds that require a fence shall not be visible from the public right-of-way. When required and feasible a 20-foot planted buffer should be provided outside of the exterior pond fence. Access to the pond should be not be facing the public right-of-way. Ideally, such facilities are incorporated into greenspace and linked to greenways.
- (7) Accessory site features including, but not limited to, meters, meter boxes, electrical transformers, and other equipment located on the ground should be screened from view from public rights-of-way or residential uses by placement behind the main building, 60% opaque fencing, berm and/or a vegetative screen planted according to County buffer standards, or painted or coated with the same color as the existing wall to blend in with the adjacent wall surface to camouflage or limit visibility.
- (8) Greenspaces and connections to future greenways are encouraged.

### **Sec. 117-4-3 GA 400 Overlay District Materials**

- (1) Nonresidential Building Materials:
- a. All exterior walls visible from the public right-of-way shall utilize wood, brick, stone, faced concrete block, fiber cement or cementitious lap siding or board and batten, stuccos the primary material (minimum 60% of facade). Alternative primary wall materials consistent with the intent shown in the example photographs may be approved by the Planning Director. If multiple establishments are contained within

- one contiguous structure, the percentage pertains to the entire façade rather than individual façade fronts.
- b. Accent wall materials shall consist of glass, wood/timber, metal, architecturally treated concrete masonry or precast stone. Alternative treatments and building materials may be approved by the Planning Director.
  - c. Prohibited primary or accent materials include un-faced concrete block, unfinished poured concrete, aluminum siding, vinyl siding, plywood, plastic and those materials not closely resembling a natural material.
  - d. Tilt/precast concrete and corrugated steel as primary materials are allowed only in industrial developments. These materials may not be visible from the right of way unless fenestration accounts for a minimum of 20% of the façade and accent materials augment the façade.
- (2) Residential building materials: (multifamily/attached)
- a. Multi-family residential buildings shall utilize a mixture of materials including brick, stone, cementitious siding or board and batten, stucco. Use of materials should vary and not exceed 60 percent of any one type per building side to provide visual interest.
  - b. Developments shall include architectural elements such as columns, arcades, covered entry-walkways, arches, facade offsets, windows, balconies, offset walls, clock towers, cupolas and/or courtyards.
  - c. Gutters may be ogee or half-round with round downspouts, metal-lined wood, or architecturally formed or molded. Gutter finishes may be copper, unpainted galvanized metal, or painted a complementary color.
  - d. All exterior painted surfaces on commercial structures visible from the right-of-way shall be painted in neutrals and earth tones. Neutrals refer to blacks, whites, beiges or grays while earth tones refer to browns, umbers, sienna, terracotta and brick tones. Fluorescent colors and those bright in intensity are prohibited. Glass, metal, natural stones, and sign faces are excluded from the color requirements.
  - e. Architectural treatments of front facades shall continue major features around all visibly exposed sides of a building.
  - f. Structured parking facilities shall consist of materials and architectural elements that complement the primary structure.

- g. Retaining walls may be made of modular block, or if concrete is used shall be faced with stone or brick when visible from the right-of-way.
- h. Canopy structures shall not exceed 25 feet in height and include a decorative cornice roofline design on all four sides of the canopy structure to match the principal building in color.
- i. Column bases should be faced with brick, stone or stucco that matches or complements the finish of the primary building.
- j. Exterior finishes for accessory structures shall be consistent with the principal structure.

#### **Sec. 117-4-4 GA 400 Overlay District Fenestration**

- (1) All buildings should have a minimum of 40% fenestration along their street-facing facades.
- (2) No blank walls are allowed on the sides of any building.
- (3) The office portion of industrial buildings should be designed with a minimum of 40% of their exterior façade as windows.
- (4) Window tinting should allow for a minimum of 50% transmittance factor.

#### **Sec. 117-4-5 GA 400 Overlay District Roofs and Roof Forms**

- (1) Variation in the roofline of buildings and offsets in pitched roofs and gables are required where massing changes occur. Parapets in individual building facades should be varied in height and projection where massing changes occur and should use decorative elements such as crown moldings, dentils, brick soldier courses, or similar details where appropriate.
- (2) The roof pitch of sloped roofs shall be a minimum of 4:12.
- (3) Roof materials shall be standing-seam paint grip galvanized metal or asphalt shingles. Other roofing material or solutions such as green roofs, etc. may be allowed.
- (4) Roof styles for multi-building complexes shall be compatible and consistent with roof designs for the entire complex.
- (5) Vents and stacks shall be painted to match the roof material and hidden from view to the extent possible.

- (6) Flat roofs, roof mounted equipment and other accessories shall be screened from view from the public rights-of-way or residential uses by a parapet, gable roof, roof screen, or other architectural feature. Roof equipment and roof screens shall be finished to match the roof or parapet wall. When the relationship between building roofs and adjoining public streets and/or residential developments make screening of roof equipment impossible (e.g. road higher than roof), a parapet of no less than four feet in height shall be installed.
- (7) Roof mounted flagpoles are prohibited.

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Single family residential lots are not subject to the provisions of this chapter unless located within a new subdivision development.

## **Chapter 118 SR 53 Overlay District**

### **ARTICLE I. GENERAL**

#### **Sec. 118-1-1 Purpose**

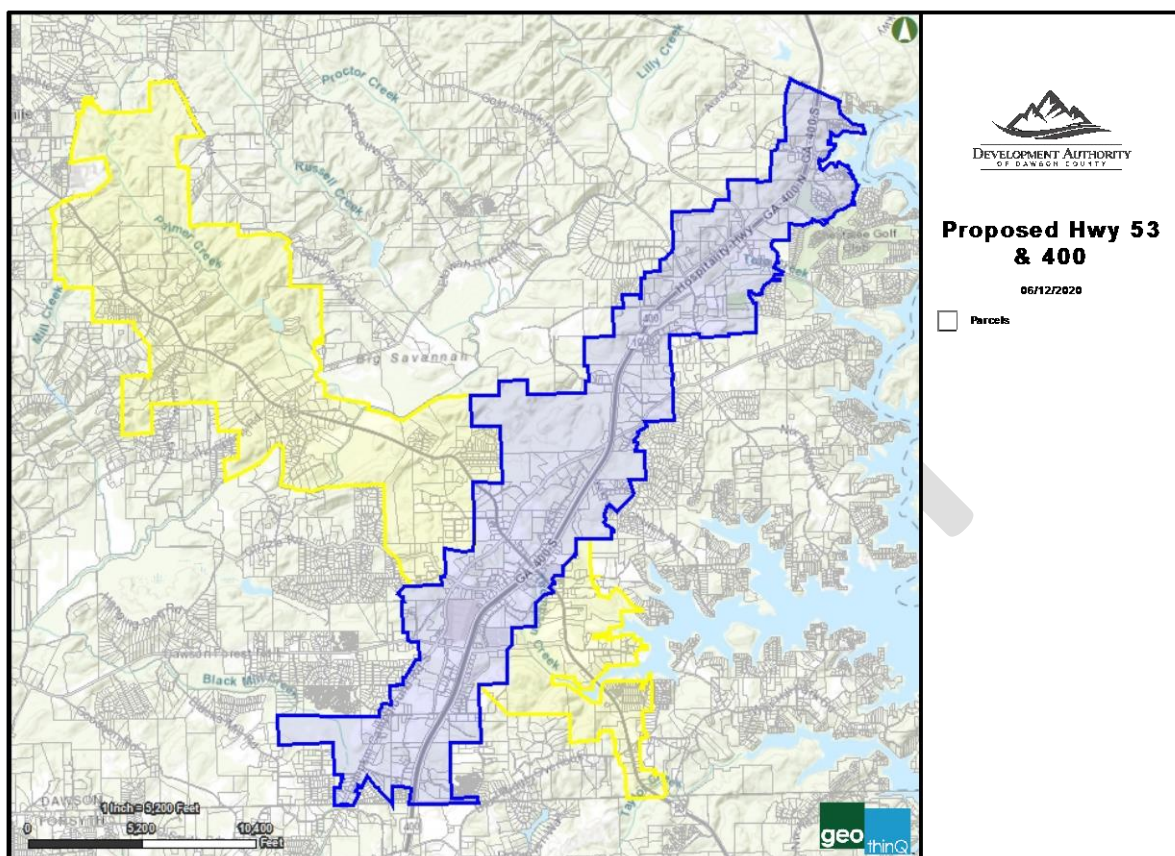
As Dawson County experiences development pressures from the expanding Metro Atlanta area, it seeks to protect the scenic and local amenities of the area while allowing for desired growth through the establishment of two Overlay Districts: GA 400 Overlay District and SR 53 Overlay District. The purpose of these Overlay Districts is to establish minimum standards for site development or redevelopment, pedestrian access, open space, exterior architectural design, landscaping, lighting, and signage that create a cohesive aesthetic relating the commercial gateways to the valued natural amenities of the County. The Overlay Districts' regulations allow for flexibility in individual site design, ensure project feasibility, and coordinate the overall look and feel of the commercial corridors.

The SR 53 Overlay District is established in order to:

- (1) Create a village-like setting that transitions from the high intensity commercial through rural areas and into downtown Dawsonville.
- (2) Allow a mix of uses, including retail, commercial, and medium density residential.
- (3) Encourage more intensive development at intersections.
- (4) Encourage front and side yard landscaping.
- (5) Encourage residential developments to access side streets when possible and buffered rear lots from public view.



## Sec. 118-1-2 SR 53 Overlay District Boundary and Applicability



- (1) The boundary of the SR 53 Overlay District is established as shown on Exhibit A the map entitled Dawson County Overlay Districts which is hereby made a part of the Code and shall be on file in the Dawson County Office of Planning and Development, Dawsonville Georgia.
- (2) Applicability of Boundaries
  - a. In addition to the parcels shown on the Overlay District Map, parcels that are currently outside the SR 53 Overlay District's boundaries shall be regulated by the Overlay if they are assembled into a project that contains any parcel currently within the Overlay Boundaries.



- (3) The Overlay District's Standards regarding architectural shall apply to any building(s) or section of the property that is visible from the adjacent public right of way, any streets sections within the Overlay District, and any internal drive within the Overlay District.
- (4) Where uncertainty exists with respect to the boundaries of any of the SR 53 Overlay District, the Planning Director shall render a decision.
- (5) Overlay District requirements shall apply wholly to all new development. Development projects exceeding 50% of the existing building value shall be required to comply with Overlay District standards to the greatest extent possible, as decided by the Planning Director. Single family residential lots are not subject to the provisions of this chapter unless located within a new subdivision development.

**Sec. 118-1-3 Definitions.**

Except as provided below, definitions are regulated by Subpart B-LAND DEVELOPMENT ORDINANCES Chap 101 Article I - IN GENERAL, Sec 101-2 and the underlying zoning district.

**ARTICLE II. – SR 53 Overlay District Use Regulation**

**Sec. 118-2-1 –Permitted Uses.**

- (1) For the SR 53 Overlay Districts, permitted uses are regulated by the underlying zoning district.

**Sec. 118-2-2 – SR 53 Overlay District Prohibited Uses.**

Except as provided below for the SR 53 Overlay Districts, uses are regulated per the underlying zoning.

- (1) SR 53 Overlay District prohibited uses
  - a. Campgrounds
  - b. Fishing ponds
  - c. Boat repair and storage
  - d. Flea markets
  - e. Outdoor storage
  - f. Automotive dealership
  - g. Implement dealership
  - h. RV dealership



### **Sec. 118-2-3 SR 53 Overlay District Conditional Uses.**

Except as provided below for the SR 53 Overlay Districts, uses are regulated per the underlying zoning.

- (1) SR 53 Overlay District conditional uses
  - a. Outdoor commercial recreational facility
  - b. Food trucks or food truck court

## **ARTICLE III. – SITE PLANNING**

### **Sec. 118-3-1 SR 53 Overlay District Planning Principles.**

- (1) Site planning for the SR 53 Overlay District should take into account the following principles:
  - a. The SR 53 Overlay District is intended to create a village feel transitioning from the more intense highway commercial zone to one that has a smaller scale and serves the local community.
  - b. With the exception of residential developments, commercial, retail, and institutional buildings shall face SR 53 or the internal street. Residential and industrial developments shall face internal streets with undisturbed buffer or landscape buffer along the right of way.
  - c. Entrances to the buildings should face SR 53.
  - d. Buildings should be located closer to the front setback to activate SR 53 and create visual interest.
  - e. Curb cuts should be minimized on SR 53 and located on a side street where possible.
  - f. Greenspace should be created that is accessible and connected with future greenway system.
  - g. Pedestrian access and alternative modes of transportation should be accommodated.
  - h. When possible, parking should be located to the side or rear of buildings. Parking, if located at the front of the property, should be limited to single bay. Parking lots should be augmented with landscape buffers, landscape islands, pedestrian ways, lighting, and limit long runs of parking spaces.

- i. Sites should incorporate Dawson County’s SR 53 cohesive streetscape standards, including landscape, sidewalks, fencing, lighting, signage, and architecture along right of way.
- j. When structured parking is present, grade changes should be utilized for access.
- k. Service and loading area shall be located to the rear of buildings. No overhead or service doors or bays shall face the public right of way.
- l. Existing topography shall be accommodated, and full site grading shall be limited to the greatest extent possible.
- m. Natural buildings materials and architecture shall be used that are reflective of a village setting.
- n. Public art is encouraged.
- o. Green building techniques and certifications are encouraged.

**Sec. 118-3-2. SR 53 Overlay District Site Grading.**

Except as provided below, site grading is regulated by Chap 109 – ENVIRONMENT AND NATURAL RESOURCES, Article III. – SOIL EROSION AND SEDIMENTATION CONTROL, Sec. 109-56. Minimum requirements for erosion and sedimentation control using best management practices.

- (1) Retaining walls, when visible from a public right-of-way, shall be faced with or constructed of stone, brick, decorative concrete modular block or other similar material as approved by the Planning Director.

**Sec. 118-3-3 SR 53 Overlay District Setbacks, Buffers, Landscape Areas.**

Except as provided below, setbacks and buffers are regulated by Chap. 109 – ENVIRONMENT AND NATURAL RESOURCES, Article II., BUFFERS, LANDSCAPING AND TREES. and the underlying zoning district. See Sec. 118-3-10. Landscape Standards for buffer and landscape area planting requirements.

- (1) Landscape Area
  - a. 10’ min. landscape area required adjacent to the public right-of-way
  - b. 5’ landscape area required between adjacent parcels, including parking lots. A 20’ landscape buffer is required along SR 53 for new residential or non-street facing developments.

### **Sec. 118-3-4 SR 53 Overlay District Open Space**

Except as provided below, the standards of the underlying zoning district apply.

- (1) Incentives to encourage creation of public gathering destinations are available in the form of a reduction of the required open space. This applies to new construction and redevelopment developments over five acres within the Overlay District. The required open space may be reduced to 20% if the following are provided:
  - a. Public space that offers a level of amenity high enough to attract day and nighttime use by customers and from the surrounding community as a local destination.
  - b. Shopping centers contiguous public gathering space is a minimum square footage of 3% of the building footprint or 13 square feet per parking space.

### **Sec. 118-3-5 SR 53 Overlay District Screening of storage yards.**

- (1) Storage is not permitted in the front yard.
- (2) All areas devoted to the outside storage of vehicles, merchandise, and/or equipment not intended for display for public rent, lease, or sale, shall be screened from view from the right-of-way along the entire property frontage. Screening may be accomplished by a landscape buffer that meets the requirements of Sec. 118-3-10 – Landscape Standards, a building, an earthen berm, a 100 percent opaque solid wooden fence, wall, or combination of these screening methods.
- (3) The use of low-lying landscaping that does not screen the storage areas from view from the public right-of-way shall not be deemed to comply with this requirement.

### **Sec. 118-3-6 – Street Design Standards.**

Except as provided below, the design of roads and driveways are regulated by Chap 42 – ROADS AND BRIDGES and GDOT standards. The following minimum standards apply.

- (1) Local road (Figure 21)
  - a. Minimum right of way 60'
  - b. Minimum 5' sidewalk with 4' lawn strip both sides of street
  - c. Street trees spacing 50' OC (optional)
  - d. Rural section
- (2) SR 53 Rural (Figure 2)



- a. Existing 100' right of way
  - b. 24' existing pavement
  - c. 5' minimum shoulder for improved sections
  - d. 4' paved apron for improved sections
  - e. 50' undisturbed buffer
- (3) SR 53 Village (Figure 3 **Error! Reference source not found.**)
- a. Existing 100' right of way
  - b. 24' existing pavement
  - c. 20' building setback
  - d. 5' sidewalk
  - e. 4' landscape area between walk and edge of pavement
  - f. Street trees 50' OC
  - g. Rural section
- (4) Residential Streets (Figure 4)
- a. ROW 44'
  - b. Street width 24'
  - c. 4' sidewalk
  - d. 4' landscape area between walk and edge of pavement
  - e. Street trees 1 per lot.
- (5) *Crosswalks*. The design of crosswalks should be in accordance with GDOT Signing and Marking Guidelines with crosswalk patterns to be striped per GDOT Detail T-11A and provided at all frequently used pedestrian crossings in streets and parking lots.

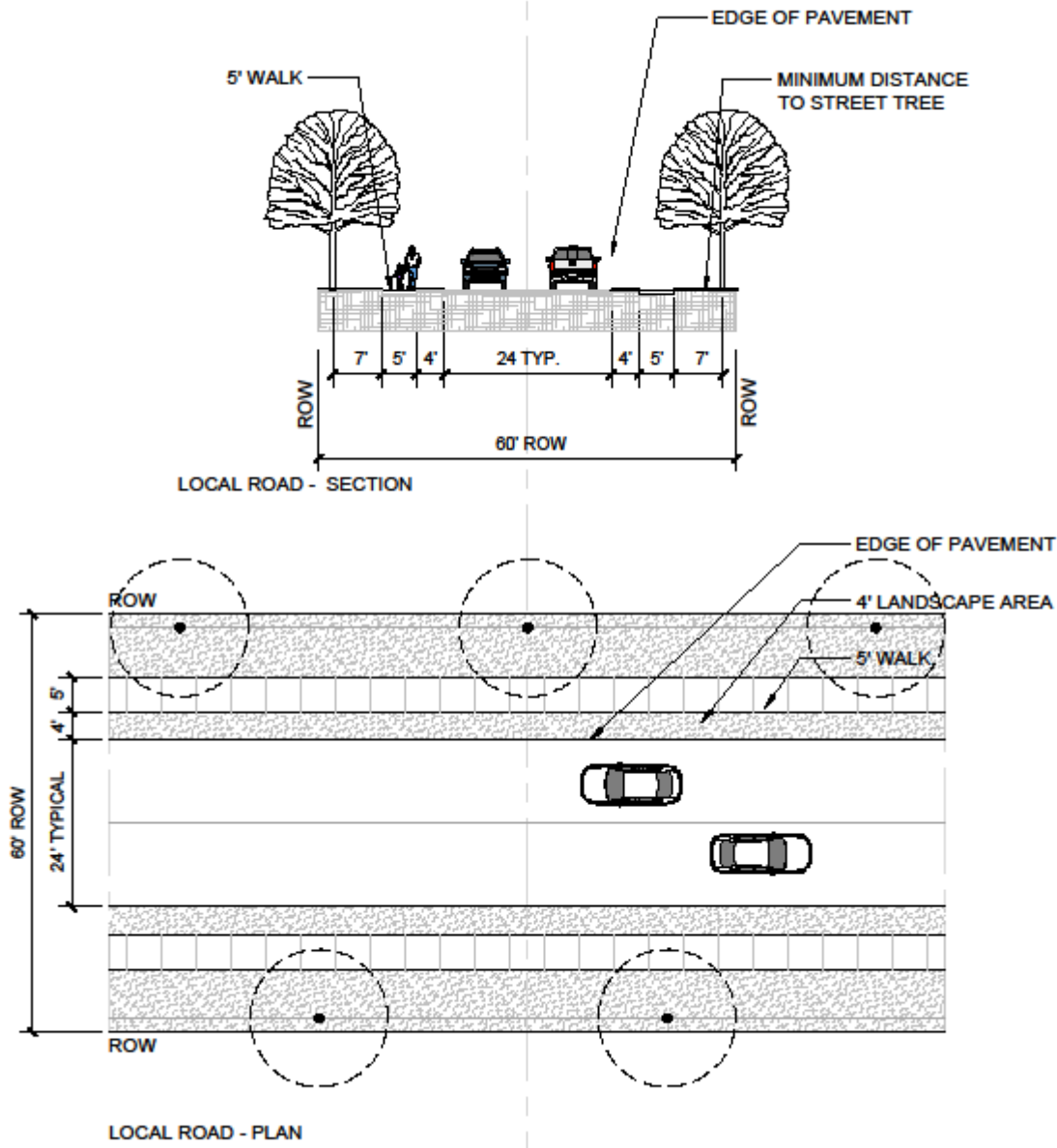
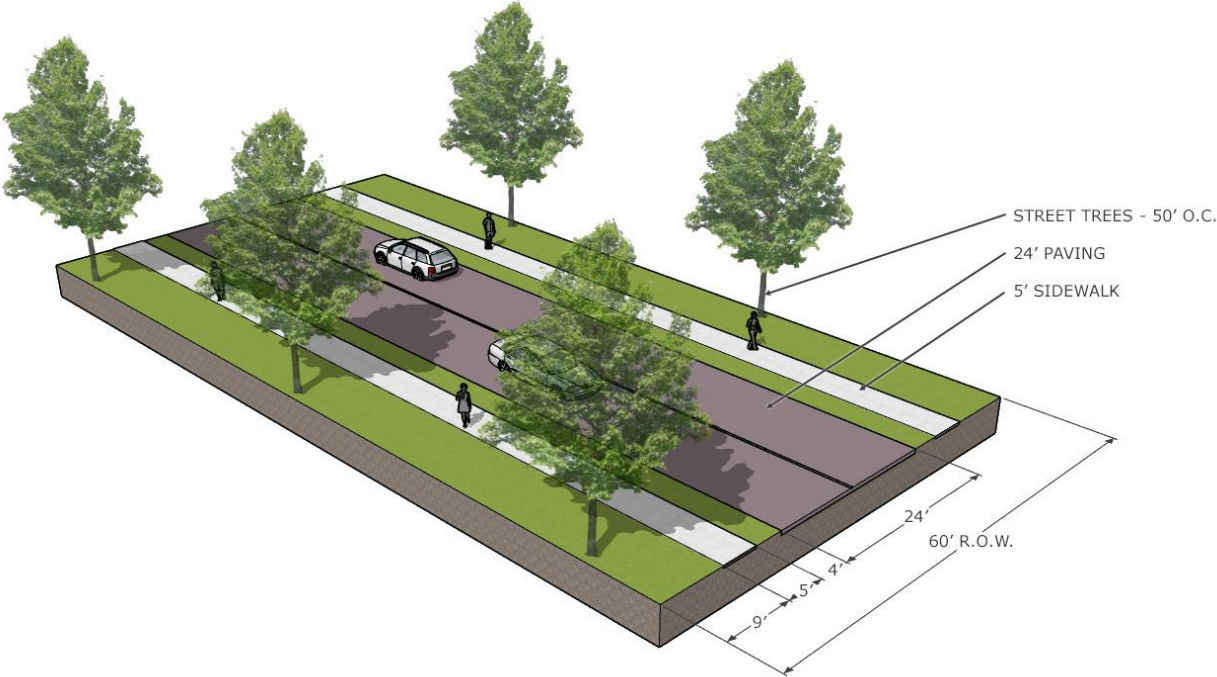


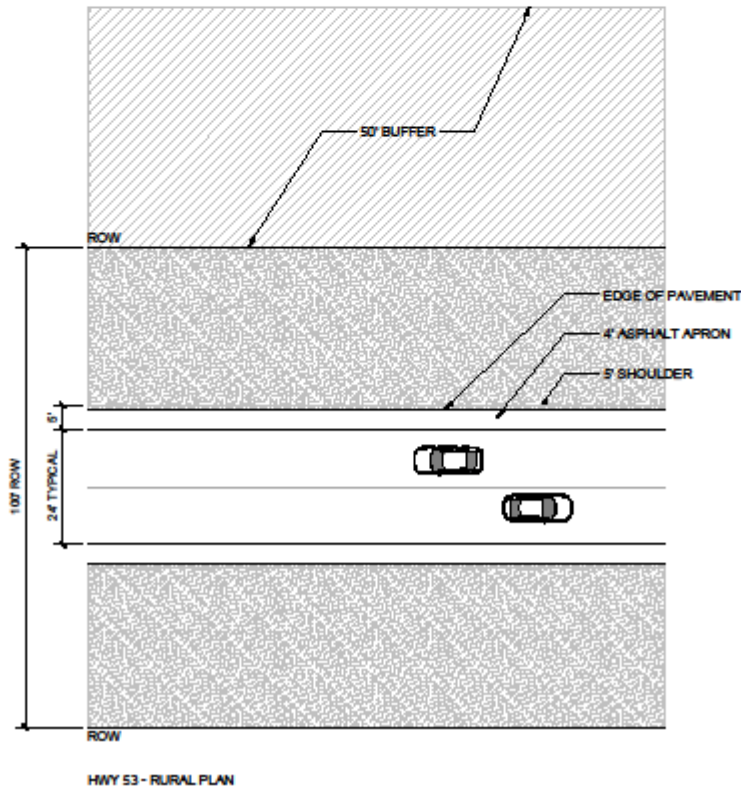
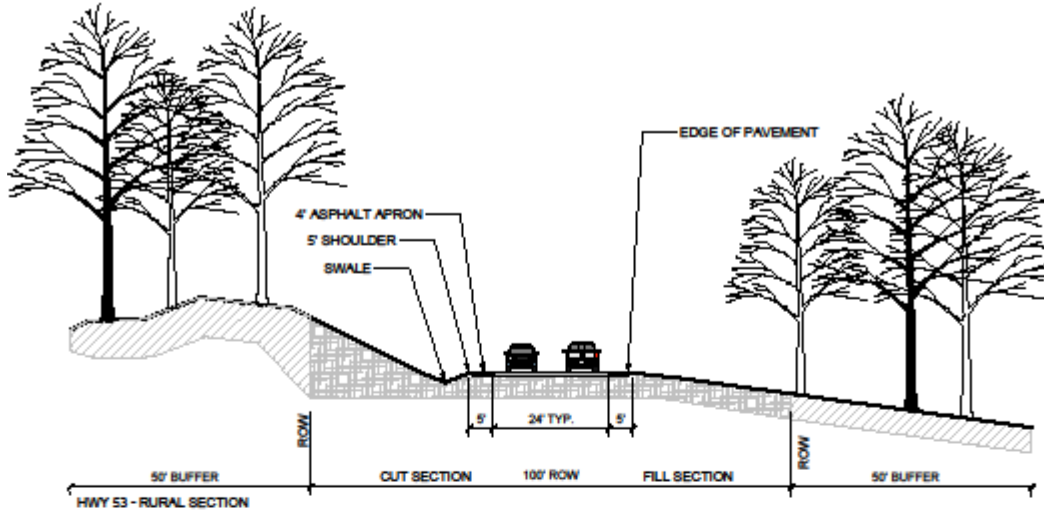
Figure 1 SR 53 District Local Road





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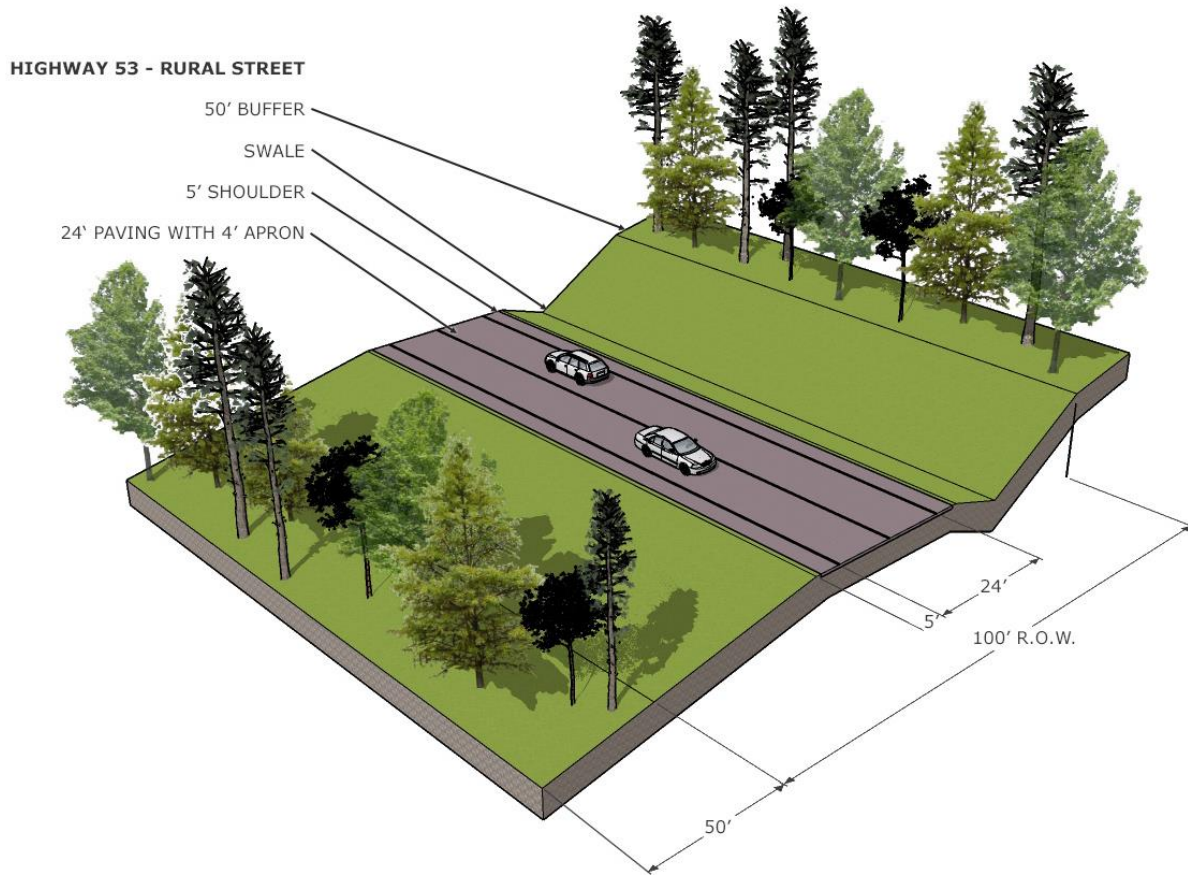


Figure 2 SR 53 Rural Section



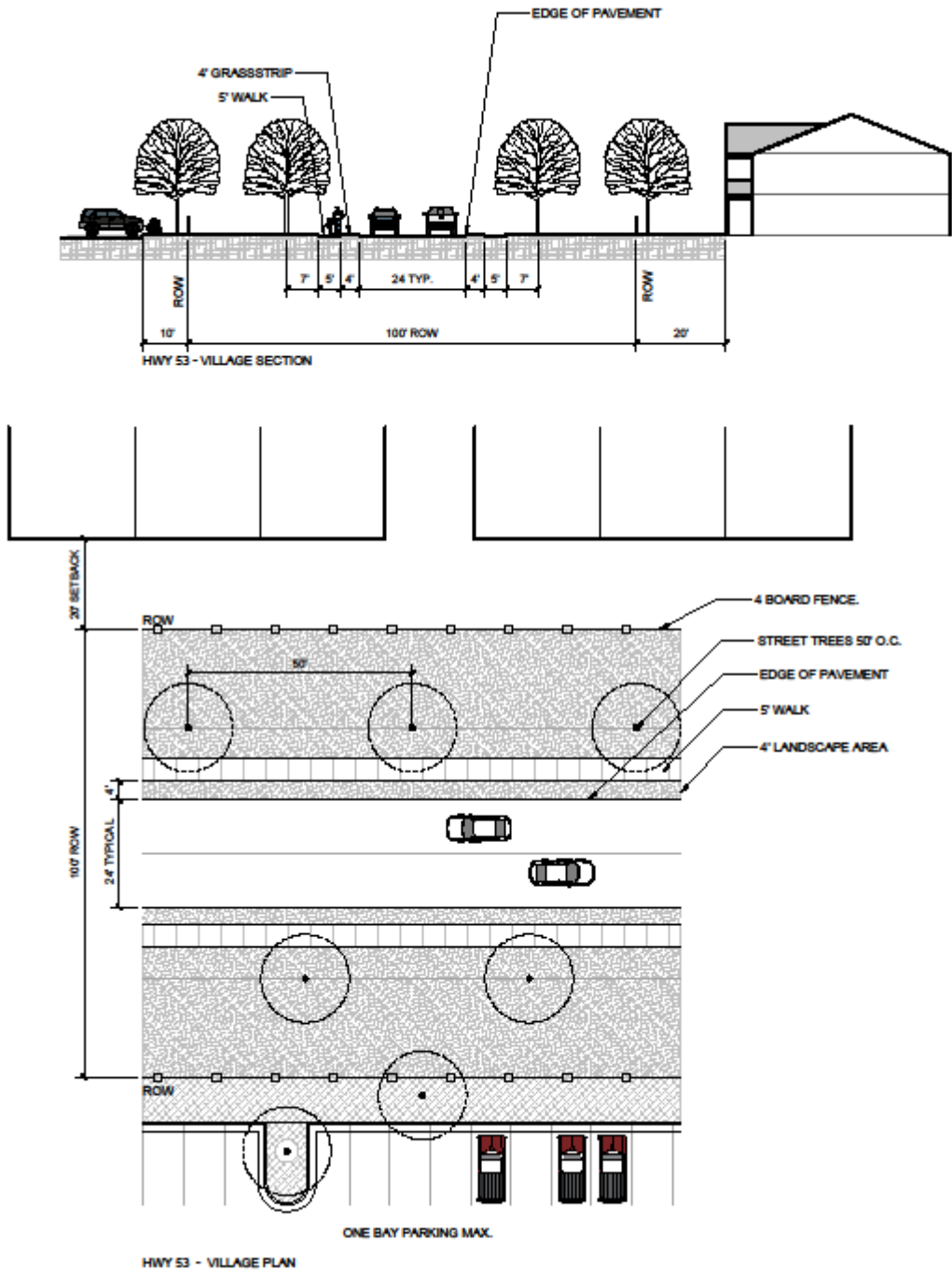
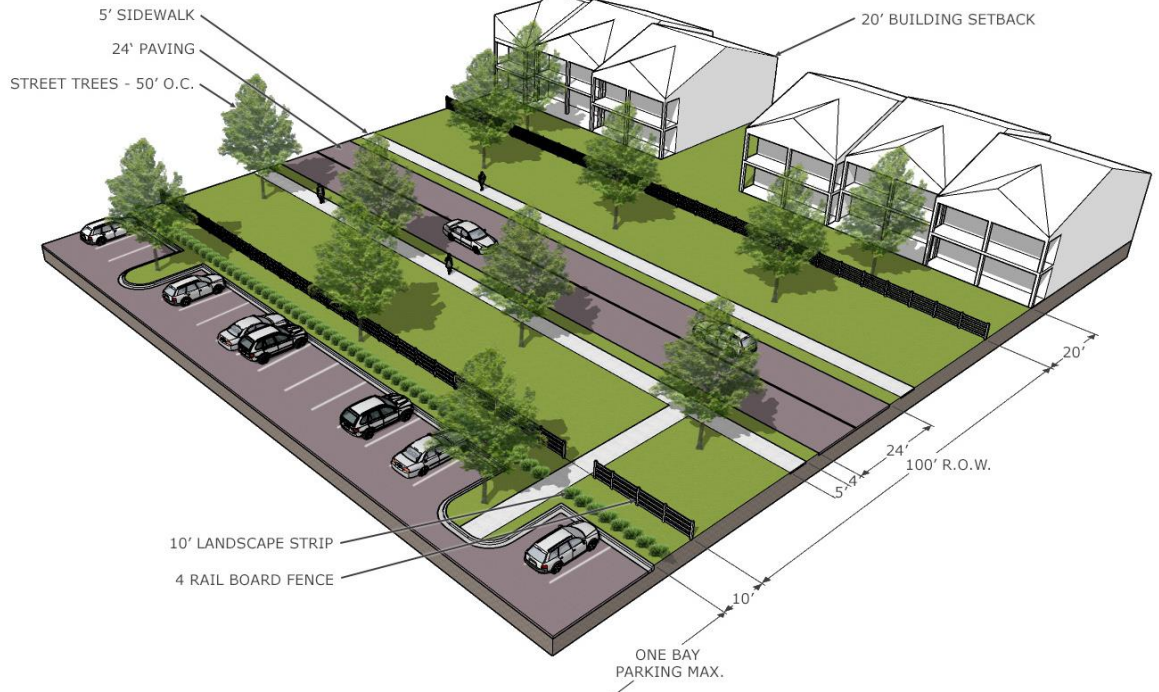


Figure 3 SR 53 Village



**HIGHWAY 53 - VILLAGE STREET**



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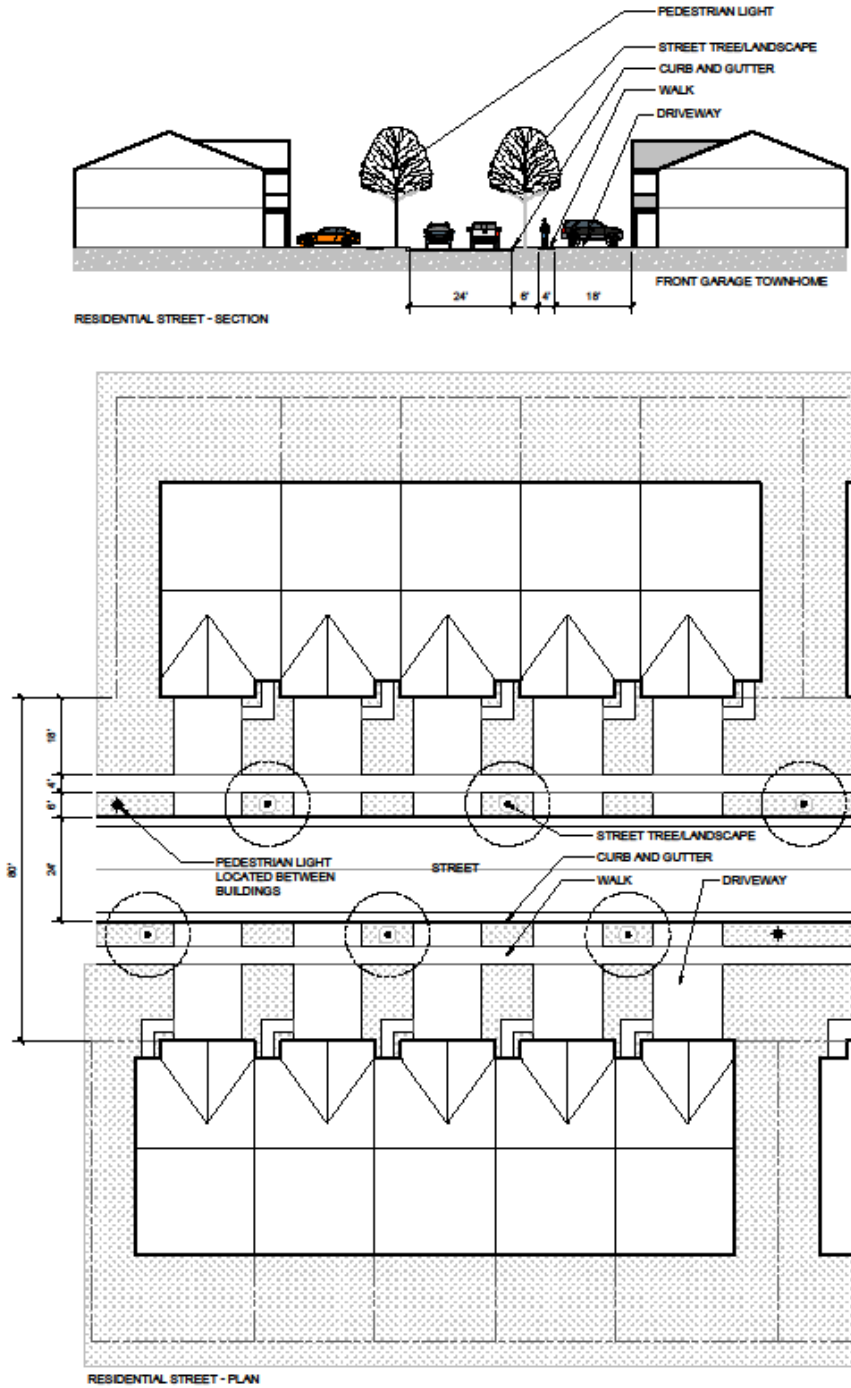
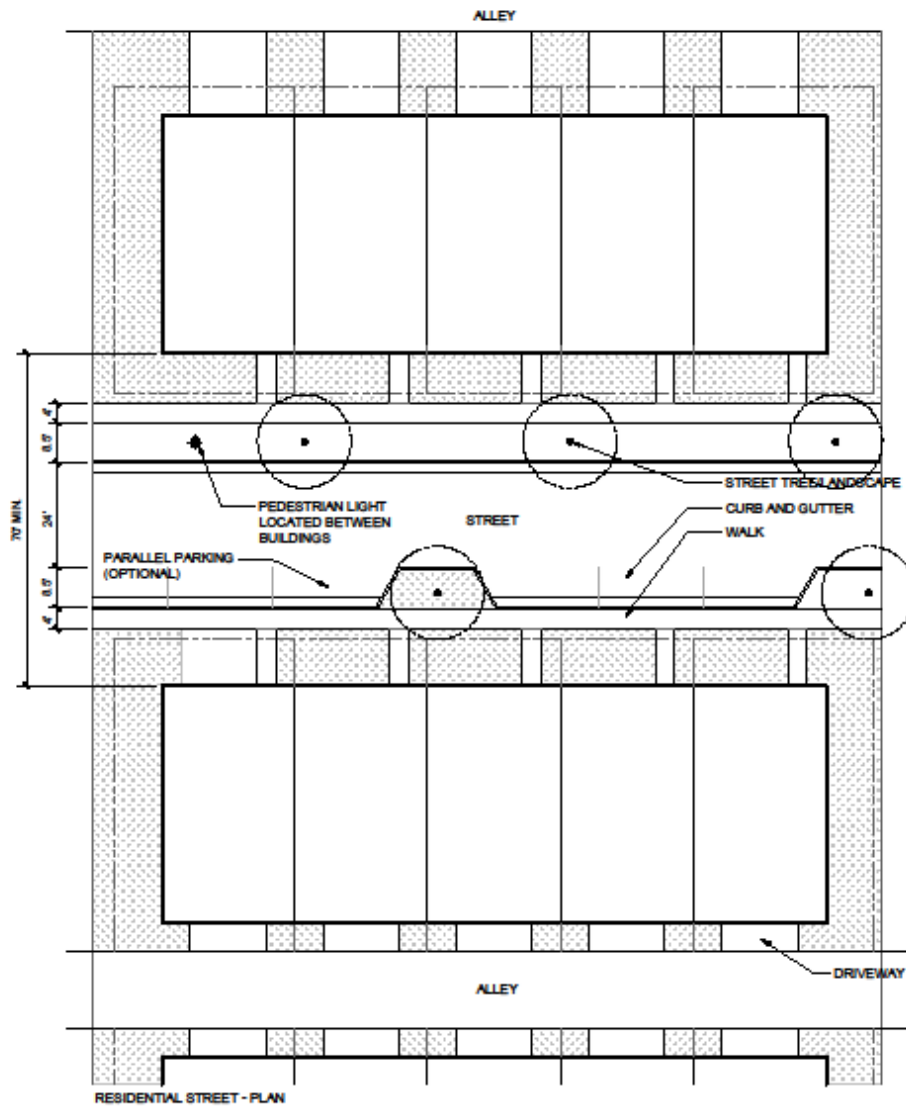
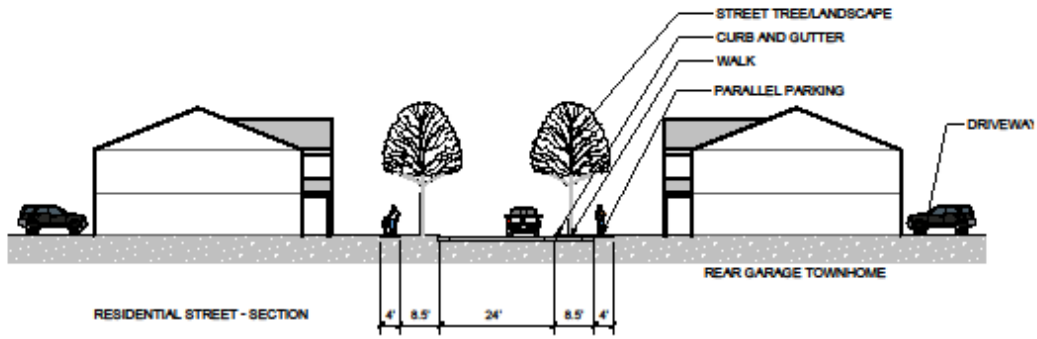


Figure 4 SR 53 Residential

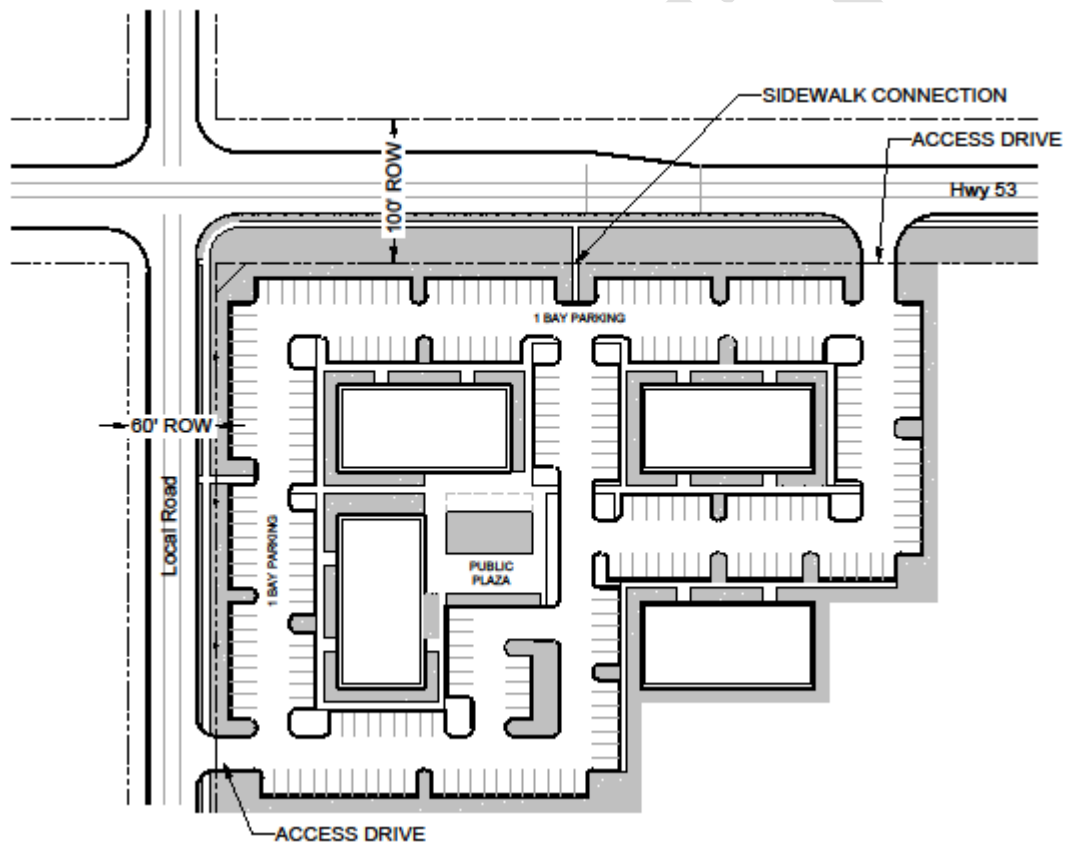




### Sec. 118-3-7 SR 53 Overlay District Vehicular Access.

Except as provided below, the design of roads and driveways are regulated by Chap 42 – ROADS AND BRIDGES and GDOT standards. Except as provided below, driveway and curb cut access are regulated by Article VI., GENERAL PROVISIONS, Sec. 121-176 – Curb cut and access specifications. Development fronting arterial roads should have vehicular access as regulated with streets designed per Sec. 118-3-6 Street Design Standards.

- 1) Development facing SR 53 shall have streets designed per Sec. 118-3-6 Street Design Standards with the following vehicular access framework:





- (1) *Driveways*. Driveway access along SR 53 are to be built per GDOT Regulations for Driveway and Encroachment Control. Except as provided below, all other driveways are regulated by Dawson County.
- a. Minimum distances:
    1. 300' between driveways on SR 53.
    2. 500' between major intersection and first curb cut.
  - b. Widths
    1. Maximum 24' for parcel access from arterial and collector streets.
    2. Maximum 30' width for loading areas that must accommodate tractor trailers.
  - c. Driveway curb cuts shall not be permitted on SR 53 where access can be provided from a side or rear street.
  - d. The Planning Director may authorize a common or joint driveway. A letter of agreement is required from both property owners stating their understanding and agreement with the proposed common driveway curb-cut.

### **Sec. 118-3-8 SR 53 Overlay District Pedestrian/Alternative Transportation Access.**

Except as provided below, pedestrian access is regulated by the requirements of the underlying zoning district.

(1) Development within the SR 53 Overlay District should have the following pedestrian access:

- a. Sidewalks/Multi-use pathways
  1. Pedestrian access via sidewalks or multi use pathways shall be provided along SR 53 and all streets.
  2. Pedestrian access shall be connected to signalized crosswalks and bus stops where applicable.
  3. Provide painted crosswalks or other treatments where pedestrian access crosses vehicular access.
  4. Pedestrian access through parking lots shall minimize the number of vehicular crossings.
  5. Street furniture shall be located outside the specified width of any sidewalk or multi use pathway.
  6. Pedestrian access from the public right of way to the front building entrance must be provided.
- b. The ability to provide access to proposed trail system master plans must be accommodated in the design of parking lots for new developments.
- c. Restaurant outparcels with outdoor dining areas must provide comfortable furniture including shaded seating.
  1. Outdoor dining areas must be separated with the use of temporary or permanent barriers, including fences, hedges, planters, trees, removable columns, and others. Fabric inserts, chain link fencing, chicken wire or cyclone fencing may not be used as barriers. Barrier heights shall be between 36 and 42 inches. This does not include plant material in planters, which should not exceed 6 feet in height.
  2. Any enclosure, including awnings, canopies and removeable sidewalls must be approved by the County's Planning Director.
  3. A minimum of a 6 foot sidewalk clear zone must provide pedestrians with continuous access.

**Sec. 118-3-9 SR 53 Overlay District Off Street Parking.**





Except as provided below, parking design standards are regulated by Chap 121 – LAND USE, Article VI.

- (1) Parking visible between the building and right of way of SR 53 shall be limited to a single bay.
- (2) Parking lots shall provide for future interconnectivity and inter-parcel access.
- (3) Parking lots shall include landscape buffer zones as described in Sec 118-13 Landscape Section.
- (4) Parking landscape islands. See Sec. 118-13. Landscape Standards for planting requirements.
  - a. A 10' wide planting strip shall be provided between every three bays of parking.
  - b. There shall be no more than twelve contiguous parking spaces between landscape islands.
  - c. Up to fifteen contiguous spaces are allowable between perimeter landscape islands if an equal quantity of landscape island area is consolidated into the required landscape islands within the interior of the parking lot in a manner that allows trees to be grouped in larger contiguous internal landscape islands.
  - d. No more than 50% of the required perimeter islands can be consolidated as described in Sec. 118-13. (5)c.
  - e. No more than 35 percent of required perimeter trees can be clustered in groups of three or greater.
  - f. Landscape islands shall encapsulate all parking bays with more than twenty spaces.
  - g. Landscape islands in parking lots shall be a minimum 10' width.



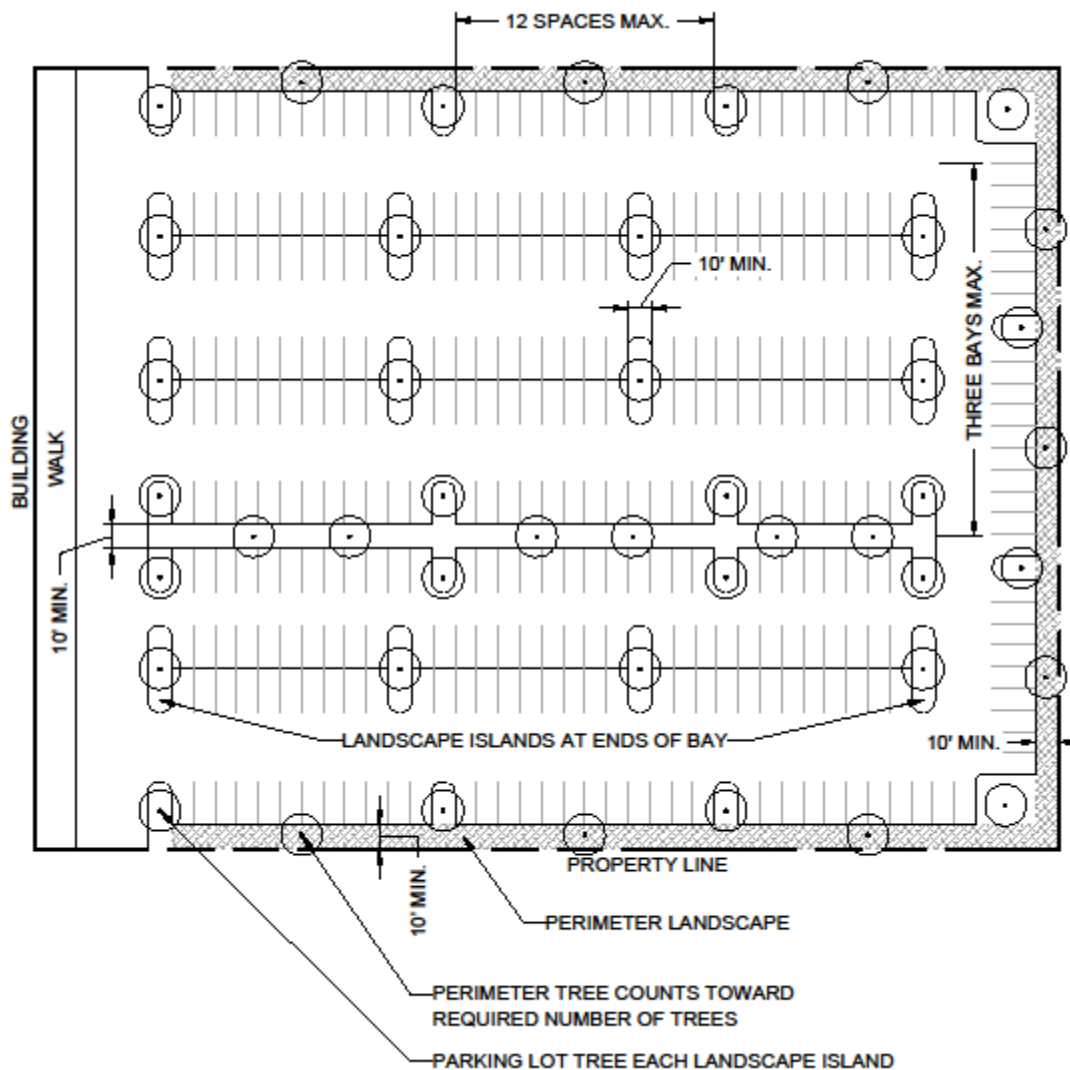


Figure 5 Landscape Islands

**Sec. 118-3-10 – Landscape Standards.**

Except as provide below, the protection and preservation of trees, the planting of new trees, and buffers between dissimilar uses are regulated by Chap. 109 – ENVIRONMENT AND NATURAL RESOURCES, Article II., BUFFERS, LANDSCAPING AND TREES. American Nursery Stock Standard, Z-60.1 applies to quality and measurement of all installed nursery stock.

- (1) Trees



- a. Single leader
- b. Uniform branching and consistent form
- c. Street and required trees for parking lot islands shall be selected from the species list below:

<b>Street/Parking Lot Trees</b>		
Common name	Latin name	Note
Dawn Redwood	<i>Metasequoia glyptostroboides</i>	Registered and trademarked cultivars recommended
Elm, Jefferson	<i>Ulmus americana</i> 'Jefferson'	
Elm, Princeton	<i>Ulmus americana</i> 'Princeton'	
Elm, Lacebark	<i>Ulmus parvifolia</i>	Allee and Bosque recommended
Ginkgo	<i>Ginkgo biloba</i>	Male only
Hornbeam, Palisade American Hornbeam	<i>Carpinus caroliniana</i> 'CCSQU' P.P.#11,280	
Hornbeam, Pyramidal European*	<i>Carpinus betulus</i> 'Fastigiata'	
Oak, Swamp White Oak	<i>Quercus bicolor</i>	
Oak, Scarlet Oak	<i>Quercus coccinea</i>	
Oak, Jaybird Georgia Oak	<i>Quercus georgiana</i> 'Jaybird'	Small to medium size
Oak, Overcup Oak	<i>Quercus lyrata</i>	Registered and trademarked cultivars recommended
Oak, Nuttall	<i>Quercus nuttallii</i>	Registered and trademarked cultivars recommended
Oak, Willow	<i>Quercus phellos</i> cultivars	Registered and trademarked cultivars recommended

Oak, English	<i>Quercus robur</i>	
Oak, Northern Red	<i>Quercus rubra</i>	
Oak, Shumard	<i>Quercus shumardii</i>	Registered and trademarked cultivars recommended
Maple, Trident	<i>Acer buergeranum</i>	Small to medium
Maple, Armstrong Gold Red	<i>Acer rubrum 'Armstrong Gold'</i>	Straight species not acceptable, for perimeter of parking lot only
Maple, October Glory Red	<i>Acer rubrum 'October Glory'</i>	Straight species not acceptable, for perimeter of parking lot only
Maple, Built to Last Red	<i>Acer rubrum 'Built to Last'</i>	Straight species not acceptable
Maple, Main Street Shantung	<i>Acer truncatum 'WF-ATI' PP 20109</i>	Small to medium size
*Columnar trees limited to %30 of overall number of planted trees		

## (2) Shrubs

- a. Minimum 3-gallon container size
- b. Minimum 18" height (except prostrate shrubs)

## (3) Groundcover

- a. Minimum 1-quart container size
- b. Maximum 24" on center spacing

## (4) Parking lot landscape requirements

- a. Trees
  1. All required parking island trees shall be medium to large canopy species.
  2. Maximum 30% of trees can be a columnar species tree
  3. Maximum 20% of trees can be of any one species

4. Minimum 2.5" caliper, 10' height at time of planting
  5. One tree for every eight parking spaces
  6. Minimum one tree per landscape island
  7. Minimum (#square feet or #cubic feet) of landscape area per required parking lot tree
  8. All parking islands should be filled with a planting soil mix or top soil to achieve the desired finished grade.
  9. See Sec. 118-3-6 for tree quantity and spacing requirements.
- b. Shrubs
1. Minimum 36" on center spacing for hedges screening parking lots.
  2. Minimum 18" height, 3-gallon shrubs for hedges screening perimeter of parking lots.
  3. Required parking lot landscape islands shall be planted with evergreen ground covers and or shrubs
  4. Pine straw mulch shall cover all areas of parking lot landscape islands not covered by installed plants.
- (5) Streetscape Trees
1. Minimum 3" caliper, 12' height at time of planting.
  2. See Sec. 118-3-6 Street Design Standards for tree quantity and spacing requirements.

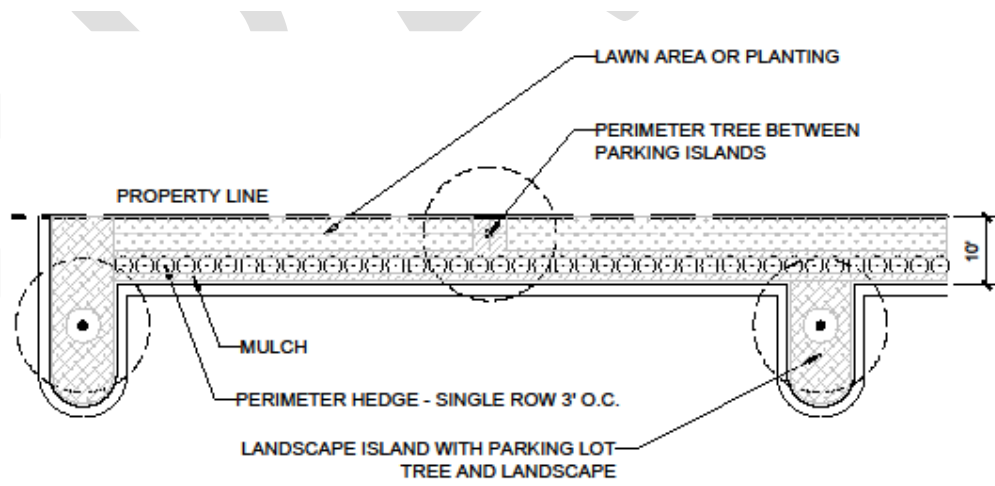


Figure 6 Perimeter Landscape Area for Parking Lot

Sec. 118-3-11 - Signage.



Except as provided below, sign design standards are regulated by Subpart B – LAND DEVELOPMENT ORDINANCES, Chap 129 – SIGNS

- (1) All freestanding signs shall be monument style signs, which shall be constructed of the same or architecturally compatible materials with the principal building.
- (2) Signs must substantially incorporate one of the following three elements: wood, timber, or brick.
- (3) For industrial developments, sign structures and faces constructed of canvas materials are prohibited on all permanent signs
- (4) Freestanding signs maximum height is 15' including base.
- (5) Internal wayfinding signage is encouraged.

**Sec. 118-3-12 – SR 53 Overlay District Lighting.**

With the exception of roadway lighting, the following general requirements apply to the SR 53 Overlay District.

1) General requirements

- a) Lighting Design. In general, lighting is to be the minimum required for each use that will provide safety, security and building / landscape accents on each developed site, but not impose direct illumination or light trespass beyond the site. Lighting needs and designs are to be specifically tailored to each site which means that they could be quite different, one site to another. Fully shielded luminaries shall be provided for all high intensity exterior lighting. Avoid light spillage from commercial uses onto residential lots.
- b) Lighting shall be architecturally integrated with neutral or earth tone colors.
- c) For drive-under canopies, the luminaries shall be recessed into the canopy ceiling so that the bottom of the luminaries does not extend below the ceiling.
- d) Promotional beacons, search lights, laser source lights, strobe lights or any similar light when projected above the horizon, and lighting used for causing sky glow to attract attention in excess of the lighting used to provide safety, security and utility are prohibited. Projects that want to integrate lines or rows of lights within a defined pedestrian plaza may seek administrative approval upon submission of lighting specifications. Such lights shall not be placed permanently on building exteriors.
- e) Exposed neon and fluorescent lighting is not permitted except for open and closed signs.



- f) LED strip lighting is not permitted.
- g) Lamping/Fixture requirements
  - (1) LED fixtures are recommended.
  - (2) Color temperature: 3,000K – 4,000K (degrees kelvin)
  - (3) Dark Sky compliant cutoff fixtures. Full Cutoff fixtures are preferred. Semi-cutoff fixtures will be allowed in certain areas with the approval of the Planning Director.
  - (4) Comfort optics lenses, shielding, or other light and glare mitigation devices are required when adjacent to residential areas.
  - (5) Examples of Acceptable / Unacceptable Lighting Fixtures: See below
- h) Controls. Lighting Controls shall be utilized to maintain consistent light output, longevity of fixtures, energy conservation, and to lower operational costs. Area and Pedestrian lights shall be equipped with 7-pin receptacles to allow for photoelectric cells, dimming capabilities, and connectivity expansion.
- i) Light levels
  - i) Parking Lots
    - ii) Average: 1fc – 1.5fc
    - iii) Range: 0.5fc min – 3fc max
  - iv) Gas Station Canopy
    - (1) Average: 12.5fc
    - (2) Range: 10fc min – 15fc max
  - v) Automotive Dealerships
    - (1) Average: 20fc
    - (2) Range: 7.5min – 40fc max
  - vi) Pedestrian areas:
    - (1) Average: 0.8fc
    - (2) Range: 0.5min – 1fc max
  - vii) Safety (Building Exterior)
    - (1) Average: 1fc
    - (2) Range: 0.5min – 2fc max
- j) Area lights
  - i) Pole and fixture styles shall be coordinated with GA Power, Suwanee or Amicalola EMC



- ii) Mounting Heights 15' min - 25' max
  - k) Pedestrian lights
    - i) Pole and fixture style shall be coordinated with GA Power, Suwanee or Amicalola EMC Mounting heights 9' min.-14' max.
- 2) Shopping Centers. Large shopping center parking lots shall provide adequate light levels for safety and uniformity but avoid glare and light trespass onto residential lots or adjacent character areas.
  - a) Lamping/Fixture requirements
    - i) LED
    - ii) Color temperature: 4,000K
    - iii) Dark Sky Full Cut Off or Fully Shielded Fixtures. Limit the use of decorative fixtures to lower level lighting.
  - b) Controls
    - i) 7-Pin Receptacle
  - c) Parking Lot Light Levels:
    - i) Urban – Maximum 1.5foot-candle per square foot
    - ii) Suburban – Maximum 1foot-candle per square foot
  - d) Area lights
    - i) Pole and fixture style shall be coordinated with GA Power, Suwanee or Amicalola EMC
    - ii) Mounting Heights 25' max
  - e) Pedestrian lights
    - i) Pole and fixture style shall be coordinated with GA Power, Suwanee or Amicalola EMC
    - ii) Mounting heights 14' max
- 3) Pedestrian Oriented Uses. Lighting design shall enhance safety and security for pedestrians while adding a pedestrian-scale element. This applies to smaller parking lots and pedestrian plaza areas for pedestrian oriented mixed-use, office or retail areas. Lighting design utilizes decorative pedestrian lights (Post Top / Pendant) and accent lighting and is designed for use by pedestrians versus cars. Accent lighting includes path lights, festoon lights, bollards, and landscape lighting.
  - a) Lamping/Fixture requirements

- i) LED
  - ii) Color temperature: 3,000K
  - iii) Dark Sky Semi-Cut Off or Semi-Shielded Fixtures. Decorative Fixtures only.
- b) Controls
  - i) 7-Pin Receptacle
- c) Parking Lot Light Levels:
  - i) Urban – Maximum 1.5foot-candle per square foot
  - ii) Suburban – Maximum 1foot-candle per square foot
- d) Area lights
  - i) Pole and fixture style shall be coordinated with GA Power, Suwanee or Amicalola EMC
  - ii) Mounting Heights 20' max
- e) Pedestrian lights (Post Top / Pendant)
  - i) Pole and fixture style shall be coordinated with GA Power, Suwanee or Amicalola EMC
  - ii) Mounting heights 14' max
  - iii) Banner Arms, Plant Support, and other decorative features allowed
- 4) Streetscapes. Street lighting shall be designed to control glare, minimize light trespass onto adjacent properties, minimize direct upward light emission, promote effective safety and security, provide for safe operation of motor vehicles, and enhance safety for all modes of travel. Streetlighting shall be used as an element to establish the character of the areas as distinguished from arterial streets.
  - a) Lamping/Fixture requirements
    - i) LED
    - ii) Color temperature: 3,000K
    - iii) Dark Sky Semi-Cut Off or Semi-Shielded Fixtures. Decorative Fixtures only.
  - b) Controls
    - i) 7-Pin Receptacle
  - c) Light Levels:
    - i) 0.8fc max
  - d) Area lights



- i) Pole and fixture style shall be coordinated with GA Power, Suwanee or Amicalola EMC
  - ii) Mounting Heights 18' max
- e) Pedestrian lights (Post Top / Pendant)
  - i) Pole and fixture style shall be coordinated with GA Power, Suwanee or Amicalola EMC
  - ii) Mounting heights 12' max
  - iii) Banner Arms, Plant Support, and other decorative features allowed
- 5) *Residential Streets*. Residential streetlighting shall be designed to control glare, minimize light trespass onto adjacent properties, minimize direct upward light emission, promote effective safety and security, provide for safe operation of motor vehicles, and residents.
  - a) Lamping/Fixture requirements
    - i) LED
    - ii) Color temperature: 3,000K
    - iii) Dark Sky Full Cut Off or Fully Shielded Fixtures. Decorative Fixtures only.
  - b) Controls
    - i) 7-Pin Receptacle
  - c) Light Levels:
    - i) 1fc max
  - d) Area lights
    - i) Not permitted
  - e) Pedestrian lights (Post Top / Pendant)
    - i) Pole and fixture style shall be coordinated with GA Power, Suwanee or Amicalola EMC
    - ii) Mounting heights 9' max

**Sec. 118-3-13 – Refuse Areas and Receptacles.**

- 1) Areas
  - a) Refuse areas shall be identified on site plans.
  - b) All structures and facilities for trash, storage, loading and outdoor equipment shall be placed in the rear yard, or if not possible, in the least visible location from the public right-

of-way and screened from view from any street or pedestrian circulation area with architectural features and landscaping.

- c) Refuse areas and receptacles shall not be placed within 50 feet of existing residential zoning or use.
- d) All refuse areas shall be placed in the rear yard and may be located five feet from the property line if the adjoining property is zoned non-residential and five feet from all applicable buffers if the adjoining property is zoned residential.
- e) The gates of a refuse area shall not face a public street without a visual buffer between the enclosure and the street.
- f) A pedestrian door is required to allow access with the truck gate closed for containers 8 yards and over.

## 2) Materials

- a) Refuse areas shall be enclosed on three sides with opaque walls. The fourth side shall be a self-closing gate made of non-combustible materials.
  - i) Opaque walls shall be 12 inches higher than the receptacles.
  - ii) Opaque walls shall be constructed of same materials and colors as that of the primary building. If primary building material is not a masonry material, the opaque walls shall be constructed of non-combustible brick, stone, split concrete masonry block or other similar material as approved by the Planning Director.
- b) Enclosure materials shall reflect the architectural materials and style of the primary building on site and utilize the following:
  - i) Walls-masonry, brick or stone veneer
  - ii) Doors-steel frame with wood or steel slats
- c) Enclosure height
  - i) Minimum 6' for 4 to 6 yard boxes and under 20 yard roll off containers
  - ii) Minimum 8' for 8 yard boxes and 20 yard and over roll off containers
  - iii) Minimum 9' for 40 yard roll off containers
- d) Door construction standards
  - i) Minimum 6" steel post door anchor
  - ii) Minimum 1-1/2" min. steel frame
  - iii) Minimum 500 lb. weld on barrel/block style or steel sleeve hinges
  - iv) Hinges to have grease fittings



- e) Metal panel doors or min. 4/4 wood slats
- 3) Where a nonconforming refuse area and receptacle exists on the adoption date of this Article and is visible from a public right-of-way, such refuse area and receptacle shall be brought into conformance with this Article or removed within 24 months of this Article adoption date.

### **Sec 118-3-14 Fences**

- 1) Walls or fences, required or otherwise, when visible from the public right-of-way shall complement the exterior materials of the primary structure on site. Tarps and banner signs shall not be attached to fencing material.
- 2) Fence materials shall be comprised of treated lumber, fiber cement, vinyl, aluminum, or steel.
- 3) Low wooden fences are encouraged at the ROW to demarcate the property.
- 4) Four board style fences shall consist of a minimum 1-inch thick, four-inch wide fence board affixed to four-inch posts spaced a maximum of ten feet apart. The board fences shall be a minimum of four feet and a maximum of six feet in height. Natural stone or brick masonry columns may be used in the fence design.
- 5) All wooden fences must be stained or painted.
- 6) Razor wire, barbed wire, concertina, wired, and electrified fencing are prohibited in the front yard. Where visible from the right of way, this type of fencing may be allowed along the sides and rear of the property if it is screened with evergreen trees, shrubs, and/or decorative fencing for the full length and height of the fence.
- 7) Chain link or coated chain link fencing is prohibited in the front yard unless required for detention ponds. Where visible from the right of way, chain link fencing may be allowed along the sides and rear of the property if it is screened with evergreen trees, shrubs, and/or decorative fencing for the full length and height of the fence.

## **ARTICLE IV. – SR 53 OVERLAY DISTRICT ARCHITECTURAL DESIGN STANDARDS AND MATERIALS**

### **Sect 118-4-1 SR 53 Overlay Architectural Design Intent**

Within the Overlay Districts, consistency in architectural design and use of materials is desired. SR 53 is intended to reflect a village setting leading from the more intense highway commercial



to Dawsonville to the northwest and to Hall County to the southeast. While there are no set architectural styles, building orientation and architectural materials that reflect and enhance the highly valued natural environment of Dawson County are encouraged. These include preservation of scenic vistas and incorporation of natural materials. The Dawson County Pattern Book provides visual examples of architectural styles and materials that are in keeping with the intended design standards. The standards below regarding building massing and orientation and exterior materials and architectural design features should be employed within the Overlay Districts.

### **Sec. 118-4-2 Building Heights and Massing, Orientation, and Design Principals**

- (1) Building Heights and Massing
  - a. Building heights are regulated by underlying zoning.
  - b. Massing of buildings should protect scenic vistas with minimum 25' breaks between buildings. Courtyards, surface parking, and open spaces should align with view sheds from adjacent properties.
- (2) Building Orientation
  - a. Buildings should be arranged to preserve views from adjacent properties and streets.
- (3) Architectural Design Principals for Commercial/Retail
  - a. Smaller buildings should be clustered to convey a village feel at a pedestrian scale.
  - b. The principal entry area of a building, or if in a shopping center the largest tenant or a central location of a group of buildings, should be articulated and should express greater architectural detail than other portions of the building. Entries should include at least three of the following or similar architectural elements:
    1. Overhangs, canopies, recesses/projections, porches, columns, arcades, corniced parapets over the door, peaked roof forms, arches, display windows, or integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
  - c. For commercial/retail buildings greater than 60 feet in width, variations in facade, roofline and depth should be provided to lend the appearance of multi-tenant occupancy.

1. Facades should incorporate wall projections or recesses a minimum of 12 inches in depth. The combined length of said recesses and projections must constitute at least 20 percent of the total facade length.
2. Front façade design should provide varying wall offsets and features to create horizontal (wall) and vertical building articulation. At least one of the following treatments should be incorporated:
  - (a) Change in texture or color.
  - (b) Change in pattern or material
  - (c) An equivalent element that subdivides the wall into pedestrian scale proportions.
  - (d) Incongruous architectural details or color contrasts are not allowed.
- d. Rooflines should vary reflecting changes in façade.
- e. Windows
  1. Windows should be vertically oriented on the ground floor. Upper floors windows may be square or vertically oriented.
  2. Fenestration should comprise a minimum of 40% of the length of the total façade.
- f. Drive-through windows and all vehicular queuing, when permitted by zoning, shall be placed to the rear or side of the building facade,
- g. Awnings and canopies are permitted.
- h. Gutters may be ogee or half-round with round downspouts, metal-lined wood, or architecturally formed or molded. Gutter finishes may be copper, unpainted galvanized metal, or painted.
- i. All exterior painted surfaces on commercial structures visible from the right-of-way should be painted in neutrals and earth tones. Neutrals refer to blacks, whites, beiges or grays while earth tones refer to browns, umbers, sienna, terracotta and brick tones. Fluorescent colors and those bright in intensity are prohibited. Glass, metal, natural stones, and sign faces are excluded from the color requirements.
- j. Architectural treatments of front facades should continue major features around all visibly exposed sides of a building.
- k. Freestanding accessory structures should have architectural detailing and design elements consistent with the primary buildings to provide a cohesive design.

- l. Fuel pumps, canopies and associated gasoline station service areas should be located at the side or rear of the structure, not between the building and the street.
  - m. Covered common mail kiosks are encouraged.
- (4) Architectural Design Principals for Industrial
- a. The office portion of industrial buildings should be located in the front portion of buildings, facing the public right-of-way.
  - b. The front façade should follow regulations for large commercial buildings.
  - c. Architectural treatments of front facades shall continue major features for a minimum of 50 feet along side facades facing a public right of way.
  - d. Sides and rear of buildings may be tilt up concrete, corrugated metal or metal panels.
  - e. Freestanding accessory structures should have architectural detailing and design elements consistent with the primary buildings to provide a cohesive design.
- (5) Architectural Design Principals for Residential (Multi-family or Attached)
- a. All residential structures, multi-family or townhome, should require any side or rear facade that is visible from the public right-of-way to include similar exterior finish materials and similar landscaping as the front of the structure. In addition, it should include composed windows and architectural features similar to the front facade, including but not limited to, awnings, cornice work, edge detailing or other decorative finish materials.
  - b. Ground floor multi-family facades may resemble commercial storefronts at a pedestrian scale.
  - c. Awnings and canopies are permitted.
  - d. Freestanding accessory structures should have architectural detailing and design elements consistent with the primary buildings of the development complex to provide a cohesive design.
- (6) Whenever possible, stormwater detention and retention ponds that require a fence should not be visible from the public right-of-way. When required and feasible a 20-foot planted buffer should be provided outside of the exterior pond fence. Access to the pond should be not be facing the public right-of-way. Ideally, such facilities are incorporated into greenspace and linked to greenways.



- (7) Accessory site features including, but not limited to, meters, meter boxes, electrical transformers, and other equipment located on the ground should be screened from view from public rights-of-way or residential uses by placement behind the main building, painted or coated with the same color as the existing wall to blend in with the adjacent wall surface to camouflage or limit visibility.
- (8) 60% opaque fencing, berm and/or a vegetative screen planted according to County buffer standards.
- (9) Greenspaces and connections to future greenways are encouraged.
- (10) *Exemptions.* The Planning Director may exempt all or parts of the design standards in this section for a site when the design constitutes a unique, building that meets or exceeds the intent of these design standards, as demonstrated by architectural elevations.

#### **Sec. 118-4-2 SR 53 Overlay District Materials**

- (1) Nonresidential Building Materials
  - a. All exterior walls visible from the public right of way should utilize: wood clapboard or lap siding, wood board and batten, wood shingle siding, brick, natural stone, stucco, faced concrete block, and any cement based artificial siding material which closely resembles the natural materials listed above as the primary material (minimum 60% of facade). Siding and wood must be painted or stained. Alternative primary wall materials consistent with the intent shown in the example photographs may be approved by the Planning Director. If multiple establishments are contained within one contiguous structure, the percentage pertains to the entire façade rather than individual façade fronts.
  - b. Accent wall materials shall consist of glass, wood/timber, metal, architecturally treated concrete masonry or precast stone. Alternative treatments and building materials may be approved by the Planning Director.
  - c. Prohibited primary or accent materials include un-faced concrete block, unfinished poured concrete, aluminum siding, vinyl siding, plywood, plastic and those materials not closely resembling a natural material.
  - d. Tilt/precast concrete and corrugated steel as primary materials are allowed only in industrial developments. These materials may not be visible from the right of way

unless fenestration accounts for a minimum of 20% of the façade and accent materials augment the façade.

- e. Burglar bars, steel gates, and steel roll down curtains are prohibited on the exterior and interior of the structure except at the structure's rear, unless visible from the public right of way. Security grilles are allowed if installed interior to the place of business. Grilles should be of a grid or brick pattern and placed so that the grid is at a uniform height across the business front.

(2) Residential building materials

- a. Multi-family residential buildings should utilize a mixture of materials including brick, stone, cementitious siding or board and batten, stucco and/or have the appearance of a commercial storefront. Use of materials should vary and not exceed 50 percent of any one type per building side to provide visual interest.
- b. Developments should include architectural elements such as columns, stoops, arcades, covered entry-walkways, stoops, arches, façade offsets, windows, balconies, offset walls, clock towers, cupolas and/or courtyards.
- c. Gutters may be ogee or half-round with round downspouts, metal-lined wood, or architecturally formed or molded. Gutter finishes may be copper, unpainted galvanized metal, or painted a complementary color.
- d. All exterior painted surfaces on commercial structures visible from the right-of-way should be painted in neutrals and earth tones. Neutrals refer to blacks, whites, beiges or grays while earth tones refer to browns, umbers, sienna, terracotta and brick tones. Fluorescent colors and those bright in intensity are prohibited. Glass, metal, natural stones, and sign faces are excluded from the color requirements.
- e. Architectural treatments of front facades should continue major features around all visibly exposed sides of a building.
- f. Structured parking facilities should consist of materials and architectural elements that complement the primary structure.
- g. Retaining walls may be made of modular block or if concrete is used, it should be faced with stone or brick when visible from the right-of-way.
- h. Canopy structures should not exceed 14 feet in height and include a decorative cornice roofline design on all four sides of the canopy structure to match the principal building in color.

- i. Column bases should be faced with brick, stone or stucco that matches or compliments the finish of the primary building.
- j. Exterior finishes for accessory structures should be consistent with the principal structure.

### **Sec. 118-4-3 – Fenestration**

- (1) All buildings should have a minimum of 40% fenestration along their street-facing facades.
- (2) Street-facing windows should be vertically shaped with a height greater than width, including display windows but not transoms.
- (3) Street-facing windows and door glass utilize clear glass or tinted glass. Window tinting should allow for a minimum of 50% transmittance factor.
- (4) Painted window or door glass is prohibited.
- (5) No blank walls are permitted on the sides of any building.
- (6) The office portion of industrial buildings should be designed with a minimum of 40% of their exterior facade as windows.

### **Sec. 118-4-4 – Roofs and Roof Forms**

- (1) Main roofs may be gable, pyramidal, hip style, flat or shed. Gambrel and mansard roofs are not allowed.
- (2) The roof pitch of sloped roofs should be a minimum of 4:12.
- (3) Variation in the roofline of buildings and offsets in pitched roofs and gables where massing changes are required. Parapets in individual building facades should be varied in height and projection where massing changes occur and should use decorative elements such as crown moldings, dentils, brick soldier courses, or similar details.
- (4) Roof materials should be wood shingles, standing-seam paint grip galvanized metal, slate or asphalt shingles, or fiber cement simulated slate or wood shingles. Other roofing material or solutions such as green roofs, etc. may be allowed.
- (5) Roof styles for multi-building complexes should be compatible and consistent with roof designs for the entire complex.

- (6) Vents and stacks should be painted to match the roof material and hidden from view to the extent possible.
- (7) Flat roofs, roof mounted equipment and other accessories should be screened from view from the public rights-of-way or residential uses by a parapet, gable roof, roof screen, or other architectural feature. Roof equipment and roof screens should be finished to match the roof or parapet wall. When the relationship between building roofs and adjoining public streets and/or residential developments make screening of roof equipment impossible (e.g. road higher than roof), a parapet of no less than four feet in height should be installed.
- (8) Roof mounted flagpoles are prohibited.

DRAFT

## **Chapter 121 – Land Use**

### Article IV. Establishment of Overlay Districts

For the purpose of this Code, Overlay Districts have been established for certain portions of unincorporated Dawson County, Georgia, specifically:

1. GA 400 Overlay District
2. SR 53 Overlay District

The Overlay Districts' regulations can be found in Chapter 117, GA 400 Overlay District and Chapter 118, SR 53 Overlay District.

# Dawson County Overlay Districts

Public Hearing for GA 400 and SR 53 Overlay Districts

August 19, 2021



Dawson County  
*Georgia*



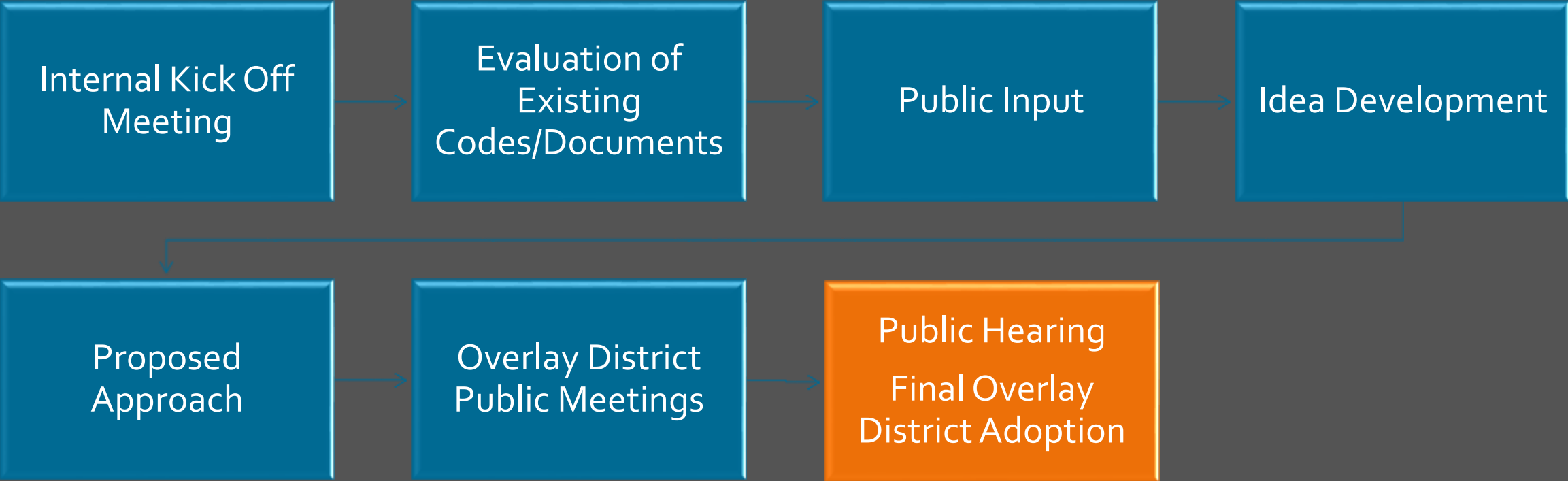
THREE POINTS PLANNING



# Agenda

- Planning Process
- Goals of the Overlay Districts
- Overlay District Boundaries
- GA 400 Overlay District Images and Code
- SR 53 Overlay District Images and Code
- Comments

# Overlay District Development Planning Process





# GA 400 Overlay Goals

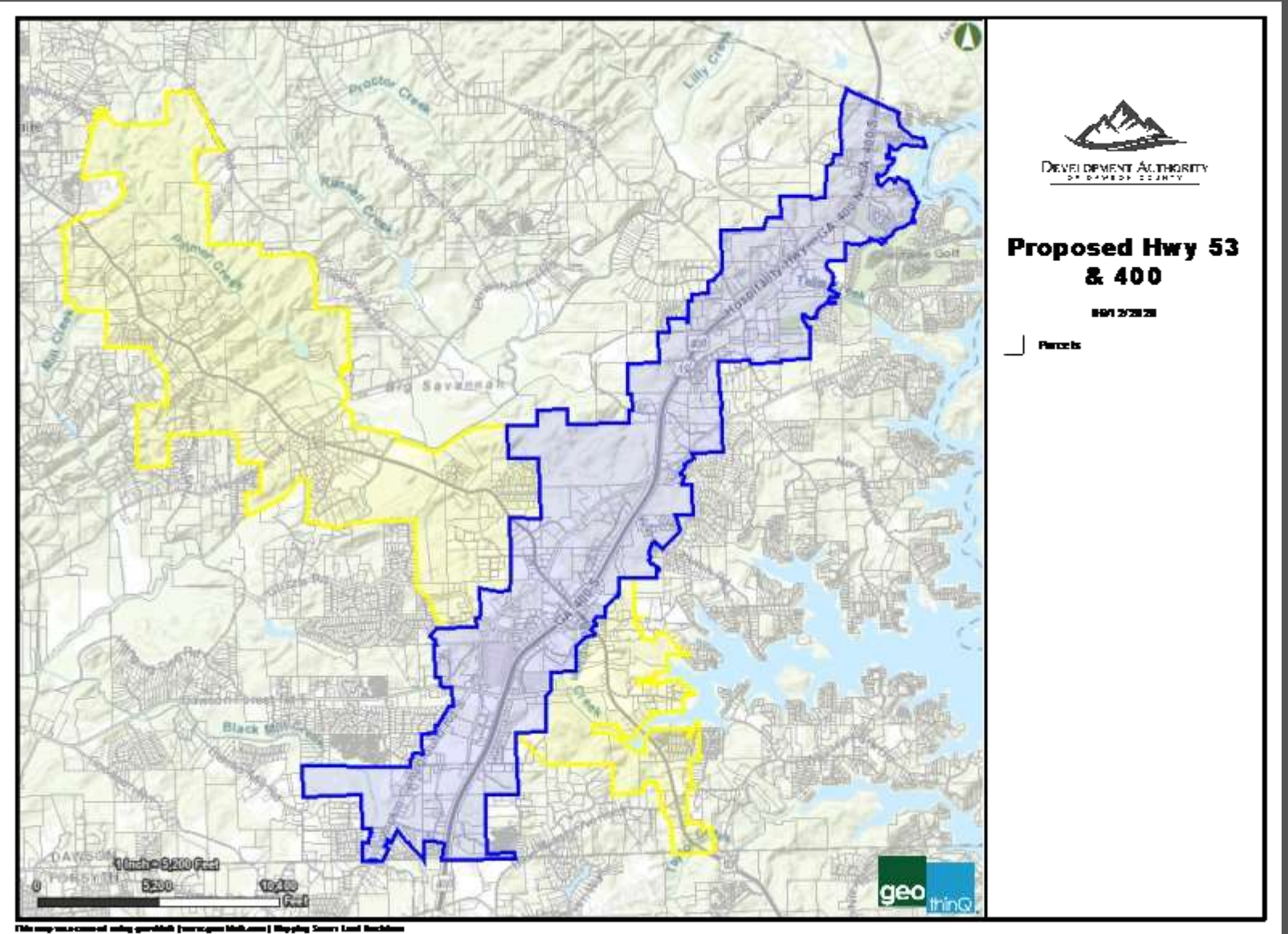
- Create a unique sense of place distinctive along the GA 400 corridor in Dawson County.
- Allow a mix of uses, including more intense commercial, industrial, and higher density residential.
- Design auto and multi-modal/pedestrian friendly sites that link to future greenways and greenspaces.
- Create mini-destinations and outdoor venues.
- Enhance traditional strip mall development.
- Standardize signage.



# SR 53 Overlay Goals

- Create a village-like setting that transitions from the high intensity commercial through rural areas and into downtown Dawsonville.
- Allow a mix of uses, including retail, commercial, and medium density residential.
- Encourage more intensive development at intersections.
- Encourage front and side yard landscaping.
- Encourage residential developments to access side streets when possible and buffered rear lots from public view.
- Standardize signage.

# Proposed Overlay District Boundaries



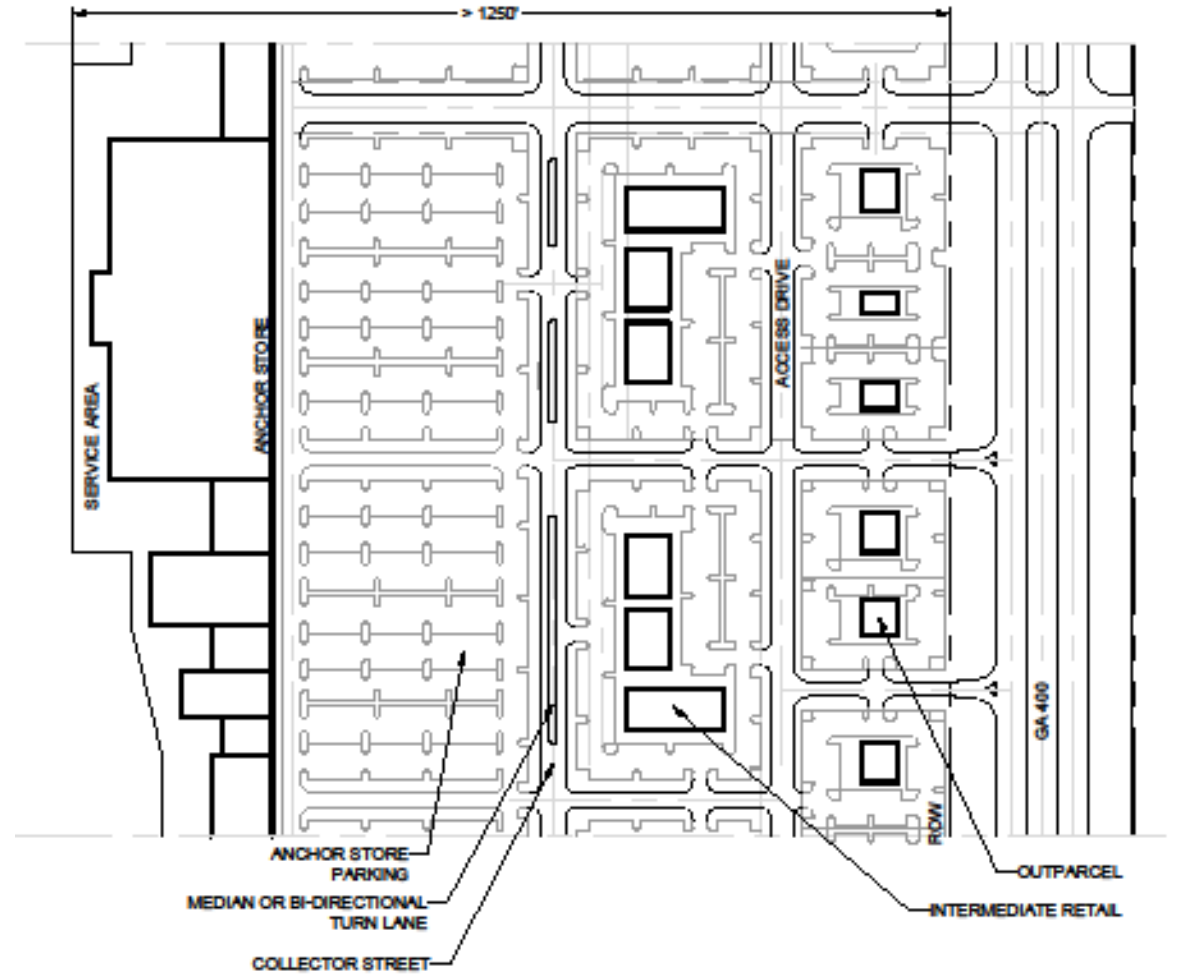
# GA 400 Overlay District

# General Planning Principles for GA 400

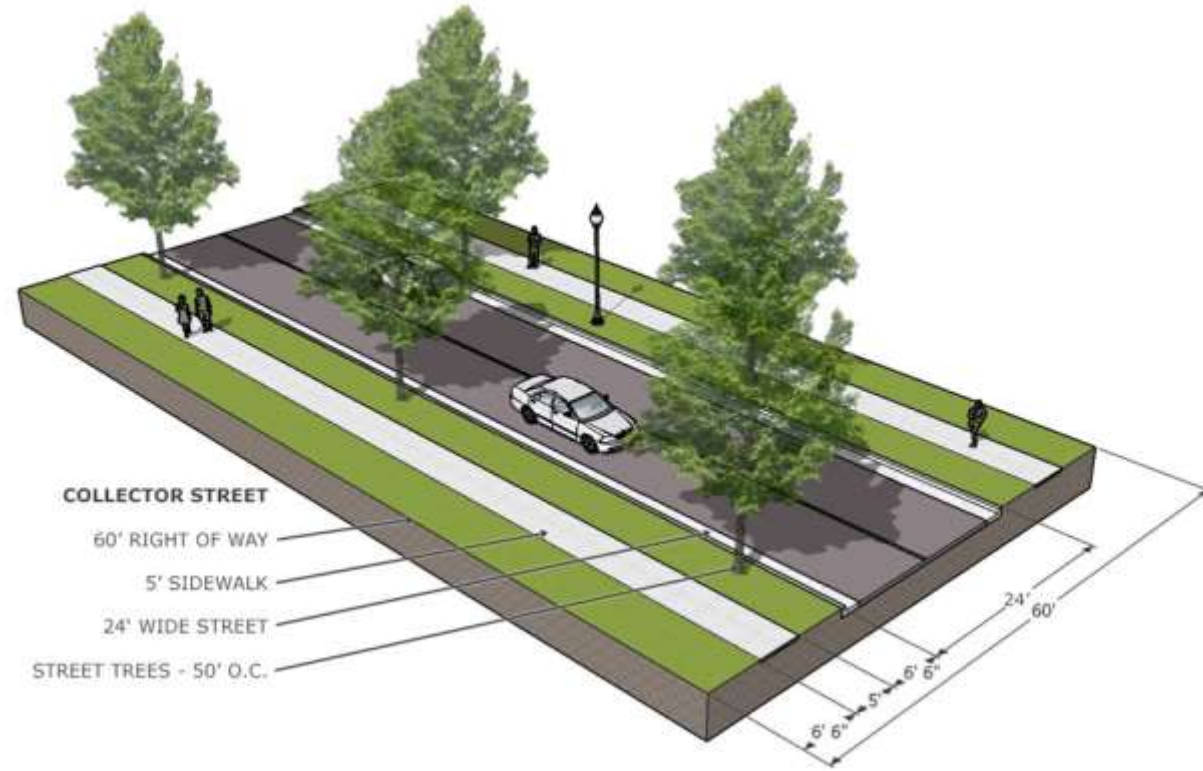
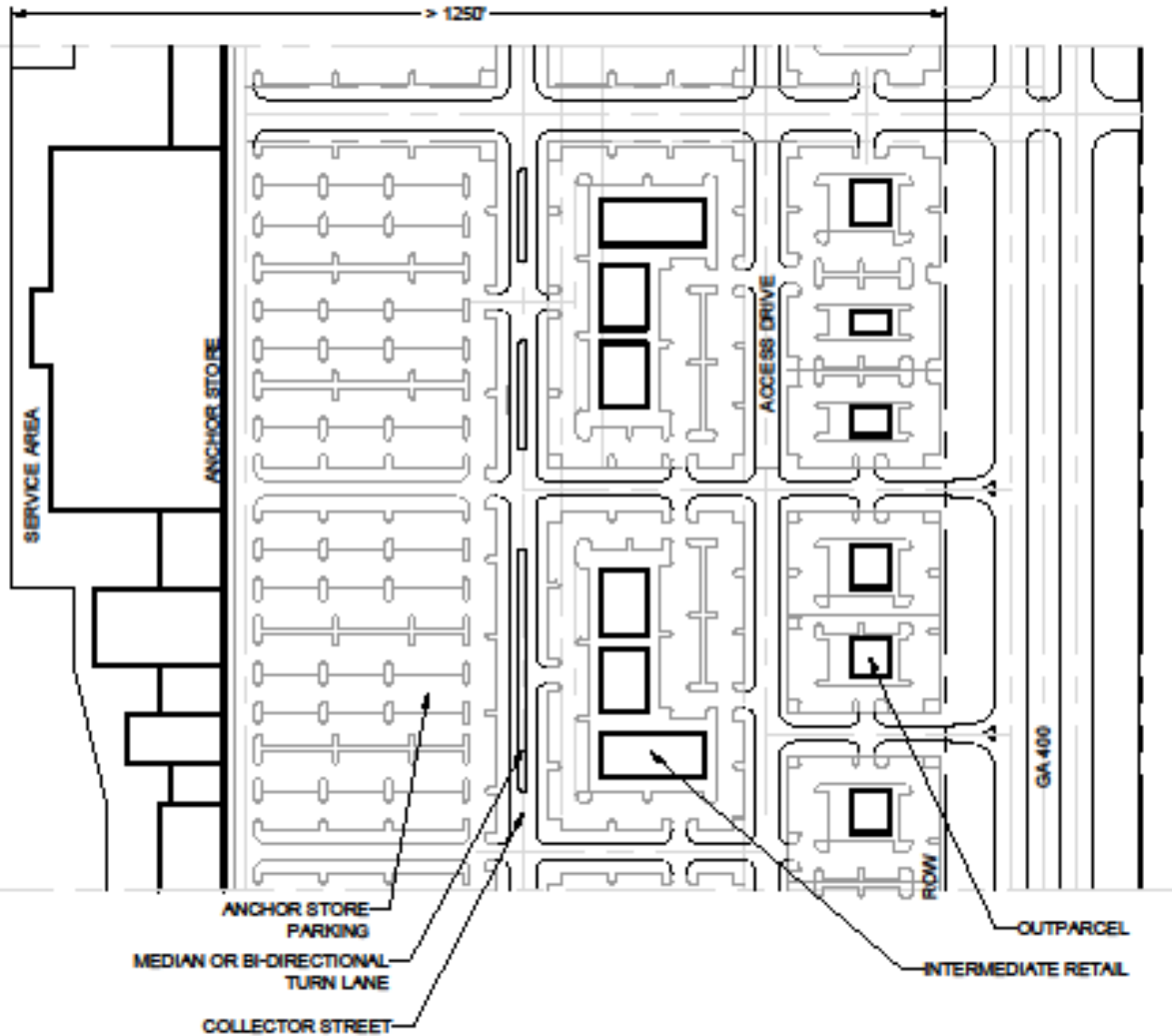
- Buildings and entrances should face GA 400 or internal streets.
- Curb cuts should be limited and access should use side streets.
- Landscape buffers should screen and/or minimize impact of parking, services and storage.
- Grading should be limited.
- Open space and or/green space and connections to greenways are encouraged.
- Public art is encouraged.
- Green building techniques and certifications are encouraged.



# GA 400 Overlay District Streetscape and Site Design



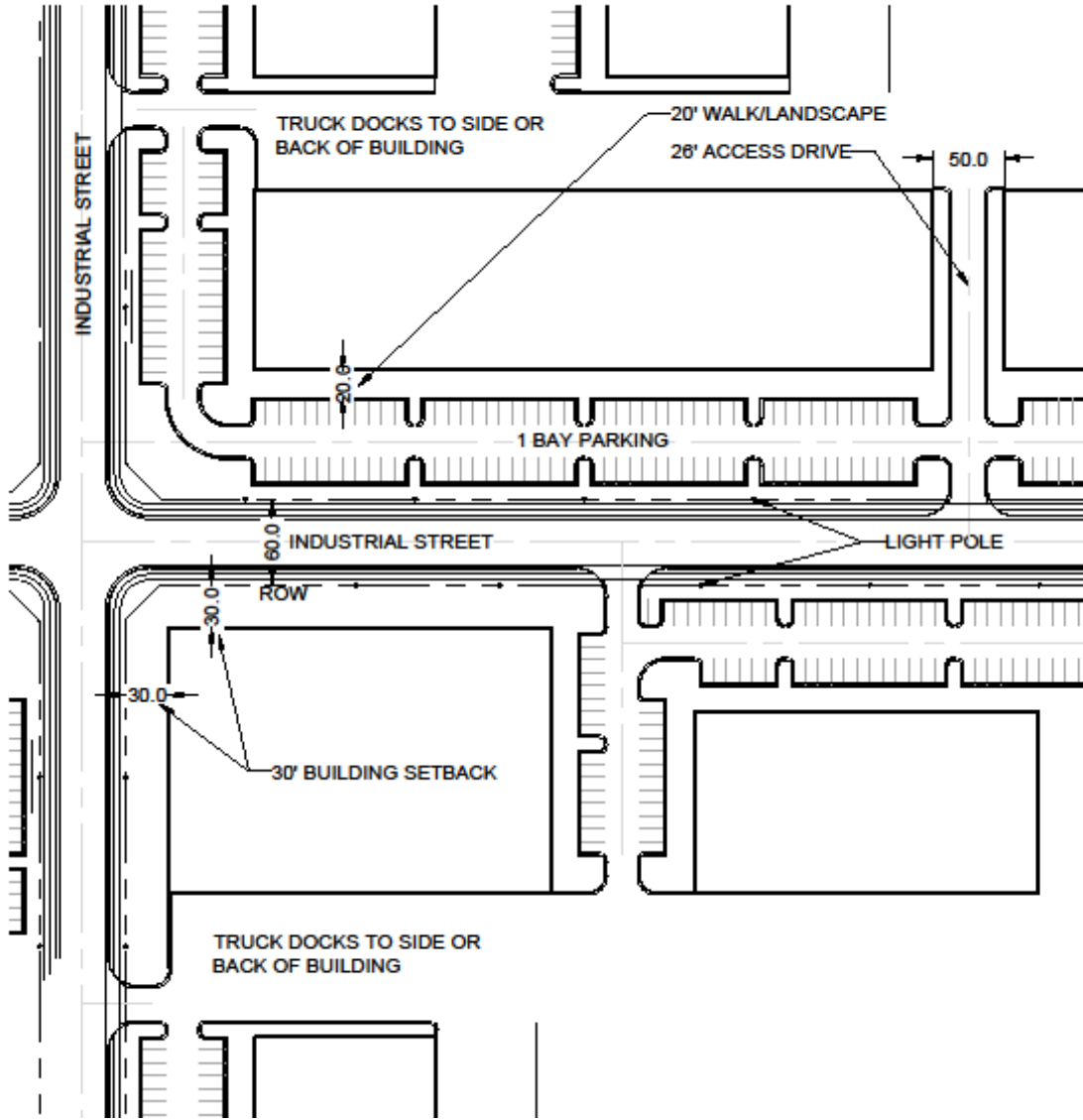
# GA 400 Site Design



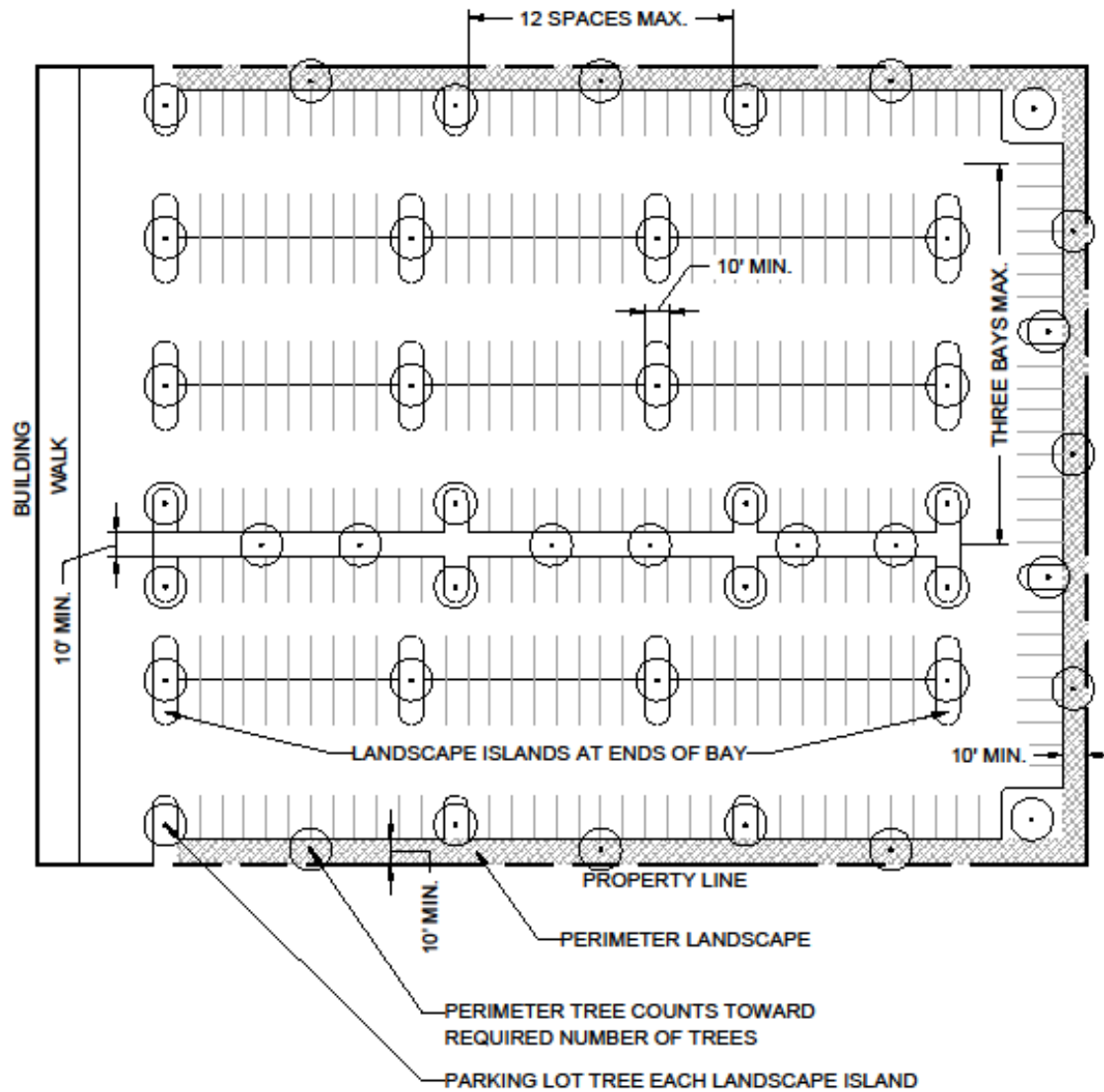
# GA 400 Collector Street



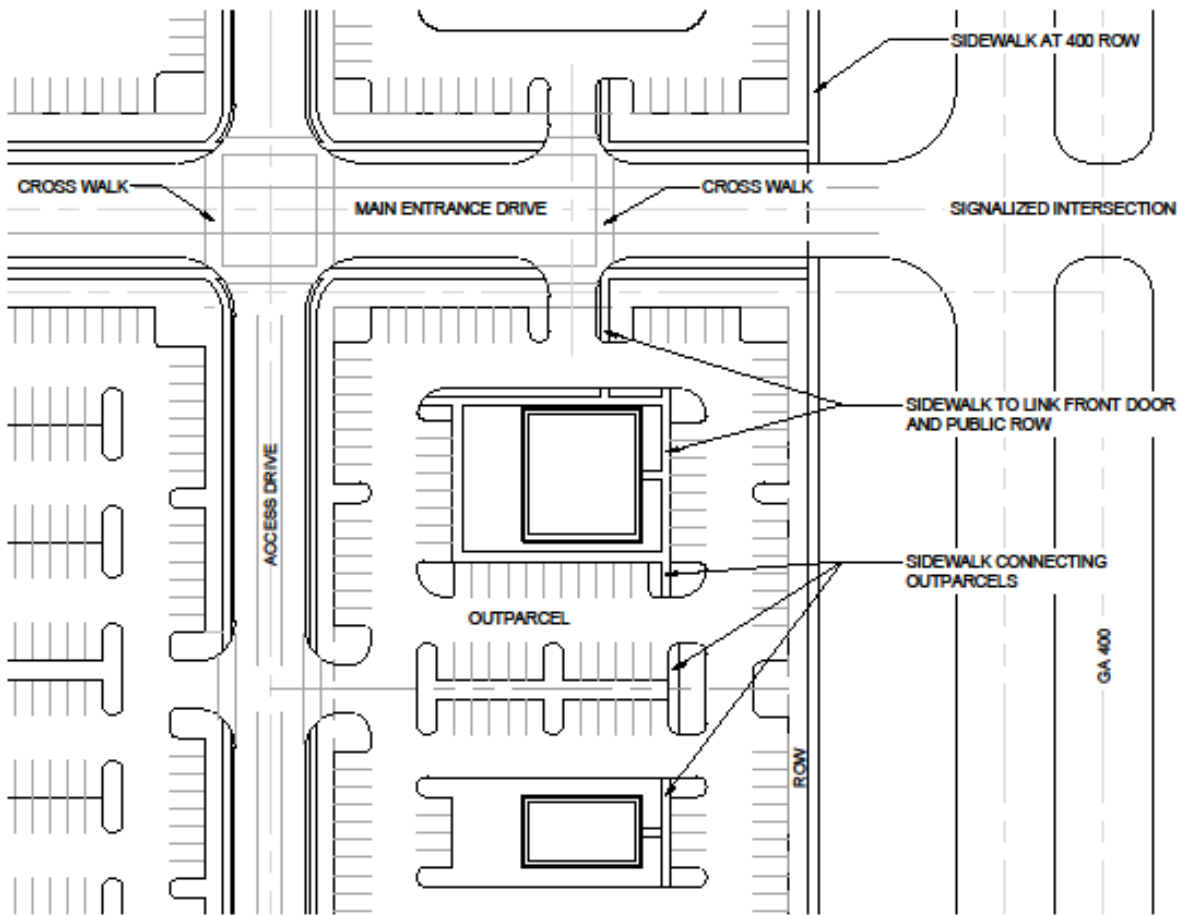




# GA 400 Industrial Street



# GA 400 Parking Lots



# GA 400 Pedestrian Access



# GA 400 Overlay District Signage

All freestanding signs shall be monument style signs, which shall be constructed of the same or architecturally compatible materials with the principal building.



Signs must substantially incorporate one of the following three elements: wood, timber, or brick.



# GA 400 Overlay District Architectural Examples Commercial



All exterior walls visible from the public right-of-way shall utilize wood, brick, stone, faced concrete block, fiber cement or cementitious lap siding or board and batten, stucco as the primary material (minimum 60% of facade). Alternative primary wall materials consistent with the intent shown in the example photographs may be approved by the Planning Director.



Front façade design shall provide varying wall offsets and features to create horizontal (wall) and vertical building articulation. Along with the wall plane requirements, at least one of the following treatments shall be incorporated:

- i. Change in texture or color.
- ii. Change in pattern or material (at inside corners)
- iii. An equivalent element that subdivides the wall into pedestrian scale proportions.





Facades over 60 feet in length must incorporate wall projections or recesses a minimum of 12 inches in depth. The combined length of said recesses and projections must constitute at least 20 percent of the total facade length.



All buildings should have a minimum of 40% fenestration along their enfronting facades.

Column bases should be faced with brick, stone or stucco that matches or complements the finish of the primary building.



# GA 400 Overlay District Architectural Examples Industrial



The office portion of industrial buildings should be designed with a minimum of 40% of their exterior façade as windows.



The office portion of industrial buildings should be located in the front portion of buildings and should face the public right-of-way.

Tilt/precast concrete and corrugated steel as primary materials are allowed only in industrial developments. These materials may not be visible from the right of way unless fenestration accounts for a minimum of 20% of the façade and accent materials augment the façade.



# GA 400 Overlay District Architectural Examples Multi-Family





Multi-family residential buildings shall utilize a mixture of materials including brick, stone, cementitious siding or board and batten, stucco. Use of materials should vary and not exceed 60 percent of any one type per building side to provide visual interest.



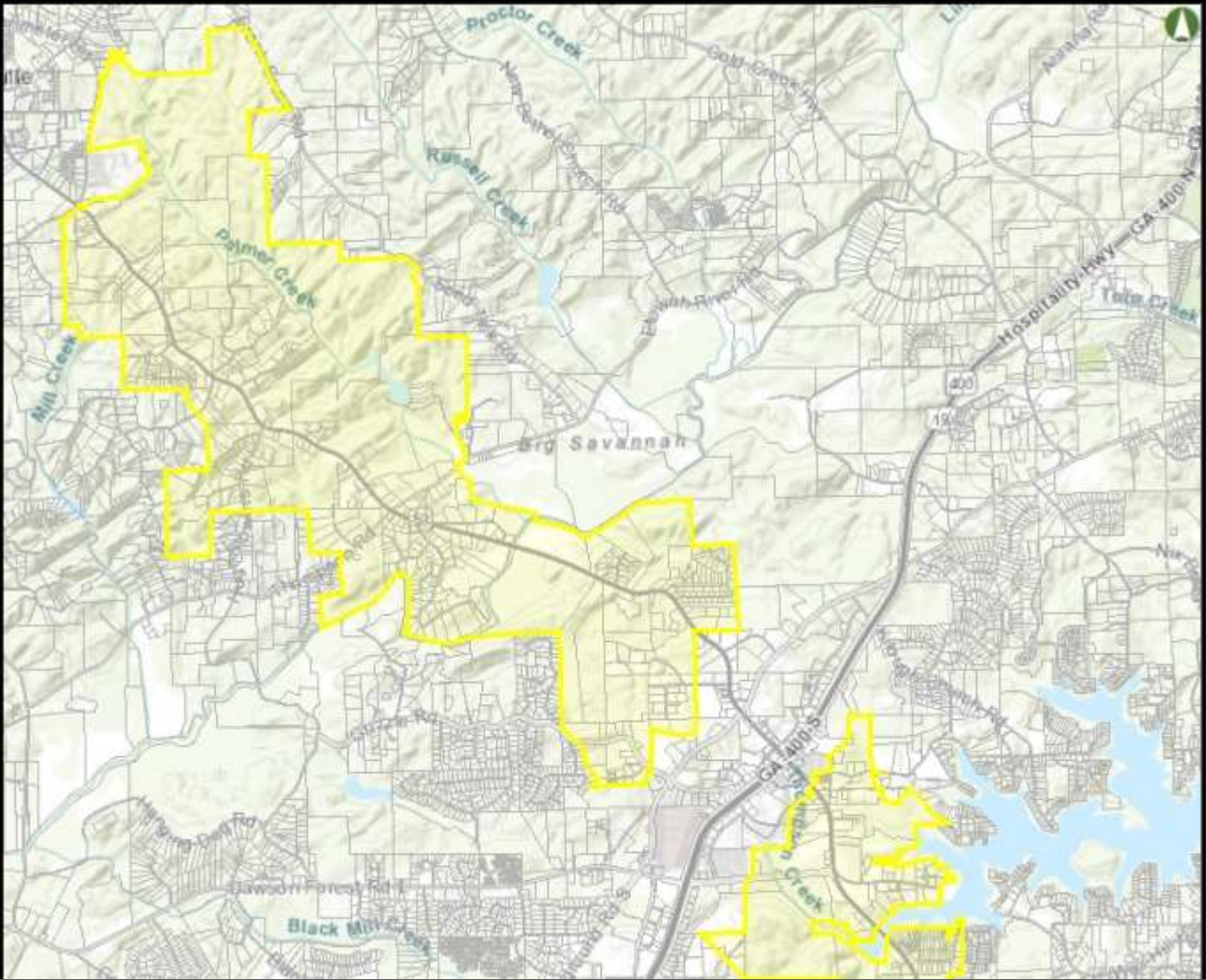
# SR 53 Overlay District

# General Planning Principles for SR 53

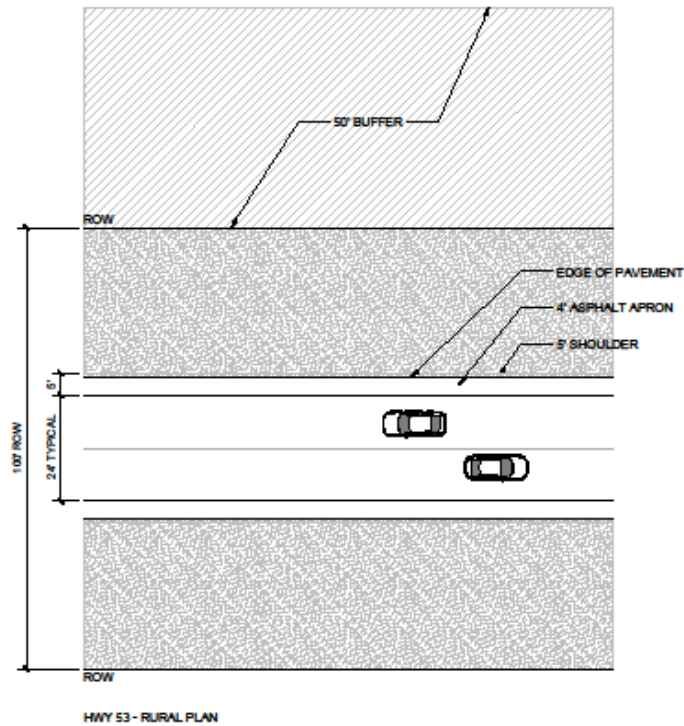
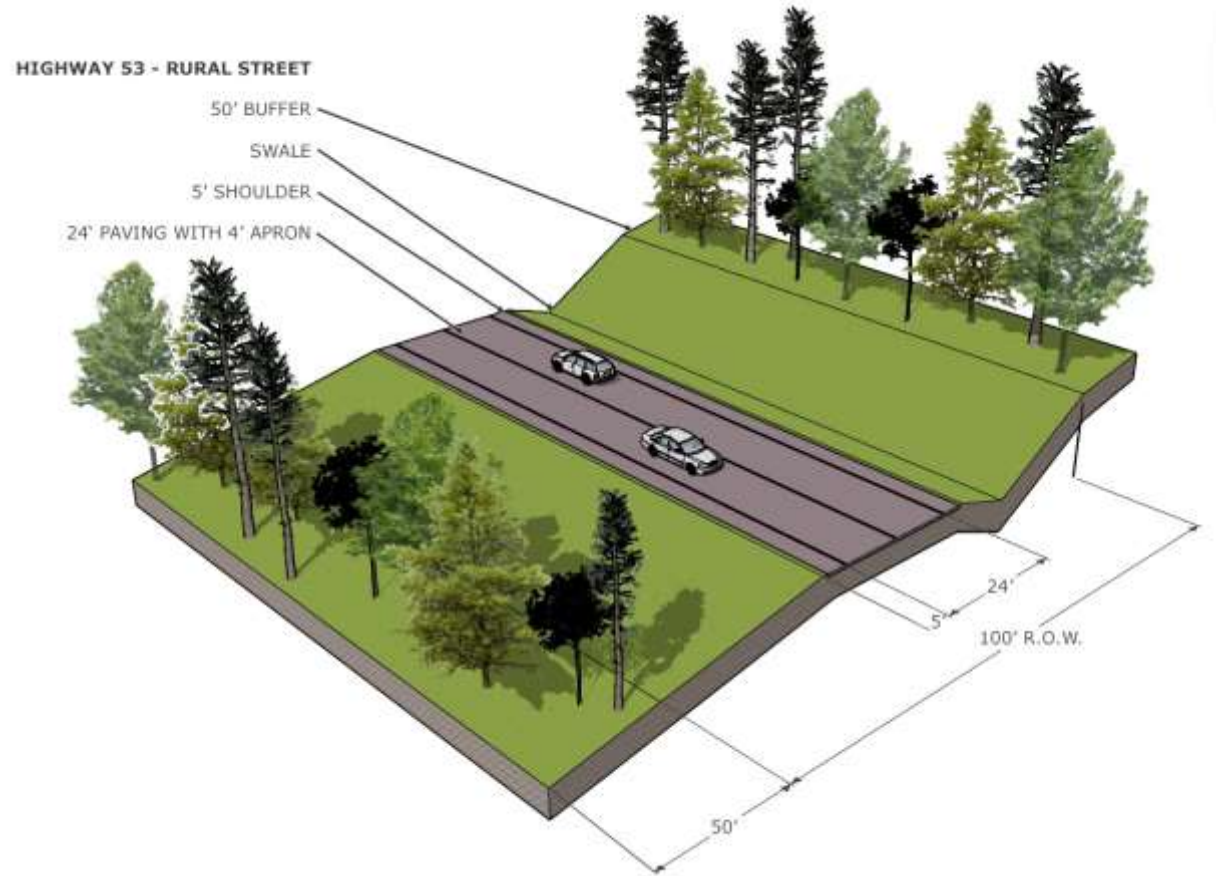
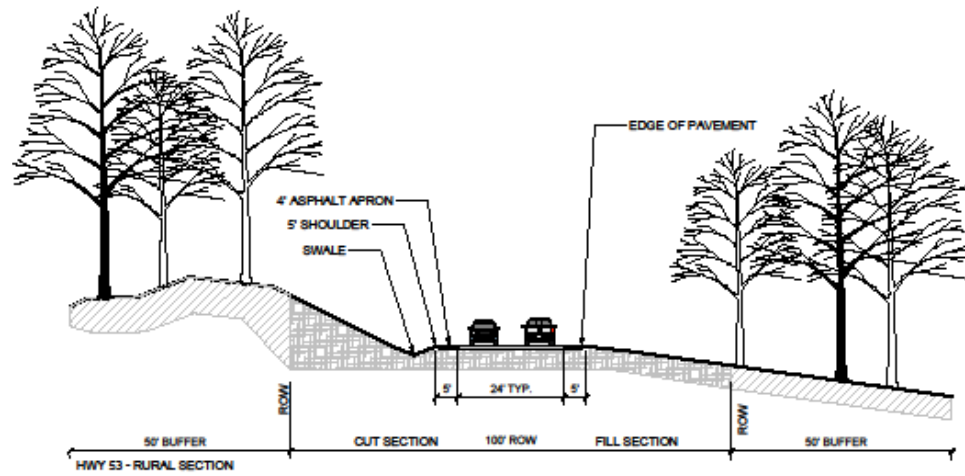
- Commercial buildings and entrances should face SR53.
- Residential developments and industrial development shall face internal streets.
- Buildings should be located closer to front setback to encourage visual interest
- Curb cuts should be limited and access should use side streets.
- Landscape buffers should screen and/or minimize impact of parking, services and storage.
- Grading should be limited.
- Open space and or/green space and connections to greenways are encouraged.
- Public art is encouraged.
- Green building techniques and certifications are encouraged.



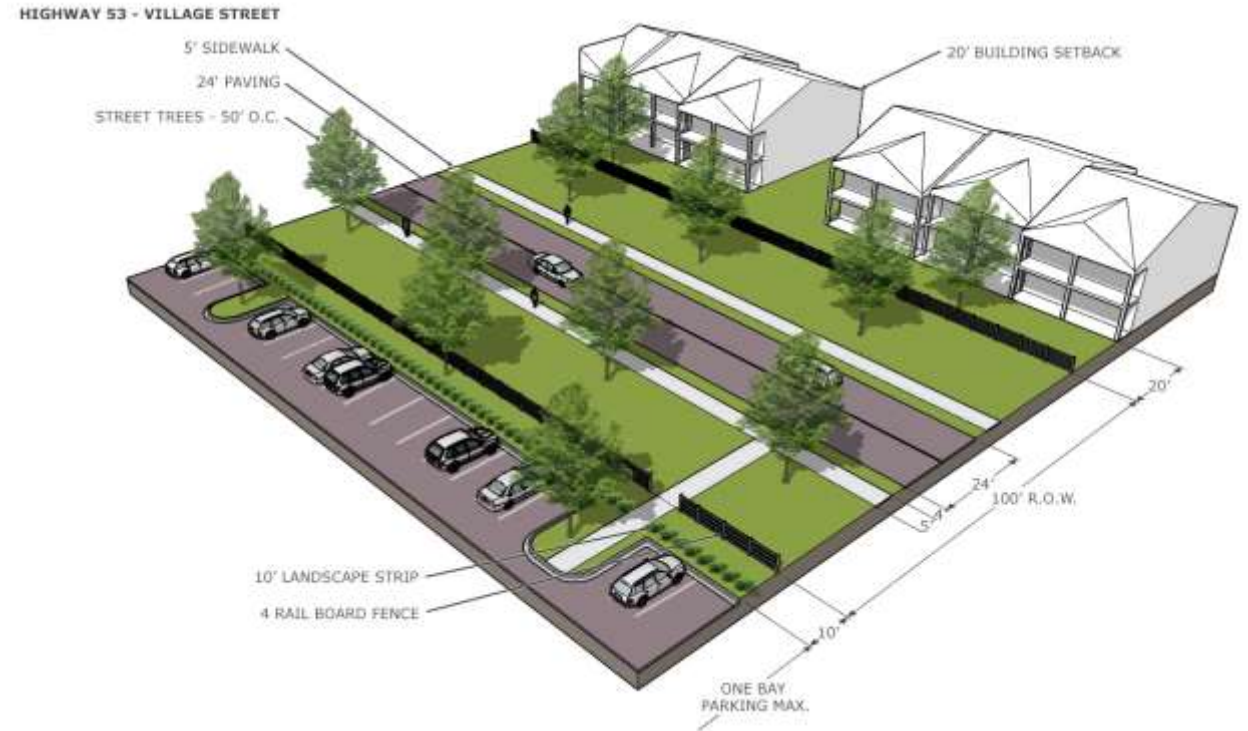
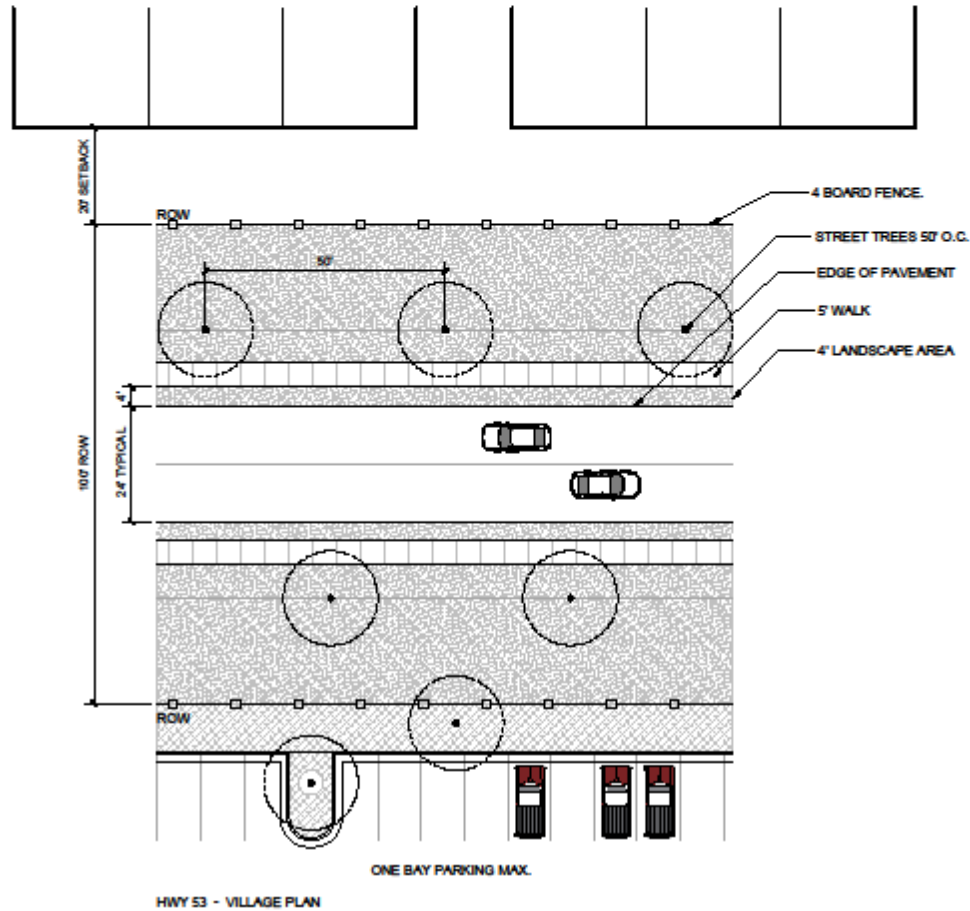
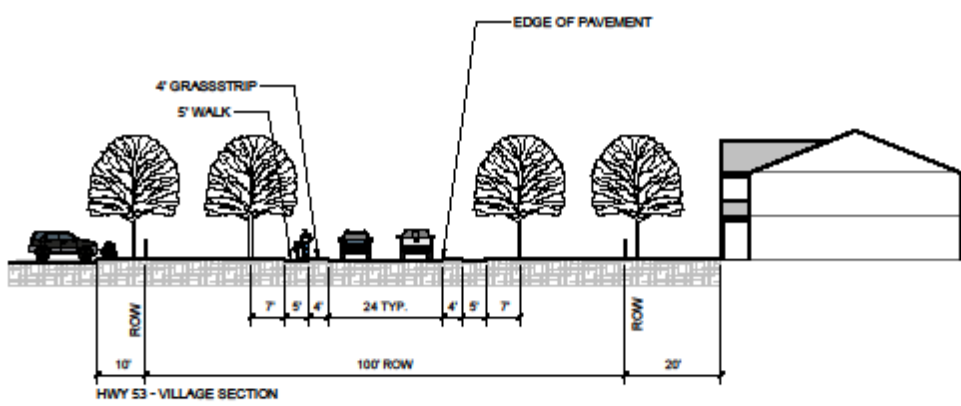
# Proposed SR53 Overlay District Boundary



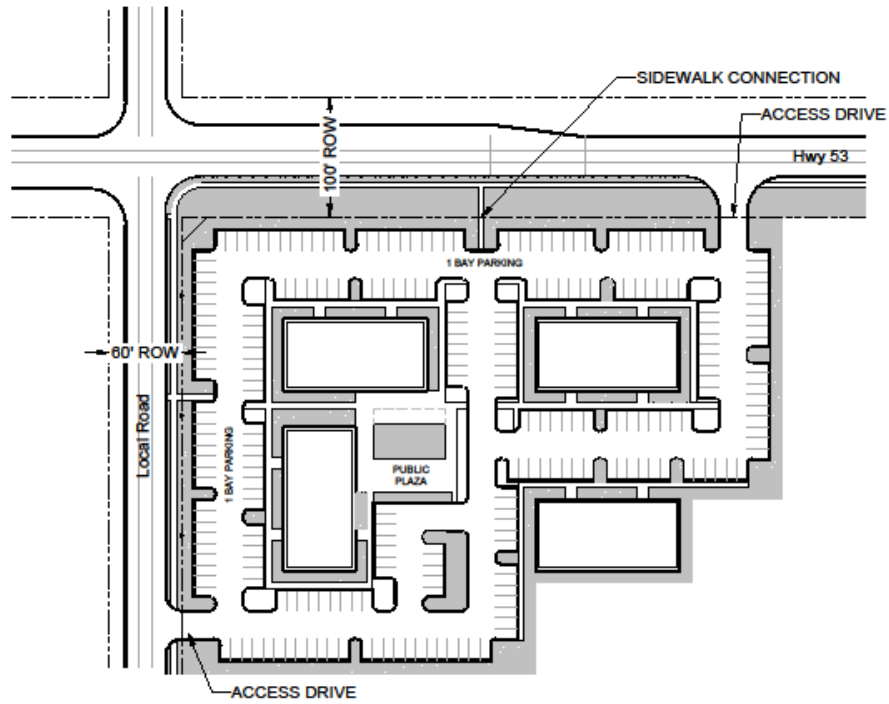
# SR 53 Overlay District Streetscape and Site Design



# SR 53 Rural Section



# SR 53 Village Section



# SR 53 Retail Center

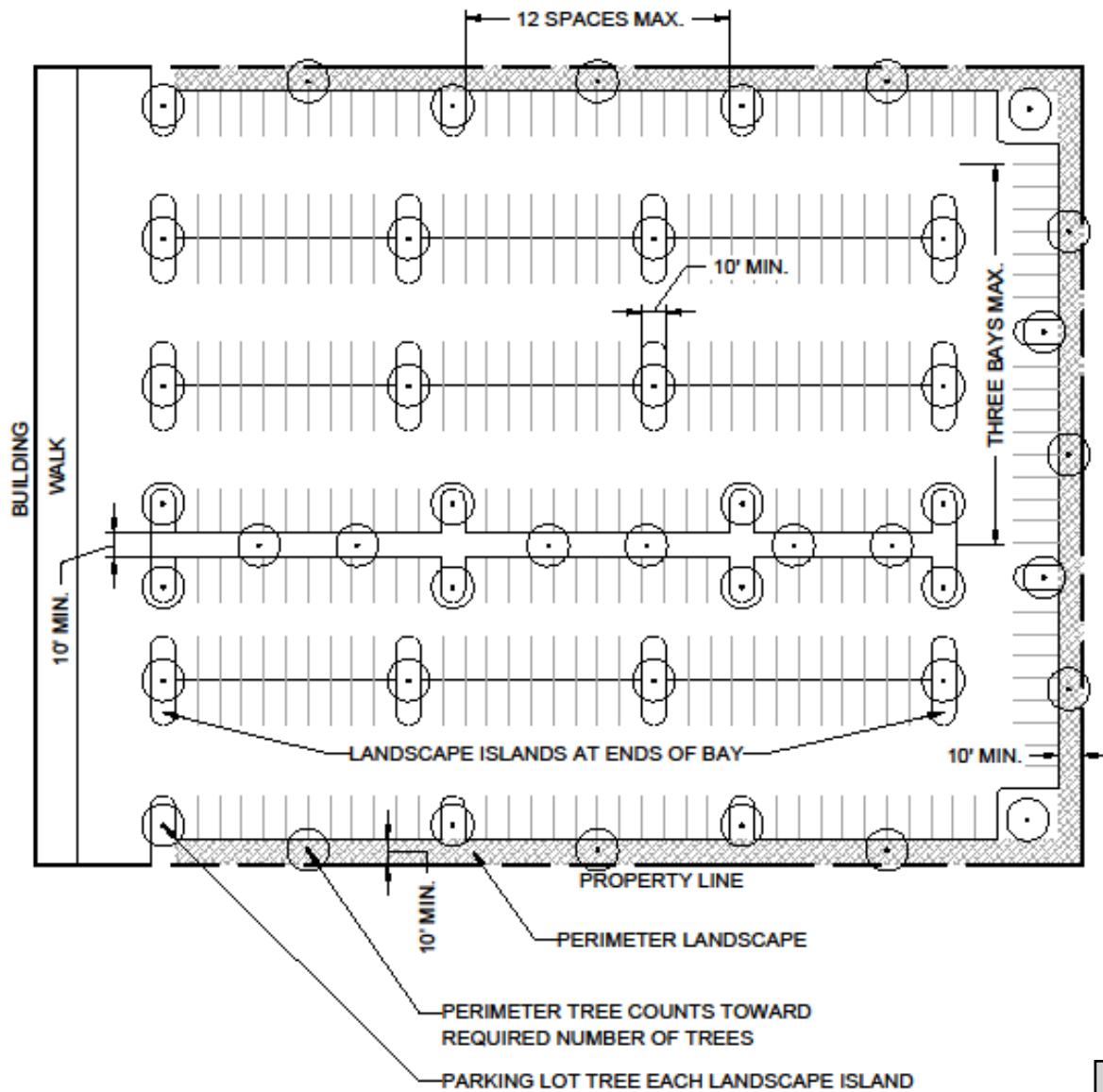






Board style fences shall consist of a minimum 1-inch thick, four-inch wide fence board affixed to four-inch posts spaced a maximum of ten feet apart. The board fences shall be a minimum of four feet and a maximum of six feet in height. Natural stone or brick masonry columns may be used in the fence design.





# SR 53 Parking Lots

Pedestrian access via sidewalks or multi use pathways should be provided along SR 53 and all streets.







Public space that offers a level of amenity high enough to attract day and nighttime use by customers and from the surrounding community as a local destination.



Shopping centers contiguous public gathering space is a minimum square footage of 3% of the building footprint or 13 square feet per parking space.





# SR 53 Overlay District Commercial Buildings





Facades should incorporate wall projections or recesses a minimum of 12 inches in depth. The combined length of said recesses and projections must constitute at least 20 percent of the total facade length.



Front façade design should provide varying wall offsets and features to create horizontal (wall) and vertical building articulation. At least one of the following treatments should be incorporated:

- (a) Change in texture or color.
- (b) Change in pattern or material
- (c) An equivalent element that subdivides the wall into pedestrian scale proportions.

Rooflines should vary reflecting changes in façade.



SR 53 is intended to reflect a village setting leading from the more intense highway commercial to Dawsonville to the northwest and to Hall County to the southeast.

Smaller buildings should be clustered to convey a village feel at a pedestrian scale.





The principal entry area of a building, or if in a shopping center the largest tenant or a central location of a group of buildings, should be articulated and should express greater architectural detail than other portions of the building.

For commercial/retail buildings greater than 60 feet in width, variations in facade, roofline and depth should be provided to lend the appearance of multi-tenant occupancy.



# SR 53 Overlay District Industrial



The office portion of industrial buildings should be located in the front portion of buildings, facing the public right-of-way.



# SR 53 Overlay District Higher Density Residential



# SR 53 Overlay District Signage





Signs must substantially incorporate one of the following three elements: wood, timber, or brick.



# Thank you!

Contact:

Lynn Patterson

[lynn.patterson@threepointsplanning.com](mailto:lynn.patterson@threepointsplanning.com)

(404) 205-0123

# DAWSON COUNTY REZONING APPLICATION

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

ZA 21-14 Tax Map & Parcel # (TMP): 113.044  
Submittal Date: 6-11-21 Time: 11:30  am/pm Received by: Wheeler (staff initials)  
Fees Assessed: \$3500 Paid: Checa Commission District: 3  
Planning Commission Meeting Date: July  
Board of Commissioners Meeting Date: August

## APPLICANT INFORMATION (or Authorized Representative)

Printed Name: Jim King  
Address: [REDACTED]

Phone:  Listed [REDACTED]  Unlisted [REDACTED] Email:  Business [REDACTED]  Personal [REDACTED]

Status:  Owner  Authorized Agent  Lessee  Option to purchase

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

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

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

Meeting Date: 6/10/2021 Applicant Signature: [Signature]

## PROPERTY OWNER/PROPERTY INFORMATION

Name: Dawson Land Partners, LLC

Street Address of Property being rezoned: Lumpkin Campground Rd

Rezoning from: C-HB to: C-IR Total acreage being rezoned: 9.15

Directions to Property (if no address): Ga 400 North to SR 53 west, North on Lumpkin Campground Rd,

Property is a half-mile on the right (just before the graded site under construction)

2021 JUN 11 11:30 AM

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

Current Use of Property: Vacant

Any prior rezoning requests for property? yes if yes, please provide rezoning case #: ZA 06-21

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

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

If yes, what section? North \_\_\_\_\_ South

**SURROUNDING PROPERTY ZONING CLASSIFICATION:**

North CHB South CHB East RMF West AG

Future Land Use Map Designation: Business Park

Access to the development will be provided from:

Road Name: Lumpkin Campground Rd Type of Surface: Asphalt

**REQUESTED ACTION & DETAILS OF PROPOSED USE**

Rezoning to: C-IR [ ] Special Use Permit for: \_\_\_\_\_

Proposed Use: Warehouse and Office Warehouse

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: Approx 70,000 SF No. of Parking Spaces: 35

UNSCANNED

## APPLICANT CERTIFICATION

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

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

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

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

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

Signature \_\_\_\_\_

Date 06/10/2021

Witness *Aura Hester*

Date 06/10/2021

## WITHDRAWAL

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

I hereby withdraw application # \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

### **Withdrawal of Application:**

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

21 JUN 11 11:30 AM

ZA \_\_\_\_\_

TMP#: \_\_\_\_\_

**List of Adjacent Property Owners**

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

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

	<u>Name</u>	<u>Address</u>
TMP <u>113 044 011</u>	1. <b>Magnolia Senior Living at Dawsonville, LLC</b>	<b>89 Ozora Rd, Loganville GA 30052</b>
TMP <u>113 044 001</u>	2. <b>Marjorie Ann Stephens</b>	<b>759 Lumpkin Campground Rd, Dawsonville GA</b>
TMP <u>113 032 001</u>	3. <b>Russ &amp; Felicia Stephens</b>	<b>555 Lumpkin Campground Rd, Dawsonville GA</b>
TMP <u>113 032 003</u>	4. <b>Russ &amp; Felicia Stephens</b>	<b>555 Lumpkin Campground Rd, Dawsonville GA</b>
TMP <u>113 044 013</u>	5. <b>Trinity Presbyterian Church of Dawson Co.</b>	<b>PO Box 1297 Dawsonville GA</b>
TMP <u>113 032</u>	6. <b>NHT Dawson Ridge, LLC</b>	<b>1776 Peachtree St NW, Ste100, Atlanta GA 30309</b>
TMP <u>113 044 014</u>	7. <b>Hiten Patel</b>	<b>3885 Vic Ar Court, Atlanta GA 30360</b>
TMP _____	8.	_____
TMP _____	9.	_____
TMP _____	10.	_____
TMP _____	11.	_____
TMP _____	12.	_____
TMP _____	13.	_____
TMP _____	14.	_____
TMP _____	15.	_____

Use additional sheets if necessary.









**PROPERTY OWNER AUTHORIZATION**

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

113 044

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

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

Printed Name of applicant or agent: Jim King

Signature of applicant or agent: [Signature] Date: 06/11/2021

\*\*\*\*\*

Printed Name of Owner(s): Dawson Land Partners, LLC

Signature of Owner(s): [Signature] Date: 06-11-2021

Mailing address: [Redacted]

City, State, Zip: [Redacted]

Telephone Number: [Redacted]

Listed  
Unlisted

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

[Signature]  
Notary Public

My Commission Expires: 8/30/21



(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.)

## APPLICATION PROCESSING: STAFF USE ONLY

**ZA** \_\_\_\_\_ **Applicant Name:** \_\_\_\_\_

**Application Fee:** \$ \_\_\_\_\_

**IF APPLICABLE:**

- Legal Advertisement Submitted to Newspaper Date: \_\_\_\_\_
- Planning Commission & Board of Commissioners Packets Delivered Date: \_\_\_\_\_
- Application Posted on County Website Date: \_\_\_\_\_
- Adjacent Property Owner Notices Mailed Date: \_\_\_\_\_
- Interdepartmental Forms Submitted for Review Date: \_\_\_\_\_
- Department of Transportation Notified Date: \_\_\_\_\_
- Georgia Mountains Notified (DRI) Date: \_\_\_\_\_
- Public Notice Signs on Property Verified Date: \_\_\_\_\_
- Approval or Denial Form placed in folder Date: \_\_\_\_\_
- Applicant Notified of Final Action Date: \_\_\_\_\_
- Approval or Denial Form to Office Manager/Building Official/Marshal Date: \_\_\_\_\_
- Rezoning Change Form to Director Date: \_\_\_\_\_
- Zoning Map Amended Date: \_\_\_\_\_
- Change Zoning in EnerGov by Parcel Date: \_\_\_\_\_
- Planning Commission Meeting Minutes placed in folder Date: \_\_\_\_\_
- Board of Commission Meeting Minutes placed in folder Date: \_\_\_\_\_

### **Planning Commission & Board of Commissioners Actions**

PC Recommendation Date: \_\_\_\_\_

Approval  Approval w/stipulations  Denial

BOC Decision Date: \_\_\_\_\_

Approval  Approval w/stipulations  Denial

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**Dawson County, Georgia Board of Commissioners**

**Affidavit for Issuance of a Public Benefit**

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

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

X

I am a United States citizen.

\_\_\_\_\_

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

\_\_\_\_\_

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

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

\_\_\_\_\_

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

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

\_\_\_\_\_

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

Executed in Dawsonville (city), Georgia (state)

[Signature]  
Signature of Applicant

06/11/2021  
Date

Jim King  
Printed Name

Ensite Civil Consulting, LLC  
Name of Business

SUBSCRIBED AND SWORN BEFORE ME ON

THIS 11 DAY OF June, 2021

[Signature] Notary Public

My Commission Expires: 8/30/21



21 JUN 11 2021





# APPROVAL

## PUBLIC HEARING OF VARIANCE REQUEST

We, the Dawson County Planning Commission, do hereby **APPROVE** the following request:

VR #: 16-02 DATE OF HEARING: 2/16/16

Applicant's Name: Corey Guthrie on behalf of Dawson Land Partners

Address: Lumpkin Campground Road

Tax Map Parcel & Parcel Number: 113-044 Parcel Zoned: C-HB

Variance Request For: a 0'buffer and 25' side building setback along the west property line and a 0' buffer and 25' buffer as shown on site plan submitted dated 1/8/2016.

(Article IV, Section 121-99.1, Land Use Resolution and Georgia 400 Corridor Guidelines, Division 6 Section 117-207).

This **APPROVAL** is based upon the following which we feel will/will not:

- A. Affect the property values of surrounding property.
- B. Affect the health, safety or general welfare of the public.
- C. Impose any special hardships on the surrounding property owners.
- D. The subject property is suited for the proposed land use.

This **APPROVAL** is, however, subject to the following stipulations and/or modifications:

  
Chairman Dick Bergen  
Dawson County Planning Commissioner

2/16/16  
Date

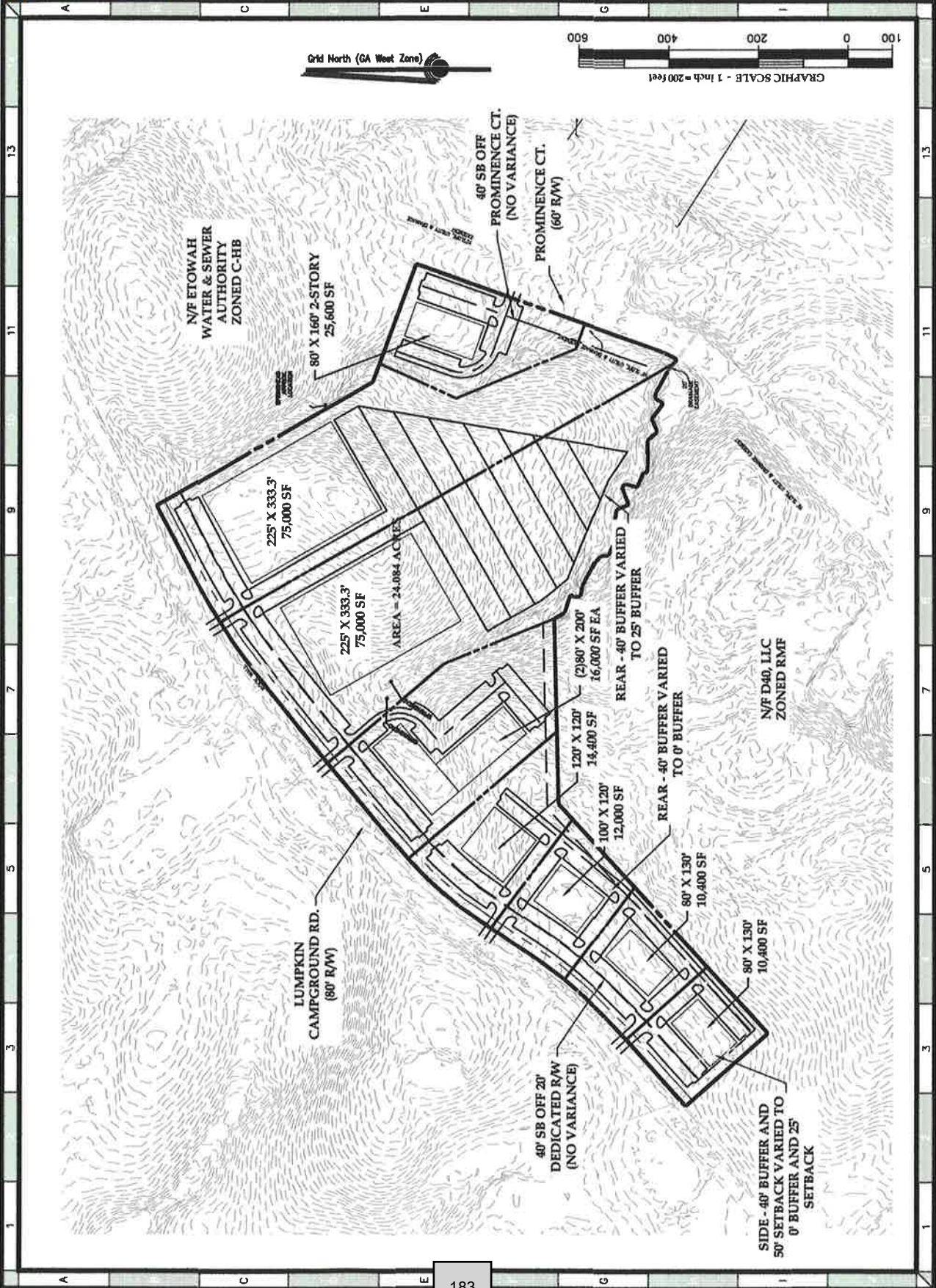
**ENSITE**  
 CIVIL CONSULTING, LLC  
 3384 Elliott Family Parkway  
 Dawsonville, GA 30534  
 Mobile: 678-776-6023  
 Contact: Corey Guiberte, PE, CFM  
 Email: Corey.Guiberte@gmail.com

**PROJECT:**  
 LUMPKIN CAMPGROUND  
 TRACT (ZONED C-HB)  
 LOCATED IN:  
 DAWSON COUNTY, GEORGIA  
 LAND LOTS 196, 197, 221, & 222 S 1/2 13TH DISTRICT  
 PARCEL 113 044

**SHEET TITLE:**  
 SITE PLAN

NO.	DESCRIPTION	DATE

**SHEET:**  
 C1.00





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

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

Trans No	Property ID / District Description	Original Due	Interest & Penalty	Amount Due	Amount Paid	Transaction Balance
2020 - 3830	113 044 / 1 LL 198-198 221 222 LD 13-S FMV: 458000	\$4335.07	\$0.00 Fees: \$0.00 \$0.00	\$0.00	\$4335.07	\$0.00
<b>Totals:</b>		<b>\$4335.07</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$4335.07</b>	<b>\$0.00</b>

**Paid Date: 11/30/2020**

**Charge Amount: \$4335.07**

DAWSON LAND PARTNERS LLC



Scan this code with your mobile phone to view this bill

11/30/2020 11:56:33 PM



## LETTER OF INTENT

The applicant requests a Rezoning for Parcel Number: 113 044 to Commercial Industrial Restricted- C-IR, in order to develop warehouse and office-warehouse on 9.15 acres approximately one-half mile north of SR 53 on Lumpkin Campground Rd. The property is currently zoned C-HB (Commercial Highway Business) which prior to 2020 allowed this type development. The County's amendment to the Commercial Ordinances, removed this use and transferred it to the newly established C-IR ordinance. It is bordered on the north and west by other Commercial Properties and to the east by RMF (Residential Multi-Family). The property is designated as Commercial-Business on the Future Land Use Plan and the proposed development is in complete conformance with this use. As stated, the County-initiated zoning ordinance revisions adversely affected the existing usability of this property by removing the land use that was planned and originally permitted for this property. According to the Steinberg Act, these property rights should be reinstated.

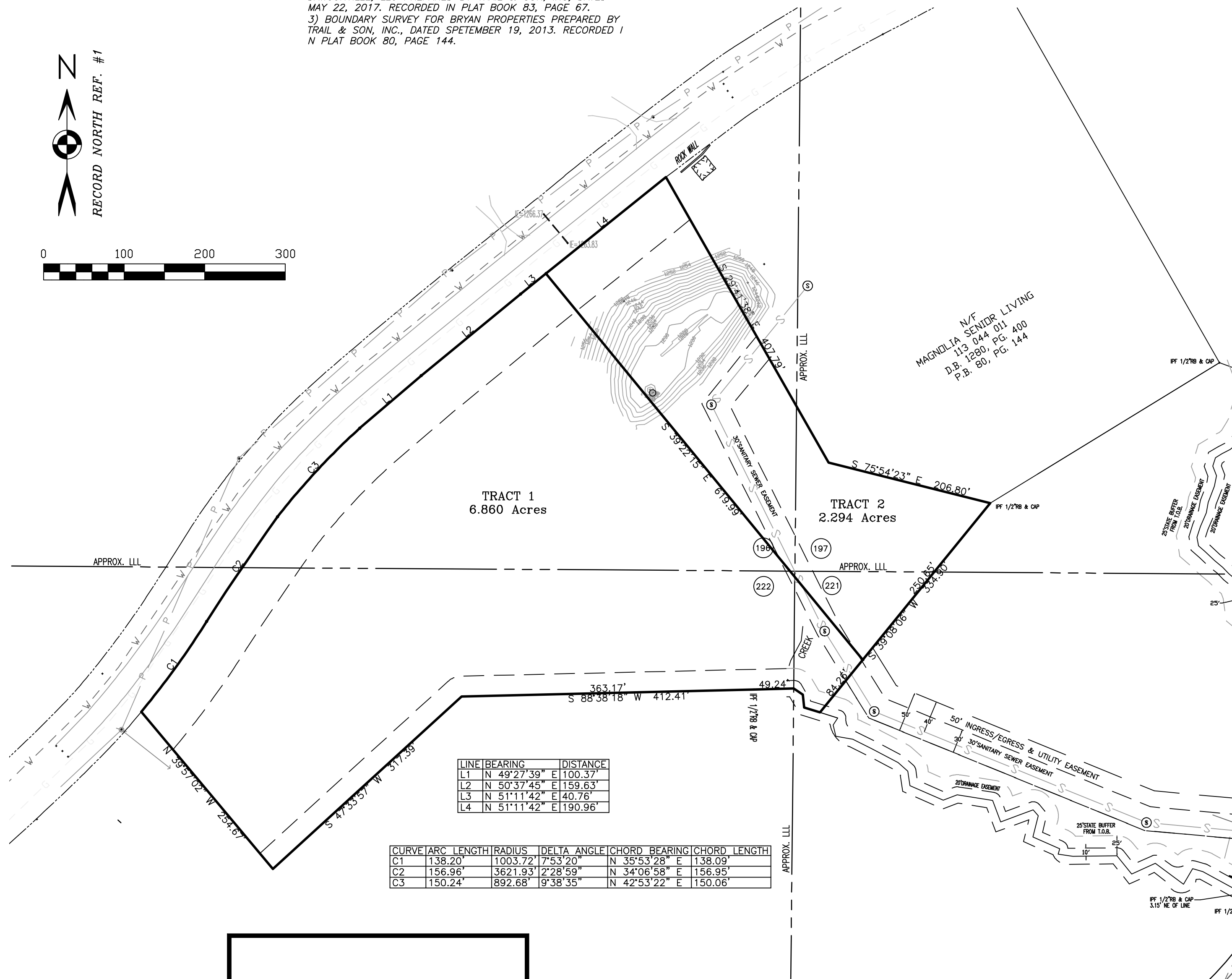
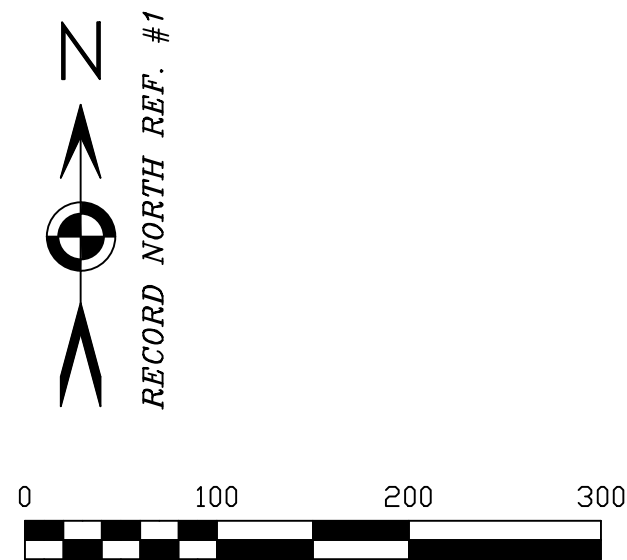
In addition to the Rezoning Request, the applicant also request relief from the front setback and the minimum parking requirements. The applicant is being required to dedicate (at no cost) 20 feet of additional right-of-way along the entire frontage of their property. In light of this requirement, the applicant request a variance in the front setback to a total of 40 feet from the existing right-of-way instead of the proposed right-of-way.

The proposed end-user for this development does not generate public traffic, only employees. For this reason, we request a variance from the minimum parking requirement to 1 space per 2,000 sq feet in lieu of the required 1 space per 500 sq feet.

The proposed development will add to the County's tax base, as well as, generate jobs and a significant increase to the sales tax revenue.

**REFERENCES:**

- 1) BOUNDARY SURVEY FOR GATOR PROPERTIES, LLC PREPARED BY LAND DEVELOPMENT PROFESSIONALS, DATED FEBRUARY 9, 2018. RECORDED IN PLAT BOOK 83, PAGE 204.
- 2) BOUNDARY SURVEY FOR MAGNOLIA SENIOR LIVING AT DAWSONVILLE, LLC PREPARED BY TRAIL & SON, INC, DATED MAY 22, 2017. RECORDED IN PLAT BOOK 83, PAGE 67.
- 3) BOUNDARY SURVEY FOR BRYAN PROPERTIES PREPARED BY TRAIL & SON, INC., DATED SEPTEMBER 19, 2013. RECORDED IN PLAT BOOK 80, PAGE 144.



LINE	BEARING	DISTANCE
L1	N 49°27'39" E	100.37'
L2	N 50°37'45" E	159.63'
L3	N 51°11'42" E	40.76'
L4	N 51°11'42" E	190.96'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	138.20'	1003.72'	7°53'20"	N 35°53'28" E	138.09'
C2	156.96'	3621.93'	2°28'59"	N 34°06'58" E	156.95'
C3	150.24'	892.68'	9°38'35"	N 42°53'22" E	150.06'

**SURVEY NOTES:**

THIS PLAT HAS BEEN PREPARED FOR THE EXCLUSIVE USE AND PURPOSE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON, SAID CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS RECERTIFICATION BY THE SURVEYOR.

THIS SURVEY IS SUBJECT TO ANY AND ALL EASEMENTS, R/W's, ETC., OF RECORD OR NOT OF RECORD, ABOVE OR BELOW GROUND. ALL MATTERS OF TITLE ARE EXCEPTED.

THE PUBLIC RECORDS REFERENCED HEREON REFLECT ONLY THOSE RECORDS NECESSARY TO ESTABLISH THE BOUNDARIES SHOWN HEREON, AND REFERENCE TO THE SAME DOES NOT AND IS NOT INTENDED TO CONSTITUTE A TITLE SEARCH OR TITLE OPINION.

ACCORDING TO FIRM MAP NO. 13085C 0225B, DATED 09/26/2008, THIS PROPERTY IS NOT LOCATED A FLOOD HAZARD AREA.

MAP PARCEL #113 044

ZONING: CHB

**SETBACKS**

FRONT: 186  
 SIDE:  
 REAR:

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF 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. AUTHORITY O.C.G.A. SECS. 15-6-67, 43-15-4, 43-15-6, 43-15-19, 43-15-22.

THE FIELD DATA ON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 29,855 FEET AND AN ANGULAR ERROR OF .02 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 1,000,000± FEET.

TYPE OF EQUIPMENT: LEICA TS12 ROBOTIC

**LEGEND**

- 25'U/B → 25'UNDISTURBED BUFFER
- CB → CATCHBASIN
- HW → HEADWALL
- SSE → SANITARY SEWER EASEMENT
- DE → DRAINAGE EASEMENT
- → SEWER CLEANOUT
- BSL → BUILDING SETBACK LINE
- RCP → REINFORCED CONCRETE PIPE
- DB/pg → DEED BOOK & PAGE
- PB/pg → PLAT BOOK & PAGE
- N/F → NOW OR FORMERLY
- P/L → PROPERTY LINE
- DI → DRAIN INLET
- E → ELECTRIC TRANSFORMER
- OMP → CORRUGATED METAL PIPE
- SM → SANITARY SEWER MANHOLE
- WV → WATER VALVE
- R/W → RIGHT OF WAY

NO SIDE OR REAR SETBACK MAY BE REQUIRED WHEN THE ADJACENT PROPERTY IS COMMERCIAL AND THERE IS NO FIRE HAZARD CREATED BY LACK OF SETBACK. REAR SETBACK WHEN ABUTTING A RESIDENTIAL DISTRICT IS 50 FEET. WHERE THE COMMERCIAL DISTRICT ABUTS A RESIDENTIAL DISTRICT, AN ADDITIONAL 10 FEET SETBACK MAY BE REQUIRED IN ORDER TO PROVIDE A 10 FOOT WIDE SCREEN OR BUFFER AT THE DISCRETION OF THE PLANNING COMMISSION OR BOARD OF COMMISSIONERS TO REDUCE OR ELIMINATE NOISE FACTORS, VISUAL EFFECTS OR THE POSSIBILITY OF NOXIOUS ODORS THAT MAY NEGATIVELY IMPACT THE ADJACENT RESIDENTIAL AREA. DAWSON COUNTY LAND DEVELOPMENT ORDINANCES CHAPTER 121-ARTICLE IV-SEC. 121-102.

SUBMISSION PLAT FOR:

**DAWSON LAND PARTNERS**

STATE	GEORGIA	JOB #	18039	FIELD DATE:	JULY 18, 2018
COUNTY	DAWSON	SCALE	1" = 100'	LAND LOT	196, 197, 221 & 222
		LAND LOT	196, 197, 221 & 222	DIST	S.1/2-13th
				SECT.	
				PLAT DATE:	AUGUST 9, 2018

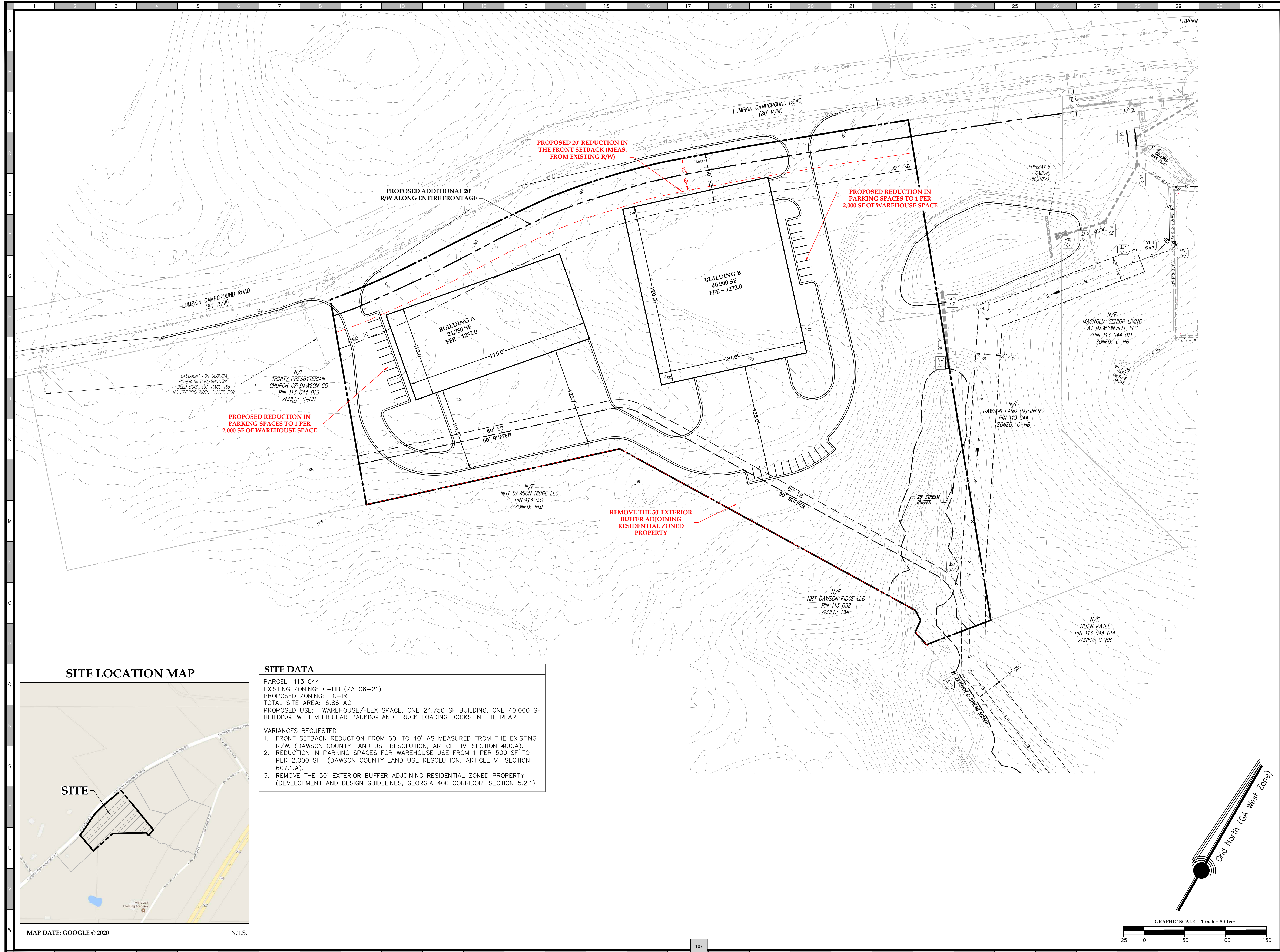
Surveyed by:

**ROBBIE HENDERSON**  
 Surveying & Planning

3040 PILGRIM MILL ROAD  
 CUMMING, GA 30041  
 PH: 706-654-2015  
 COA LSF #001242

Thou shall not remove thy neighbor's landmark, which they of old time have set in thine inheritance, which thou shall inherit in the land that the Lord thy God giveth thee to possess it.

Deuteronomy 19:14



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**ENSITE**  
CIVIL CONSULTING, LLC  
131 Prominence Court, Suite 230  
Dawsonville, GA 30534  
Mobile: 770-597-8813  
Contact: Corey Gutherie, PE, CFM  
Email: Corey.Gutherie@ensiteconsulting.com

**OWNER/DEVELOPER:**  
**MIKE HAMMERSMITH**

2005 MARIETTA RD.  
ATLANTA, GA 30318  
PHONE: (770) 338-0493

**24-HOUR CONTACT:**  
**MIKE HAMMERSMITH**

**PROJECT:**  
**LUMPKIN CAMPGROUND WREHOUSES**

**LOCATED IN:**  
LAND LOTS 196 & 197  
13th DISTRICT, South SECTION  
DAWSON COUNTY, GEORGIA

**SHEET TITLE:**  
**CONCEPT PLAN**

**GEORGIA811**  
Utilities Protection Center, Inc.  
1-800-232-7411  
Know what's below.  
Call before you dig.

**STAMP:**  
**FOR REVIEW ONLY**

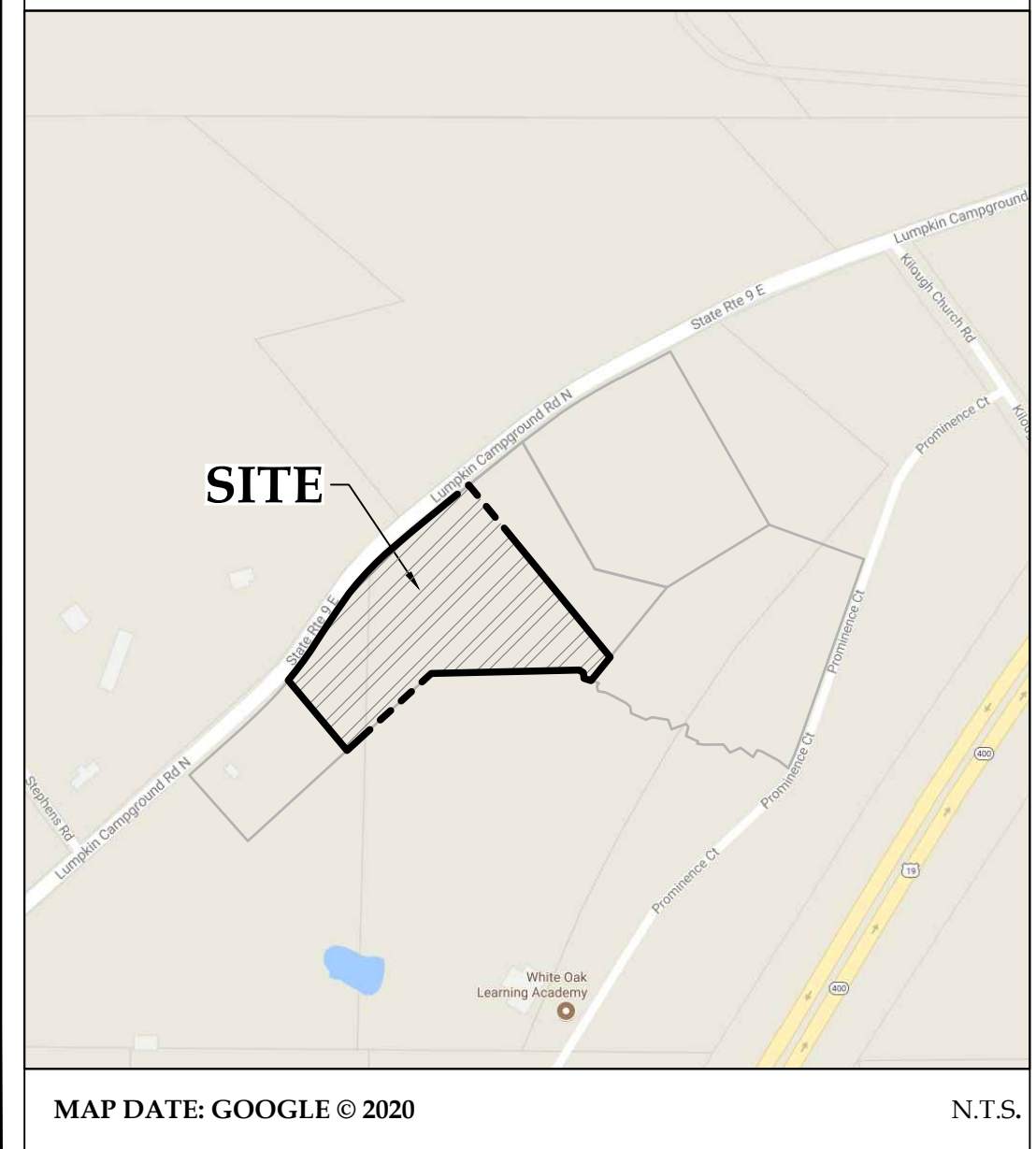
**DRAWING DATE:** 2021-06-10

**SHEET REVISIONS**

NO.	DESCRIPTION	DATE

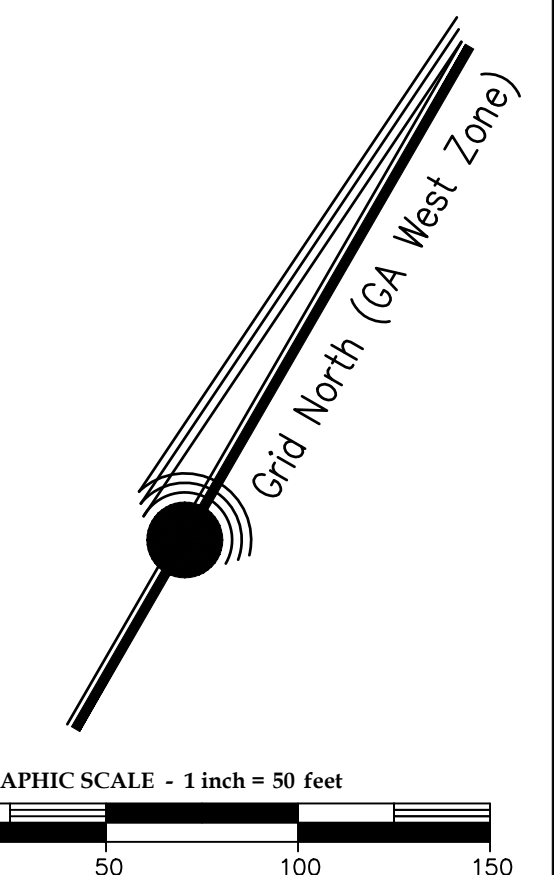
**SHEET:**  
**1 of 1**

**SITE LOCATION MAP**



**SITE DATA**  
 PARCEL: 113 044  
 EXISTING ZONING: C-HB (ZA 06-21)  
 PROPOSED ZONING: C-IR  
 TOTAL SITE AREA: 6.86 AC  
 PROPOSED USE: WAREHOUSE/FLEX SPACE, ONE 24,750 SF BUILDING, ONE 40,000 SF BUILDING, WITH VEHICULAR PARKING AND TRUCK LOADING DOCKS IN THE REAR.

**VARIANCES REQUESTED**  
 1. FRONT SETBACK REDUCTION FROM 60' TO 40' AS MEASURED FROM THE EXISTING R/W. (DAWSON COUNTY LAND USE RESOLUTION, ARTICLE IV, SECTION 400.A).  
 2. REDUCTION IN PARKING SPACES FOR WAREHOUSE USE FROM 1 PER 500 SF TO 1 PER 2,000 SF (DAWSON COUNTY LAND USE RESOLUTION, ARTICLE VI, SECTION 607.1.A).  
 3. REMOVE THE 50' EXTERIOR BUFFER ADJOINING RESIDENTIAL ZONED PROPERTY (DEVELOPMENT AND DESIGN GUIDELINES, GEORGIA 400 CORRIDOR, SECTION 5.2.1).



# DAWSON COUNTY VARIANCE APPLICATION

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

VR 21-10 Tax Map & Parcel # (TMP): 113-044  
Current Zoning: C-HB Commission District #: 3  
Submittal Date: 6-11-21 Time: 11:29 am/pm Received by: Boyer (staff initials)  
Fees Assessed: check Paid: 350.00  
Planning Commission Meeting Date: July 2021 + BOC August 2021

## APPLICANT INFORMATION (or Authorized Representative)

Printed Name: Jim King  
Address: [REDACTED]  
Phone:  Listed [REDACTED]  Unlisted [REDACTED] Email:  Business [REDACTED]  Personal [REDACTED]  
Status:  Owner  Authorized Agent  Lessee  Option to purchase

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

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

## PROPERTY INFORMATION

Street Address of Property: Lumpkin Campground Rd just south of Kilough Church Rd  
Land Lot(s): 196, 197, 221, & 222 District: 13th Section: South-half  
Subdivision/Lot: \_\_\_\_\_ Building Permit #: \_\_\_\_\_ (if applicable)

Directions to the Property: Ga 400 North to SR 53 West, North on Lumpkin Campground Rd, Property is a half-mile on the right (just before the graded site under construction)

**REQUESTED ACTION**

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

If other, please describe: Article IV Section 400 A. - Vary the front setback to 40' from existing r/w (not dedicated r/w)  
Article VI Section 607.1.A- Vary to 1 space per 2000 sf of Gross Floor Area

Type of Variance requested:

Front Yard [ ] Side Yard [ ] Rear Yard variance of \_\_\_\_\_ feet to allow the structure to:  
[ ] be constructed; [ ] remain a distance of \_\_\_\_\_ feet from the: \_\_\_\_\_  
[ ] property line, [ ] road right of way, or [ ] other (explain below):

instead of the required distance of \_\_\_\_\_ required by the regulations.

[ ] Lot Size Request for a reduction in the minimum lot size from \_\_\_\_\_ to \_\_\_\_\_

[ ] Sign Variance for: \_\_\_\_\_

[ ] Home Occupation Variance to operate: \_\_\_\_\_ business

Other (explain request): Vary from the required parking spaces. User does not need that many spaces

If there are other variance requests for this site in past, please list case # and nature of variance: VR 16-02  
A variance was granted to eliminate the buffer between this Parcel and the RMF Parcel. Both Parcels were previously zoned CHB which required no buffers, when the adjacent parcel was rezoned to RMF, it unfairly created a required Buffer for us. We were granted a variance in 2016 to replace the Property Rights that were taken by the RMF zoning case. Variances to standards and requirements of the Regulations, with respect to open area, setbacks, yard area, lot coverage, height, and other quantitative requirements may be granted if, on the basis of the application, investigation, and other evidence submitted by the applicant, all four (4) expressly written findings below are made:

1. Describe why a strict and literal enforcement of the standards would result in a practical difficulty or unnecessary hardship: Both Parcels were previously zoned CHB which required no buffers, when the adjacent parcel was rezoned to RMF, it unfairly created a required Buffer for us. We were granted a variance in 2016 to replace the Property Rights that were taken by the RMF zoning case; however, now we are being required to Rezone our property to CIR; because the Zoning Ordinance was revised last year to eliminate our previously granted use from the CHB allowed uses. Because of the need to rezone to a new land-use category, we now must reapply for the same variance again.

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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: Described above in #1

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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: \_\_\_\_\_

It does not harm anyone. If the RMF parcel feels that a buffer is needed, then they should have created one on their property. The previous RMF rezoning was materially injurious to this property. This variance seeks to correct that injustice.

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

Because the Resolution should not impose hardships on others. The previous RMF rezoning was materially injurious to this property. This variance seeks to correct that injustice.

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

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

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# PROPERTY OWNER AUTHORIZATION

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

Tax Parcel #113 044, Lumpkin Campground Rd, Dawson County GA

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

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


Printed name of applicant or agent: Jim King

Signature of applicant or agent:  Date: 06/11/2021

Printed Name of Owner(s): Dawson Land Partners, LLC

Signature of Owner(s): \_\_\_\_\_ Date 06/11/2021

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

  
Notary Public

My Commission Expires 8/30/2021

(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.)

191

ZA \_\_\_\_\_

TMP#: \_\_\_\_\_

**List of Adjacent Property Owners**

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

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

	<u>Name</u>	<u>Address</u>
TMP <u>113 044 011</u>	1. <b>Magnolia Senior Living at Dawsonville, LLC</b>	<b>89 Ozora Rd, Loganville GA 30052</b>
TMP <u>113 044 001</u>	2. <b>Marjorie Ann Stephens</b>	<b>759 Lumpkin Campground Rd, Dawsonville GA</b>
TMP <u>113 032 001</u>	3. <b>Russ &amp; Felicia Stephens</b>	<b>555 Lumpkin Campground Rd, Dawsonville GA</b>
TMP <u>113 032 003</u>	4. <b>Russ &amp; Felicia Stephens</b>	<b>555 Lumpkin Campground Rd, Dawsonville GA</b>
TMP <u>113 044 013</u>	5. <b>Trinity Presbyterian Church of Dawson Co.</b>	<b>PO Box 1297 Dawsonville GA</b>
TMP <u>113 032</u>	6. <b>NHT Dawson Ridge, LLC</b>	<b>1776 Peachtree St NW, Ste100, Atlanta GA 30309</b>
TMP <u>113 044 014</u>	7. <b>Hiten Patel</b>	<b>3885 Vic Ar Court, Atlanta GA 30360</b>
TMP _____	8.	_____
TMP _____	9.	_____
TMP _____	10.	_____
TMP _____	11.	_____
TMP _____	12.	_____
TMP _____	13.	_____
TMP _____	14.	_____
TMP _____	15.	_____

Use additional sheets if necessary.

21 JUN 11 10:04 AM



**APPLICANT CERTIFICATION**

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

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

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

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

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

Signature of Applicant or Agent: [Redacted] Date: 06/11/2021  
Signature of Witness: [Signature] Date: 6-11-2021

\*\*\*\*\*

**WITHDRAWAL**

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

I hereby withdraw application #: \_\_\_\_\_

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

**Withdrawal of Application:**

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

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## APPLICATION PROCESSING: STAFF USE ONLY

**VR \_\_\_\_\_ Applicant Name: \_\_\_\_\_**

**Application Fee: \$ \_\_\_\_\_**

**IF APPLICABLE:**

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

### Planning Commission & Board of Commissioners Actions

Planning Commission Recommendation Date: \_\_\_\_\_  Approval  Approval w/stipulations  Denial

If Denied by Planning Commission was decision appealed?  Yes  No

Board of Commissioners Decision Date: \_\_\_\_\_  Approval  Approval w/stipulations  Denial

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

10/11/10

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

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

X

I am a United States citizen.

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

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

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

\_\_\_\_\_

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

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

\_\_\_\_\_

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

Executed in Dawsonville (city), Georgia (state)

[Signature]  
Signature of Applicant

06/11/2021  
Date

Jim King  
Printed Name

Ensite Civil Consulting, LLC  
Name of Business

SUBSCRIBED AND SWORN BEFORE ME ON

THIS 11 DAY OF June, 2021

[Signature] Notary Public

My Commission Expires: 8/30/24



2025 RELEASE UNDER E.O. 14176



# DAWSON COUNTY VARIANCE APPLICATION

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

VR 21-11 Tax Map & Parcel # (TMP): 113-044  
Current Zoning: C-4B Commission District #: 3  
Submittal Date: 6-11-21 Time: 11:29 am/pm Received by: WJG (staff initials)  
Fees Assessed: 350.00 Paid: Check  
Planning Commission Meeting Date: July + BOC August

## APPLICANT INFORMATION (or Authorized Representative)

Printed Name: Jim King  
Address: [REDACTED]  
Phone:  Listed [REDACTED]  Unlisted Email:  Business [REDACTED]  Personal  
Status:  Owner  Authorized Agent  Lessee  Option to purchase

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

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

## PROPERTY INFORMATION

Street Address of Property: Lumpkin Campground Rd just south of Kilough Church Rd  
Land Lot(s): 196, 197, 221, & 222 District: 13th Section: South-half  
Subdivision/Lot: \_\_\_\_\_ Building Permit #: \_\_\_\_\_ (if applicable)

Directions to the Property: Ga 400 North to SR 53 West, North on Lumpkin Campground Rd, Property is a half-mile on the right (just before the graded site under construction)

**REQUESTED ACTION**

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

If other, please describe: Article IV Section 400 A. - Vary the front setback to 40' from existing r/w (not dedicated r/w)  
Article VI Section 607.1.A- Vary to 1 space per 2000 sf of Gross Floor Area

Type of Variance requested:

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

be constructed;  remain a distance of \_\_\_\_\_ feet from the: \_\_\_\_\_

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

instead of the required distance of \_\_\_\_\_ required by the regulations.

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

Sign Variance for: \_\_\_\_\_

Home Occupation Variance to operate: \_\_\_\_\_ business

Other (explain request): Vary from the required parking spaces. User does not need that many spaces

If there are other variance requests for this site in past, please list case # and nature of variance: VR 16-02  
A variance was granted to eliminate the buffer between this Parcel and the RMF Parcel. Both Parcels were previously zoned CHB which required no buffers, when the adjacent parcel was rezoned to RMF, it unfairly created a required Buffer for us. We were granted a variance in 2016 to replace the Property Rights that were taken by the RMF zoning case. Variances to standards and requirements of the Regulations, with respect to open area, setbacks, yard area, lot coverage, height, and other quantitative requirements may be granted if, on the basis of the application, investigation, and other evidence submitted by the applicant, all four (4) expressly written findings below are made:

1. Describe why a strict and literal enforcement of the standards would result in a practical difficulty or unnecessary hardship: Both Parcels were previously zoned CHB which required no buffers, when the adjacent parcel was rezoned to RMF, it unfairly created a required Buffer for us. We were granted a variance in 2016 to replace the Property Rights that were taken by the RMF zoning case; however, now we are being required to Rezone our property to CIR; because the Zoning Ordinance was revised last year to eliminate our previously granted use from the CHB allowed uses. Because of the need to rezone to a new land-use category we now must reapply for the same variance again.

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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: Described above in #1

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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: \_\_\_\_\_

It does not harm anyone. If the RMF parcel feels that a buffer is needed, then they should have created one on their property. The previous RMF rezoning was materially injurious to this property. This variance seeks to correct that injustice.

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

Because the Resolution should not impose hardships on others. The previous RMF rezoning was materially injurious to this property. This variance seeks to correct that injustice.

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

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

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# PROPERTY OWNER AUTHORIZATION

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

Tax Parcel #113 044, Lumpkin Campground Rd, Dawson County GA

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

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

Printed name of applicant or agent: Jim King

Signature of applicant or agent:  Date: 06/11/2021

Printed Name of Owner(s): Dawson Land Partners, LLC

Signature of Owner(s): \_\_\_\_\_ Date 06/11/2021

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

  
Notary Public

My Commission Expires 8/30/2021

(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.)

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ZA \_\_\_\_\_

TMP#: \_\_\_\_\_

**List of Adjacent Property Owners**

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

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

	<u>Name</u>	<u>Address</u>
TMP <u>113 044 011</u>	1. <b>Magnolia Senior Living at Dawsonville, LLC</b>	<b>89 Ozora Rd, Loganville GA 30052</b>
TMP <u>113 044 001</u>	2. <b>Marjorie Ann Stephens</b>	<b>759 Lumpkin Campground Rd, Dawsonville GA</b>
TMP <u>113 032 001</u>	3. <b>Russ &amp; Felicia Stephens</b>	<b>555 Lumpkin Campground Rd, Dawsonville GA</b>
TMP <u>113 032 003</u>	4. <b>Russ &amp; Felicia Stephens</b>	<b>555 Lumpkin Campground Rd, Dawsonville GA</b>
TMP <u>113 044 013</u>	5. <b>Trinity Presbyterian Church of Dawson Co.</b>	<b>PO Box 1297 Dawsonville GA</b>
TMP <u>113 032</u>	6. <b>NHT Dawson Ridge, LLC</b>	<b>1776 Peachtree St NW, Ste100, Atlanta GA 30309</b>
TMP <u>113 044 014</u>	7. <b>Hiten Patel</b>	<b>3885 Vic Ar Court, Atlanta GA 30360</b>
TMP _____	8.	_____
TMP _____	9.	_____
TMP _____	10.	_____
TMP _____	11.	_____
TMP _____	12.	_____
TMP _____	13.	_____
TMP _____	14.	_____
TMP _____	15.	_____

Use additional sheets if necessary.

21111111111111111111

**APPLICANT CERTIFICATION**

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

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

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

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

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

Signature of Applicant or Agent: \_\_\_\_\_ Date: 06/11/2021

Signature of Witness: [Handwritten Signature] \_\_\_\_\_ Date: 6-11-2021

\*\*\*\*\*

**WITHDRAWAL**

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

I hereby withdraw application #: \_\_\_\_\_

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

**Withdrawal of Application:**

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

PLANNING & DEVELOPMENT  
DAWSON COUNTY, GEORGIA

**APPLICATION PROCESSING: STAFF USE ONLY**

VR \_\_\_\_\_ Applicant Name: \_\_\_\_\_

Application Fee: \$ \_\_\_\_\_

IF APPLICABLE:

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

**Planning Commission & Board of Commissioners Actions**

Planning Commission Recommendation Date: \_\_\_\_\_  Approval  Approval w/stipulations  Denial

If Denied by Planning Commission was decision appealed?  Yes  No

Board of Commissioners Decision Date: \_\_\_\_\_  Approval  Approval w/stipulations  Denial

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

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**Dawson County, Georgia Board of Commissioners**

**Affidavit for Issuance of a Public Benefit**

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

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



I am a United States citizen.

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

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

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

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

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

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

Executed in Dawsonville (city), Georgia (state)

[Signature]  
Signature of Applicant

Jim King  
Printed Name

06/11/2021  
Date

Ensite Civil Consulting, LLC  
Name of Business

SUBSCRIBED AND SWORN BEFORE ME ON

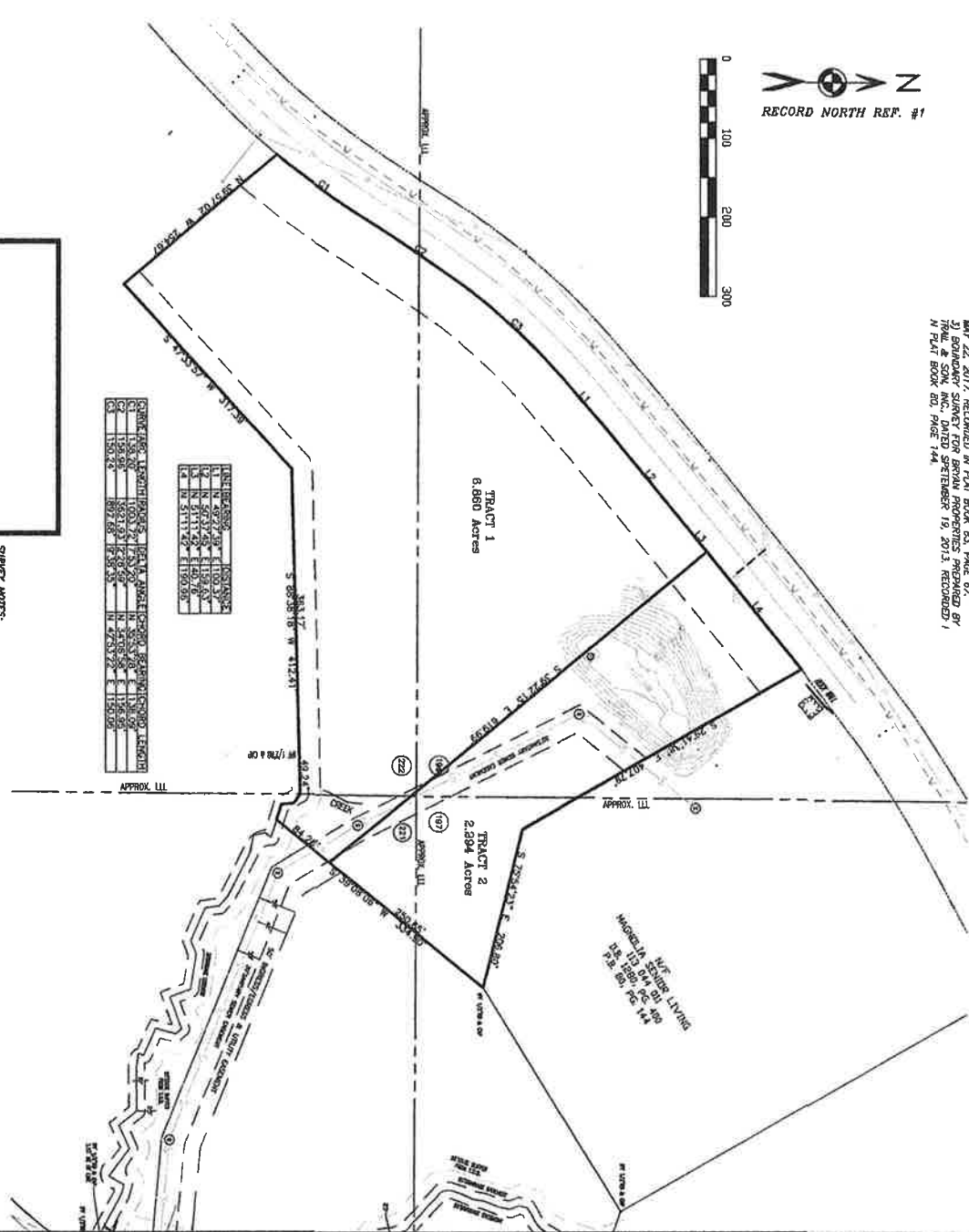
THIS 11 DAY OF June, 2021

[Signature] Notary Public

My Commission Expires: 8/30/21



**REFERENCES:**  
 1) BOUNDARY SURVEY FOR CATOR PROPERTIES, LLC PREPARED BY LAND DEVELOPMENT PROFESSIONALS, DATED FEBRUARY 9, 2016, RECORDED IN PLAT BOOK #31, PAGE 672.  
 2) BOUNDARY SURVEY FOR HUNTERDALE WIFE ELIZABETH LIVING TRUST, PREPARED BY TRAY & SON, INC, DATED MAY 22, 2017, RECORDED IN PLAT BOOK #31, PAGE 672.  
 3) BOUNDARY SURVEY FOR SHERWOOD SPACED SERVICES, PREPARED BY LAND DEVELOPMENT PROFESSIONALS, DATED FEBRUARY 19, 2011, RECORDED IN PLAT BOOK #21, PAGE 144.



LINE	BEARING	DISTANCE	AREA
1	S 31.13° W	146.05	12,407.25
2	S 67.21° W	113.15	6,387.85
3	N 31.13° E	146.05	12,407.25
4	N 67.21° E	113.15	6,387.85
5	N 88.87° E	113.15	6,387.85
6	N 31.13° E	146.05	12,407.25
7	S 88.87° W	113.15	6,387.85
8	S 67.21° W	113.15	6,387.85
9	S 31.13° W	146.05	12,407.25
10	S 88.87° W	113.15	6,387.85
11	S 67.21° W	113.15	6,387.85
12	S 31.13° W	146.05	12,407.25
13	S 88.87° W	113.15	6,387.85
14	S 67.21° W	113.15	6,387.85
15	S 31.13° W	146.05	12,407.25
16	S 88.87° W	113.15	6,387.85
17	S 67.21° W	113.15	6,387.85
18	S 31.13° W	146.05	12,407.25

BEARING	DISTANCE	AREA
N 88.87° E	113.15	6,387.85
N 67.21° E	113.15	6,387.85
N 31.13° E	146.05	12,407.25
S 31.13° W	146.05	12,407.25
S 67.21° W	113.15	6,387.85
S 88.87° W	113.15	6,387.85

**LEGEND**  
 25' U/B — 25' UNDISTURBED BUFFER  
 --- CAUTION  
 --- SUNDRIER SIGN EASEMENT  
 --- DRAINAGE EASEMENT  
 --- SEWER CLEANOUT  
 --- SEWER MAIN  
 --- BARRIERS (DOTTED PER PERMITS)  
 --- DEED BOOK & PAGE  
 --- PLAT BOOK & PAGE  
 --- PLAT & SECTION  
 --- PROPERTY LINE  
 --- DRAIN INLET  
 --- PLUMBING/MECHANICAL  
 --- ELECTRICAL  
 --- CLOSURE METAL PIPE  
 --- SWH/STW VALVE  
 --- WATER VALVE  
 --- RIGHT OF WAY

NO SIDE OR REAR SETBACK MAY BE REQUIRED WHEN THE ADJACENT PROPERTY IS COMMERCIAL AND THERE IS AN UNDISTURBED BUFFER OF 25 FEET OR MORE. SETBACK SHALL BE MEASURED FROM THE PROPERTY LINE TO THE SETBACK WHEN ADJUTING A RESIDENTIAL DISTRICT IS 50 FEET WHERE THE COMMERCIAL DISTRICT ADJUTS A RESIDENTIAL DISTRICT. A SETBACK OF 10 FEET MAY BE REQUIRED IN ORDER TO PROVIDE A 10 FOOT WIDE SCREEN OR BUFFER AT THE DISCRETION OF THE PLANNING COMMISSION OR BOARD OF COMMISSIONERS. THE PLANNING COMMISSION OR BOARD OF COMMISSIONERS MAY REVERSELY IMPACT THE ADJACENT RESIDENTIAL DISTRICTS TO PROVIDE A 10 FOOT WIDE SCREEN OR BUFFER AT THE DISCRETION OF THE PLANNING COMMISSION OR BOARD OF COMMISSIONERS. OVERSEEN BY: WALTER WISSE, 12/1/16

**SURVEY NOTES:**  
 THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE AND PURPOSE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON, WITHOUT AN EXPRESS REDEMPITION BY THE SURVEYOR. THIS SURVEY IS SUBJECT TO ANY AND ALL EASEMENTS, R/W's, ETC. THE PLAT RECORDS REFERENCE HEREON SET FORTH ONLY THOSE RECORDS AND REFERENCE TO THE SAME DOES NOT AND IS NOT INTENDED TO CONSTITUTE A TITLE SEARCH OR TITLE OPINION. ACCORDING TO PFM MAP NO. 13099P 02299, DATED 09/28/2008, THIS PROPERTY IS NOT LOCATED A FLOOD HAZARD AREA.  
 ZONING: CH8  
 SCHEDULES: AP  
 STATE: GA  
 DISTRICT: 0707

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROFESSIONAL SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 53-6-14 OF THE OFFICIAL CODE OF GEORGIA AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 53-6-67. AUTHORITY O.C.G.A. SECS. 53-6-67, 43-15-4, 43-15-5, 43-15-6, 43-15-7, 43-15-8, 43-15-9, 43-15-10, 43-15-11, 43-15-12, 43-15-13, 43-15-14, 43-15-15, 43-15-16, 43-15-17, 43-15-18, 43-15-19, 43-15-20, 43-15-21, 43-15-22.  
 THE FIELD DATA ON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSED PRECISION OF ONE FOOT IN \_\_\_\_\_ SECONDS PER ANGLE POINT, AND AN ANGLE ERROR OF \_\_\_\_\_ SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING THE \_\_\_\_\_ METHOD. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN \_\_\_\_\_ FEET. TYPE OF EQUIPMENT: \_\_\_\_\_

<p>Deuteronomy 19:14          Thou shall not remove thy neighbor's landmark, which he has set in his inheritance, which thou shall inherit in the land that the Lord thy God giveth thee to possess it.</p>	<p>Surveyed by:  <b>ROBBIE HENDERSON</b>          Surveying &amp; Planning          3040 PILGRIM MILL ROAD          CUMMINGS, GA 30041          PH: 706-854-2015          COA LSP #001242</p>	<p>SUBDIVISION PLAT FOR:</p> <p><b>DAWSON LAND PARTNERS</b></p>	
	<p>STATE: GEORGIA</p> <p>COUNTY: DAWSON</p>	<p>SCALE: 1" = 100'</p> <p>LAND LOT: 196, 197, 221 &amp; 222</p>	<p>JOB #: 18039</p> <p>DIST. SECT. S. 1/2-13th</p>

SH.1 OF 1

# APPROVAL

## PUBLIC HEARING OF REZONING REQUEST

We, the Dawson County Planning Commission, do hereby recommend approval the following rezoning request:

ZA #: 21-14 DATE OF HEARING: 7/20/21

Applicant's Name: Jim King obo Dawson Land Partners, LLC

Address: Lumpkin Campground Road North

Tax Map Parcel & Parcel Number: 113-044 Parcel Currently Zoned: CHB

Rezoning Requested: CIR

This recommendation for approval is based upon the following which we feel will/will not:

- A. Affect the property values of surrounding property.
- B. Affect the health, safety or general welfare of the public.
- C. Impose any special hardships on the surrounding property owners.
- D. The subject property is suited for the proposed land use.

This recommendation for approval is, however, subject to the following stipulations and/or modifications:

VR 21-10 front setback reduction from 60' to 40'  
VR 21-11 parking spaces to 1 space per 2000 sq ft

  
\_\_\_\_\_  
Chairman Jason Hamby  
Dawson County Planning Commissioner

7-20-21  
\_\_\_\_\_  
Date

**DAWSON COUNTY PLANNING COMMISSION  
PLANNING STAFF REPORT**

**Applicant**.....Jim King obo Dawson Land Partners, LLC

**Amendment #** .....ZA 21-14, VR 21-10 & VR 21-11

**Request**.....Rezone Property from C-HB (Commercial Highway Business) to C-IR (Commercial Industrial Restricted)

**Variance**.....Vary from Article IV Section 400 A a front setback reduction to 40’ from existing Right of Way

**Variance**.....Vary to 1 space per 2000 sq. ft of gross floor area

**Proposed Use** .....To expand an existing business

**Current Zoning** .....C-HB (Commercial Highway Business)

**Size**.....9.15± acres

**Location** .....Lumpkin Campground Rd. North

**Tax Parcel** .....113 044

**Planning Commission Date** .....July 20, 2021

**Board of Commission Date** .....August 19, 2021

---

**Applicant Proposal**

The applicant requests a rezoning of parcel 113-044 to Commercial Industrial Restricted in order to develop warehouse and office warehouse space on 9.15 acres approximately one-half mile north of Hwy 53 East on Lumpkin Campground Rd. North. The applicant is requesting a reduction to the front setback from 60’ to 40’ at the cost of dedicating 20’ of additional right of way which was stipulated in a rezoning for this and two other parcels, zoning being ZA 13-07. The proposed development does not generate public traffic, only employees. For that reason, they are requesting a reduction of the minimum parking spaces requirements. (From 1 for every 500 square feet to 1 for every 2000 square feet)

**History and Existing Land Uses**

The current use of the property vacant and was approved for a Variance in 2016 for buffer and building setback reductions on the west. The parcel has Residential Multi-Family and Commercially zoned parcels surrounding.

<b>Adjacent Land Uses</b>	<b>Existing zoning</b>	<b>Existing Use</b>
North	R-A	Residential
South	RMF	Residential Multi Family
East	C-HB	Commercial
West	RSRMM	Residential

**Development Support and Constraints**

The parcel is bordered on the north and west by other Commercial Properties and to the east by RMF (Residential Multi-Family). Special attention should be made to the access the applicant intends to and or may be required to provide onto Lumpkin Campground Rd as this roadway sees heavy commercial and non-commercial traffic.

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

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

**Public Facilities/Impacts**

**Engineering Department** – No comments returned.

**Environmental Health Department** – No comments returned.

**Emergency Services** – No comments returned.

**Etowah Water & Sewer Authority** – No comments returned.

**Dawson County Sheriff’s Office** – No comments returned.

**Analysis**

A zoning approved in 2013, ZA 13-07, which required the dedication of 20’ additional ROW for TMP 113-032, 113-086 and a portion of this property 113-044. No adverse conditions would be generated in a reduction of the front setback of this property from 60 feet to 40 feet. Concerning parking, the applicant is requesting a reduction from 130 spaces (current requirement for warehousing) to 32 spaces. While the argument of intent does not take into account future use of the property, failure to provide the minimum required parking now for this type of use could create hardships if the reduced number of parking spaces could limit future tenants.

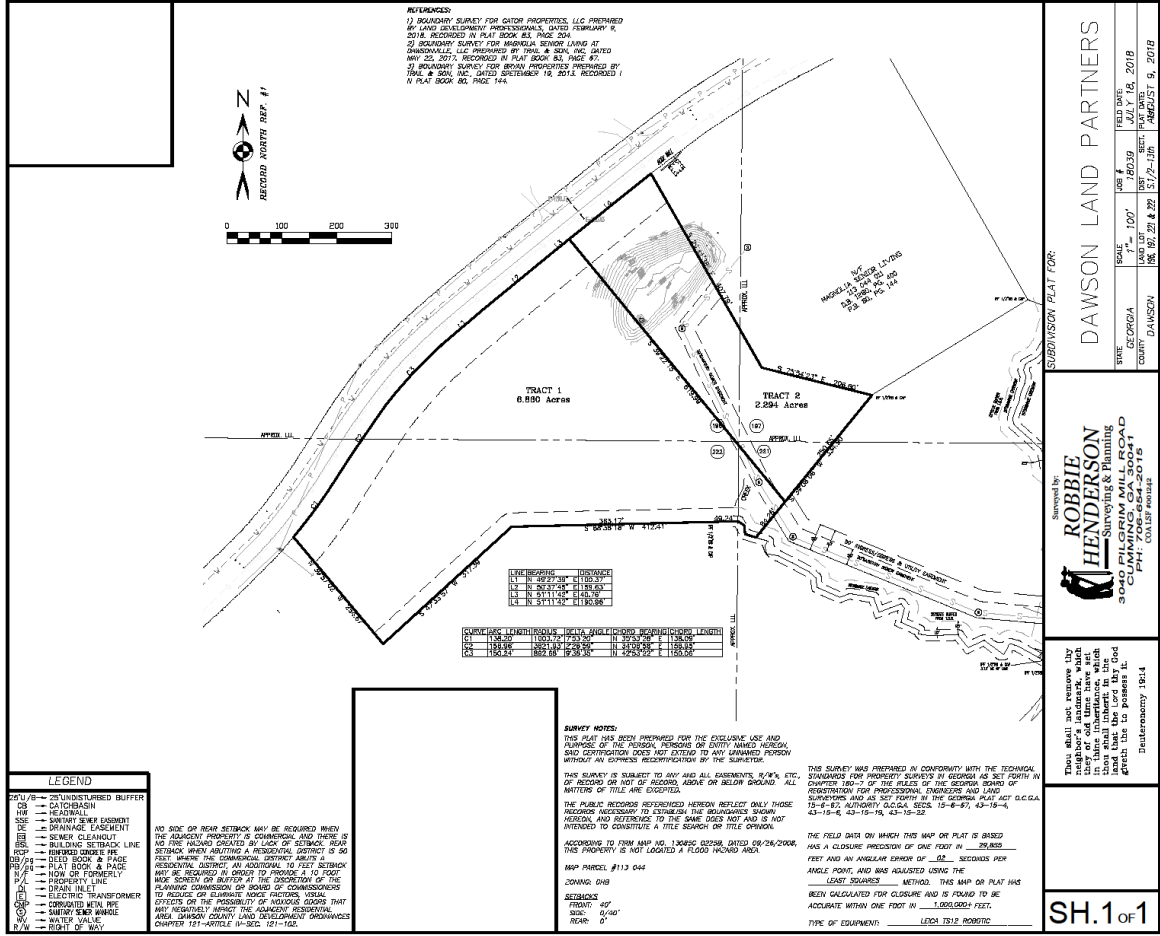


**The following observations should be noted with respect to this request:**

- A. The existing uses and classification of nearby property.**  
Properties to the North and South are vacant but zoned commercial. This parcel is adjacent to the RMF zoned Dawson Ridge. Properties immediately across the street are zoned RSRMM and RA respectively.
- B. The extent to which property values are diminished by the particular land use classification.**  
There should be no diminishment of property values.
- C. The extent to which the destruction of property values of the applicant promotes the health, safety, morals, or general welfare of the public.**  
There should be no destruction of property values.
- D. The relative gain to the public, as compared to the hardship imposed upon the individual property owner.**  
There should be public gain if the project is approved bringing jobs and economic growth to the county.
- E. The suitability of the subject property for the proposed land use classification.**  
The property is suitable for the purposed land use classification however is designated as CHB within the Future Land Use Map.
- F. The length of time the property has been vacant under the present classification, considered in the context of land development in the area in the vicinity of the property.**  
The property is vacant land.
- G. The specific, unusual, or unique facts of each case, which give rise to special hardships, incurred by the applicant and/or surrounding property owners.**  
Corrective county initiated changes to zoning rules may have played a part in the need to rezone this parcel to comply with current requirements. Furthermore, the stipulation contained in ZA 13-07, although the original development proposal has failed to come to fruition, places a historical hardship upon this request.

Pictures of Property:

Plat:



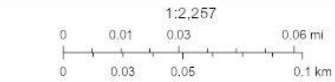
Current Zoning Map:

Dawson County



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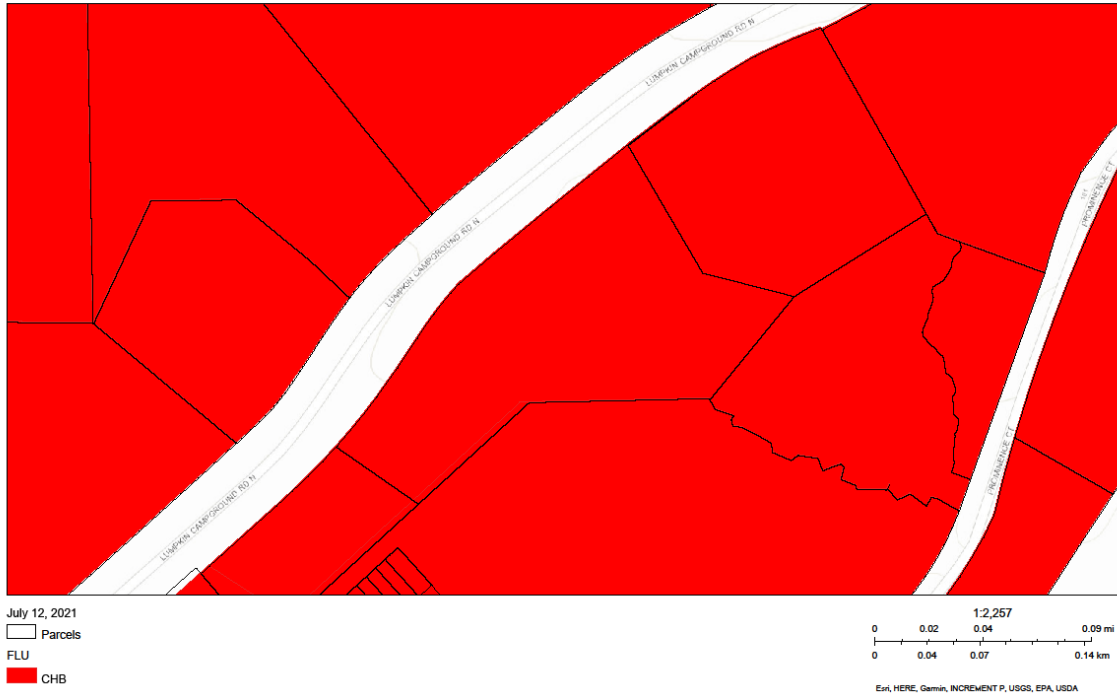
- Energov Layers - Parcels
- Energov Layers - Zoning
- RA
- C-HB
- RSRMM
- RMF



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

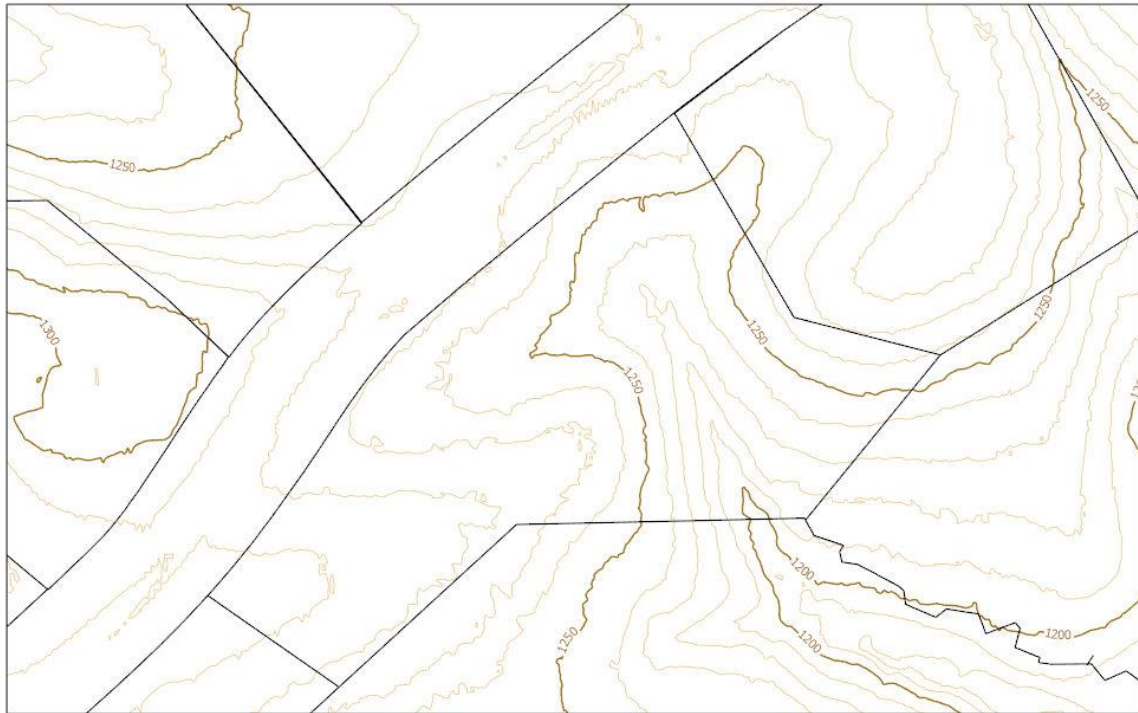
# Future Land Use Map:

## Future Land Use Map



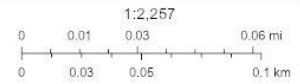
Topography:

Topo Map



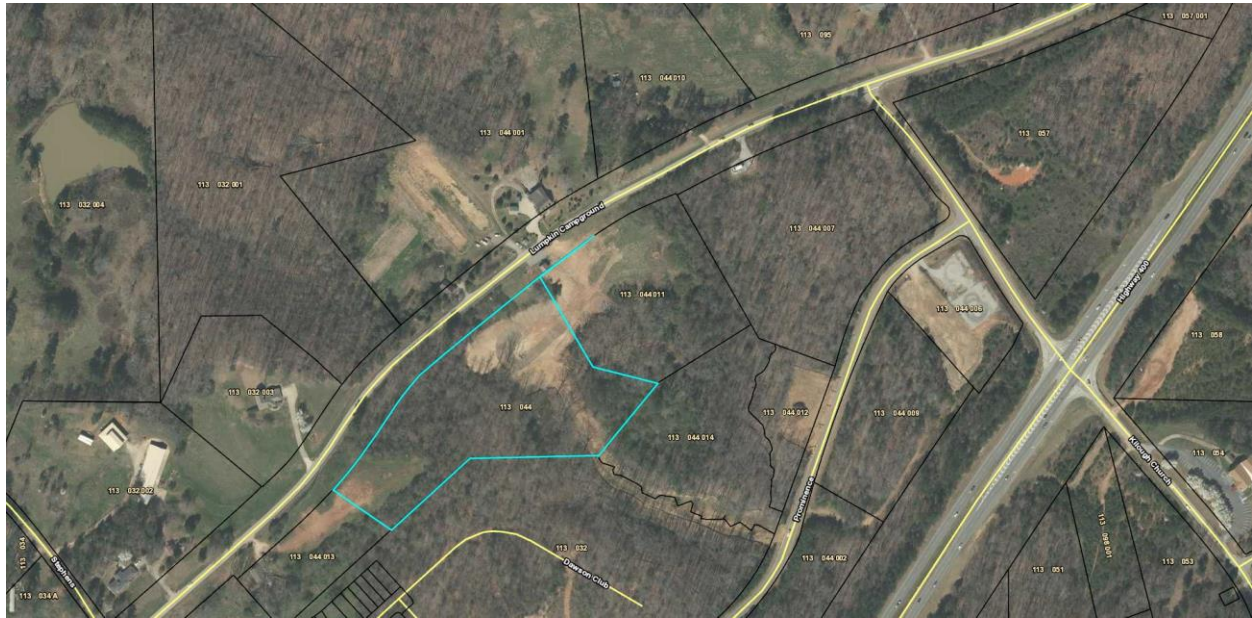
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□ Parcels

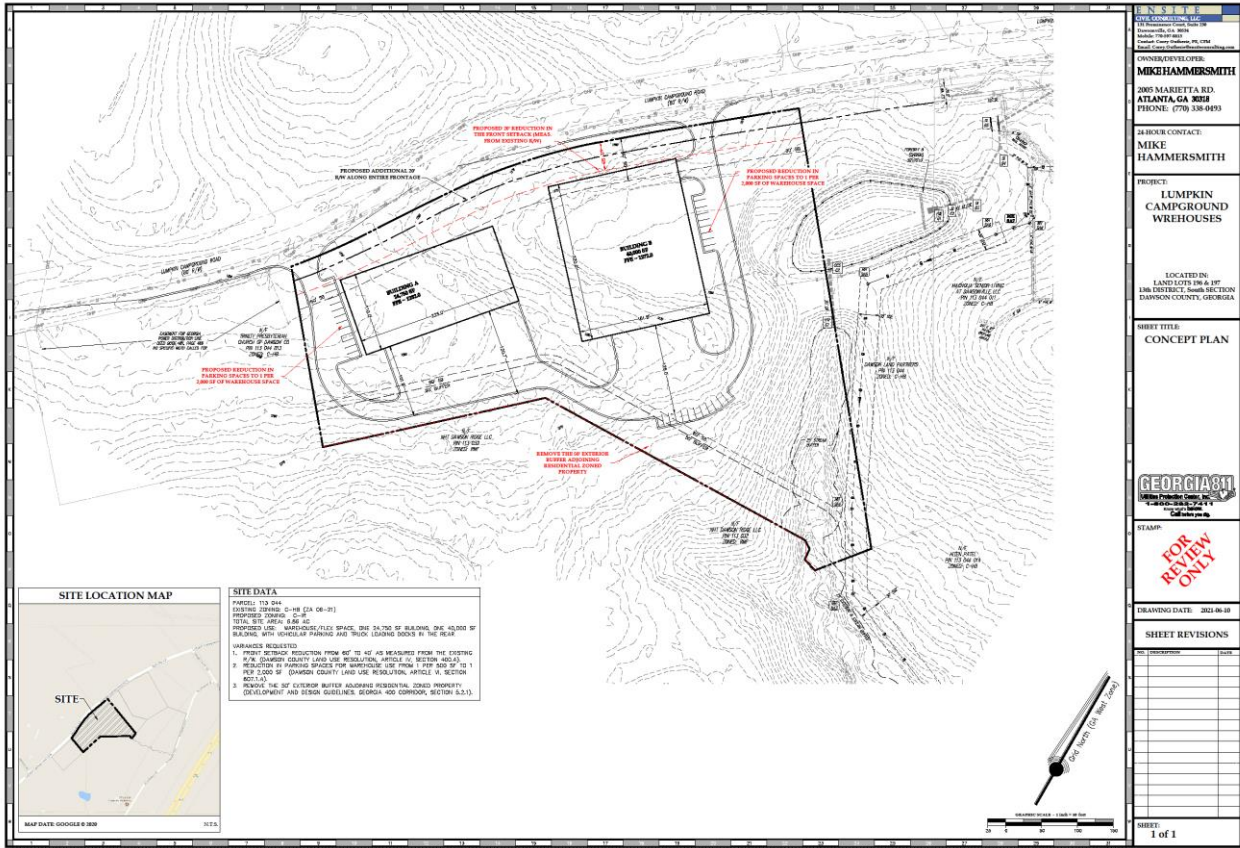


Dawson County  
The information on this map (or data product) is from a computer database accessed using a Geographic Information System (GIS). Dawson County Public Works cannot guarantee the accuracy of the information contained on this map. Each user of this map is

Aerial:



Concept Site Plan:



**SITE DATA**

PARCELS: 113 044  
 EXISTING ZONING: M-1B (CA 06-71)  
 PROPOSED ZONING: C-2-C  
 TOTAL SITE AREA: 6.66 AC  
 PROPOSED USE: WAREHOUSE/CDC SPACE, ONE (1) TO 200 SQ. FEET OF STORAGE, ONE (1) TO 200 SQ. FEET OF HOUSING, WITH VEHICULAR PARKING AND TRUCK LOADING DOCKS BY THE REAR

**VARIANCES REQUESTED**

1. FRONT SETBACK REDUCTION FROM 60' TO 42' AS MEASURED FROM THE EXISTING
2. EXISTING BUFFER ADJOINING RESIDENTIAL PROPERTY TO THE SOUTH
3. REDUCTION IN PARKING SPACES FOR UNIMPROVED USE FROM 4' PER ADD UP TO 1' PER FOOT OF EXISTING EXISTING USE REGULATORY, ARTICLE 14, SECTION 622-10.5
4. REMOVE THE 30' EXISTING BUFFER ADJOINING RESIDENTIAL ZONED PROPERTY DEVELOPMENT AND DESIGN GUIDELINES, GEORGIA 400 CORRIDOR, SECTION 6.2.15.

**N S E W**

18 HAMMERSMITH DRIVE  
 ATLANTA, GA 30329  
 PHONE: (770) 338-0403

**OWNER/DEVELOPER:**  
**MIKE HAMMERSMITH**

2005 MARIETTA RD.  
 ATLANTA, GA 30106  
 PHONE: (770) 338-0403

**ARCHITECT/CONTACT:**  
**MIKE HAMMERSMITH**

**PROJECT:**  
 LUMPKIN CAMPGROUND WAREHOUSES

LOCATED ON:  
 LAND LOTS 158 & 157  
 1306 DISTRICT, SOUTH SECTION  
 DAWSON COUNTY, GEORGIA

**SHEET TITLE:**  
 CONCEPT PLAN

**GEORGIA**  
 ARCHITECTURAL BOARD  
 License No. 00000000

**STAMP:**  
**FOR REVIEW ONLY**

**DRAWING DATE:** 2013-06-08

**SHEET REVISIONS**

No.	Description	Date

**SHEET:** 1 of 1





# DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: DCSO

Work Session: 08.05.2021

Prepared By: Sandra Evans

Voting Session: 08.19.2021

Presenter: Sheriff Johnson

Public Hearing: Yes  No

Agenda Item Title: Presentation of Request for Funding

**Background Information:**

Currently the DCSO is experiencing several unfilled vacancies due to retirements, lack of qualified applicants, political climate, and other reasons. To combat these challenges and meet the requirements demanded of this office, it is critical that these positions be filled.

**Current Information:**

The DCSO continues to compete for qualified, experienced personnel to staff critical law enforcement positions within Dawson County. Law enforcement agencies are aggressively competing for staff and are offering increased pay and incentives to attract candidates. In an effort to remain competitive, the DCSO is requesting increased funding to assist with recruiting and retention.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining
					\$790,691	

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

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

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

Finance Dept. Authorization: Vickie Neikirk

Date: 7/29/21

County Manager Authorization: David Headley

Date: 7/29/2021

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

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

**Comments/Attachments:**

Costs: Salary	\$701,901
FICA	53,695
Retirement:	35,095
<b>Total:</b>	<b>\$790,691</b>



# DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: **Emergency Services**

Work Session: **08.05.21**

Prepared By: **Danny Thompson**

Voting Session: **08.19.21**

Presenter: **Danny Thompson**

Public Hearing: Yes \_\_\_\_\_ No **X**

Agenda Item Title: **Request to Consider Charity Boot Drives for 2021**

Background Information:

Dawson County Emergency Services requests Commission approval to partner with the Georgia Firefighters Burn Foundation and KARE for Kids.

Current Information:

With approval, we request the following dates for boot drives to be held at various locations throughout Dawson County:

- Burn Foundation– September 2,3,4 from 9-11 am and 4-6 pm
- KARE for Kids – November 26 & 27 from 9-11 am and 3-5 pm

Budget Information: Applicable: \_\_\_\_\_ Not Applicable: X\_\_\_\_\_ Budgeted: Yes \_\_\_\_\_ No \_\_\_\_\_

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Recommendation/Motion: Approve agenda item

Department Head Authorization: FDI

Date: 7.27.21

Finance Dept. Authorization: Vickie Neikirk

Date: 7/27/21

County Manager Authorization: David Headley

Date: 7-27-2021

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

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

Comments/Attachments:

[Empty box for comments/attachments]



# DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: **Emergency Services**

Work Session: **08.05.21**

Prepared By: **Danny Thompson**

Voting Session: **08.05.21**

Presenter: **Danny Thompson**

Public Hearing: Yes \_\_\_\_\_ No **X**

Agenda Item Title: **Cooperative Agreement Georgia Forestry**

Background Information:

Dawson County Fire & Emergency Services and the Georgia Forestry Commission have enjoyed a long and successful partnership for many years. The previous MOU was signed in March 2020 by both agencies. Dawson County has enjoyed the success of purchasing and operating Georgia Forestry equipment and trucks at a reduced cost over the years. Subsequently this agreement addresses responses to urban-wildland interface fires located inside Dawson County.

Current Information:

This is to renew the previous agreement from 2016. This new agreement will be for 5 years and will have to be renewed again in 2026.

Budget Information: Applicable: \_\_\_\_\_ Not Applicable: **X** Budgeted: Yes \_\_\_\_\_ No **X**

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Recommendation/Motion: **Approve agenda item**

Department Head Authorization: DT

Date: 07.13.21

Finance Dept. Authorization: Vickie Neikirk

Date: 7/26/21

County Manager Authorization: David Headley

Date: 7-26-2021

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

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

Comments/Attachments:

**Instructions for Completing  
Rural Fire Defense (RFD) Agreement and Memorandum of Understanding (MOU) including Addendum  
Georgia Forestry Commission (GFC) and Fire Departments in Georgia**

1. This RFD Agreement and MOU is necessary for each Fire Department that has loaned or leased equipment from the GFC.
2. Only one Agreement/MOU is needed for each Fire Department. If the County/City/Municipal Fire Department is organized with multiple "stations" under its organizational structure only one Agreement is necessary. However, if multiple Fire Departments are organized within the County/City/Municipality then a separate Agreement for each must be completed where state and federal excess property exist.
3. Firefighter Property (FFP) vehicles, equipment and/ or other apparatus should **not** be included on this Agreement. Those items are covered under a separate and different agreement.
4. All information **MUST be TYPED in the spaces** provided on the Agreement (next pages.) **Please DO NOT hand write information.**
5. The 2019 Agreement and MOU can be found and accessed on the GFC On-line Forms Library under Protection. Any and all previous versions are NOT applicable, only use the 07/2019 Agreement and MOU. See bottom of each page to ensure the correct Agreement is being used.
6. Once open, the form can be Saved As by the Fire Department Name. Once saved, the required information can be entered in the spaces provided.
7. Once all information is entered, the form can be printed and is ready for signatures.
8. ALL Signatures are required.
9. The Chief Ranger (or designee) for the County Unit is responsible for entering the required information within the Agreement and within the **ADDENDUM**, showing the GFC equipment that covers each County AND the vehicles, equipment and other apparatus the GFC provides to the fire department.
10. If the GFC is providing vehicles, equipment and/or other apparatus to the fire departments the **ADDENDUM** must be completed.
11. Do **NOT** use Radio Call Signs/Identifiers on the **ADDENDUM**. Need GFC #, AG #, Make, Model, Type, etc. (engine, tractor/plow, pick up, pump, ## gallon tank, etc. ...) For ALL Federal Excess Personal Property (FEPP) the AG# must also appear on the **ADDENDUM**. (Remember NOT FFP)
12. **All vehicles, equipment and/or other apparatus must appear on the GFC asset property inventory.** (Not FFP) If any do not appear on asset property inventory for the County, the Chief Ranger should initiate required steps within the A-41 system to get them added as soon as possible.
13. Once ALL signatures are obtained at the County level, the completed form should be sent to the appropriate GFC Area Office/AFMO which provides management oversight for the County Unit.
14. Area management should review to ensure the Agreement and MOU is completed accurately and ALL signatures are included.
15. Area management should collect all Agreements and MOU's for their assigned County Units and submit them to **Frank Sorrells, Chief of Forest Protection, collectively and all at one time for the Area. DO NOT SEND DIRECTLY TO THE DIRECTOR'S OFFICE.**
16. In the cases, where Counties require multiple reviews and approval steps/processes that may or will delay submission of the completed Agreement and MOU it is permissible to submit those individually once received from the County Unit.
17. The deadline to submit the completed Agreements and MOU's to Forest Protection is **Friday, November 8th, 2019. DO NOT SEND DIRECTLY TO THE DIRECTOR'S OFFICE.**
18. Forest Protection will provide all completed Agreements and MOU's to the GFC Director's Office for signature.
19. Once all signatures are obtained, the Agreement and MOU will be posted on the Forest Protection Intranet page under RFD <https://intranet.gfc.state.ga.us/RFDFireProgram/RFDAgreements/Index.cfm>.
20. The Agreement and MOU can be printed from there and a copy provided to the Fire Department.
21. In the cases where a specific County requires a copy with original signatures please make a note and attach it to the Agreement and MOU when submitting to the Forest Protection Department. An original signature copy will be returned to the County Unit to be delivered to the appropriate local official.

**RURAL FIRE DEFENSE COOPERATIVE LEASE AGREEMENT  
AND  
MEMORANDUM OF UNDERSTANDING**

THIS AGREEMENT made and entered into this 20 day of June, 2021, by and between the GEORGIA FORESTRY COMMISSION, an agency of the State of Georgia, hereinafter referred to as "COMMISSION," and the Dawson County Fire Department, hereinafter referred to as "COOPERATOR."

Because of the intermingling of structures and wildland fuels in areas of Dawson County, Georgia the objectives of the two above-mentioned organizations are inseparable, to minimize the loss of life and property as a result of uncontrolled fire. The purposes of this document are:

1. Provide for closest possible cooperation on mutual objectives.
2. To clarify the purpose and responsibilities of each organization.

**WITNESSETH:**

**WHEREAS**, it is of vital importance to the State of Georgia to protect and develop its forest land resources; and **WHEREAS**, such protection and development requires the suppression of uncontrolled fires, both within and without corporate limits; and

**WHEREAS**, the COMMISSION is charged by State law with providing a means of forest fire defense in all forest and rural areas; and

**WHEREAS**, the COOPERATOR is desirous of aiding the COMMISSION and itself in a coordinated fire program:

**NOW THEREFORE**, for and in consideration of the mutual benefits to each party as hereinafter appear below, both parties agree as follows:

Upon request from the COOPERATOR, the COMMISSION agrees to:

- a) Loan to the COOPERATOR, of equipment in so much as available through its Rural Fire Defense Program and described in the attached ADDENDUM.
- b) Provide the COOPERATOR a reimbursable cost estimate, if applicable to this agreement and of the equipment requested, if within the capabilities of the COMMISSION.
- c) Make available to the COOPERATOR, through reimbursable cost transactions, supplies necessary to assemble and construct fire suppression vehicles.

The COOPERATOR agrees:

- a) To reimburse the COMMISSION for costs involved in the transfer, construction, rigging and conversion of loaned equipment and/or supplies provided that are necessary to assemble and construct fire suppression vehicles, which sum shall not be refundable to the COOPERATOR. Any reimbursable cost will be billed to the COOPERATOR using the COMMISSION's invoicing procedures.
- b) To operate said equipment at no cost to the COMMISSION nor to the State of Georgia.
- c) To make said equipment available for inspection by the COMMISSION at any time.
- d) The COOPERATOR shall maintain either liability insurance or self-insured statuses covering all chassis on loan from the COMMISSION and provide supporting documentation for the duration of the agreement.

The PARTIES mutually agree:

- a) Title to all the equipment listed on the ADDENDUM shall remain in the possession of the COMMISSION.
- b) The equipment listed on the ADDENDUM, which is State of Georgia or Federal Excess property, may not be sold, junked or traded, but must be returned to the COMMISSION for final disposition. The COMMISSION may seek reimbursement from the COOPERATOR for any federal or state excess property that is not returned for proper disposal.
- c) When any equipment is returned to the COMMISSION upon termination of this agreement, or for other purposes, such equipment shall have at least the same component parts as it had when the COOPERATOR received the equipment.

- d) Title to all accessories, tools, etc. added by the COOPERATOR shall remain with the COOPERATOR and may be removed prior to returning the equipment.
- e) All loaned equipment is limited to wildland fire use and the use in the public's best interest under unusual or emergency conditions. Other uses of loaned equipment will be considered misuse of equipment and could result in the COMMISSION causing termination of the agreement.
- f) A decal, furnished by the COMMISSION, shall be affixed to the major pieces of equipment listed on the ADDENDUM in a prominent and proper location visible to the public indicating that it is a "fire unit" being operated by the COOPERATOR.
- g) Any employee of the COOPERATOR or other person enlisted by the COOPERATOR to staff and/or operate said equipment shall not be considered an employee of the COMMISSION for any purpose. The COOPERATOR shall have the responsibility for any Worker's Compensation Claim instituted by any person manning said equipment at the request of the COOPERATOR.
- h) The COOPERATOR agrees to hold harmless and relieves the COMMISSION of any accident, injury, and death occurring in the use of or operation of both loaned or reimbursed equipment and vehicle.

**Operational Procedures**

1. Dispatching:

- a) The COMMISSION will dispatch a crew to any known forest/brush/grass/etc. fire, or to any fires of unknown nature. The COMMISSION will cooperate with the county emergency dispatch structure by responding to wildland fires as dispatched.
- b) The COOPERATOR will dispatch a crew to any known structure fire, wildland fire, or to any fire of unknown nature.

2. Communications:

Upon arrival at the scene:

- a) The COMMISSION will provide command and control for wildland fire suppression and will coordinate with the COOPERATOR for protection of life and property threatened by a wildland fire.
- b) The COMMISSION will immediately advise the COOPERATOR of any burning or threatened structure within the area.
- c) The COOPERATOR will provide command and control for structural fire suppression and will cooperate with the COMMISSION for protection of life and property threatened by structural fires. The COOPERATOR will immediately advise the COMMISSION of any burning or threatened natural cover fuels within the area and request and/or provide assistance as needed.
- d) This agreement in no way restricts either agency from taking action in an emergency situation to save lives and property regardless of the nature of a fire, either wildland or structural.

3. Mutual Assistance:

- a) When both agencies are at the same fire, overall command and control of the incident shall lie with the agency concerned most directly with what is burning.
- b) If both woods and structures are on fire simultaneously, each agency shall endeavor to initiate unified command and provide support to each other to ensure shared resources are used effectively, public and firefighter safety, and efficient incident stability.
- c) All fire organizations involved should endeavor to accomplish wildland fire certifications and provide wildland fire personal protective equipment for firefighters who are subject to respond to wildland fires.
- d) Only the COMMISSION can authorize the use of backfires.
- e) The intended use of COMMISSION personnel and equipment is to provide protection/suppression relative only to wildland fires; I.E. Grass, forested lands, brush and trees. COMMISSION personnel are not trained, nor do they possess sufficient personal protective equipment to allow them to function in environments other than those listed above.

4. Training:

- a) Each agency agrees to attend/participate/assist/etc. in the other agency's training program.
- b) The authority having jurisdiction shall be responsible to ensure that all persons participating in training and wildland or structural fire suppression activities meet established qualifications and are properly equipped

with the required personal protective equipment to safely perform tasks at the individuals assigned level of responsibility.

5. Other:

Each agency mutually agrees to provide support of fire prevention programs which will increase the public awareness of the hazards and destruction of fire and serve to make the objectives of this memorandum possible.

AGREEMENT

This agreement shall not supersede any prior agreement between the parties for the coordinated protection of uncontrolled fire on any forest lands with the State of Georgia.

This agreement shall be effective from the date first appearing on page one (1) and shall continue in force from year to year, not to exceed 3 years, unless terminated by either party by thirty (30) days written notice to the other. Updates to this agreement require written approval of each party.

*The Georgia Forestry Commission and its sub-contractors are Equal Opportunity Employers and Service Providers and subject to all provisions of section 601 of the Civil Rights Act of 1964 and therefore prohibit discrimination in all programs and services on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, or marital or family status.*

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first written.

Georgia Forestry Commission

\_\_\_\_\_ Fire Department

\_\_\_\_\_  
Signature: State Forester/Director

\_\_\_\_\_  
Signature: Government Entity/Title  
(Person legally authorized to enter into agreement for COOPERATOR)

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

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

Georgia Forestry Commission

Daniels County Fire Department

\_\_\_\_\_  
Signature: Chief Forest Ranger

Danny King  
Signature: Fire Department Chief

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

Date: 7-13-2021

See next page(s) for **ADDENDUM** to this Agreement

**ADDENDUM**

**TO THE RURAL FIRE DEFENSE COOPERATIVE LEASE AGREEMENT AND MEMORANDUM OF UNDERSTANDING BETWEEN THE GEORGIA FORESTRY COMMISSION AND  
Dawson FIRE DEPARTMENT**

GEORGIA FORESTRY COMMISSION		
<b>AREA COVERED</b>	The County of <u>Dawson</u> ; primarily all lands within the county, private and public, county and state owned and federal lands not under specific agreement. COMMISSION resources assigned to a county are also responsible for all lands within the State of Georgia upon request by the Chief of Forest Protection or his designee.	
<b>RESOURCES:</b>	<b>Equipment:</b> (List # Tractor/Plow Suppression Units, Type 6 Engine(s), Type 7 Engines(s), Other Suppression Equipment ( <b>not radio call signs</b> ). Provide Make, Model, Year and GFC#)	<b>Wildland Fire Suppression Positions:</b> (List by title; (example: Chief Ranger, # of Ranger 1, Supplemental FF, Forester who are available for fire suppression activities this county)
	Tractor- JD 550 . 2008 GFC # (3156)	Chief Ranger - Weslev Sisk
	Tractor - JD 450 . 2006 GFC # (1123)	Ranger - Tommv Adams
	Type 6 Engine - F 550 . 2011 GFC # 2248	Ranger - Chase Smith

*All forest fire protection work shall be under the direction and supervision of the State COMMISSION, through the Director of said Commission, subject to the provisions of the Forest Fire Act and the laws of the State, now or hereafter enacted, relative to forestry and forest fire prevention and suppression. The Commission shall have power to make and enforce all rules and regulations necessary for the administration of forest fire protection. (Ga. Laws 1949, pp. 937, 938; Ga. Code 1981, Sec. 12-6-83.)*

FIRE DEPARTMENT/COOPERATOR			
<b>AREA COVERED</b>	Fire Department/Cooperator will provide a map of the primary responsibility area(s) to the COMMISSION's County Unit that is responsible for the area.		
<b>INFORMATION</b>	<b>Equipment:</b> (List each vehicle, pump, tank, piece of equipment, supplies, etc.... <b>owned and/or loaned by the GFC to the Fire Department</b> . Includes <b>State and Federal Excess Property</b> that appears on GFC asset property inventory—( <b>not Fire Fighter Property or supplies reimbursed by the COOPERATOR to the COMMISSION</b> ). Provide make, tank size, model, pump engine size, GPM of pump, and GFC# of each.		<b>Personnel:</b> (Total number of fire department personnel, <u>does not require personnel names</u> )
<b>Description</b>	<b>GFC Property #</b>	<b>AG #</b> (if Federal Property)	
Pump	46460		<b># of Paid Personnel:</b>
Pump	57406		
Truck	4201187		<b># of Volunteer Personnel:</b>
Truck	4209010		
			<b># of Wildland Fire Qualified Personnel (both paid and volunteer):</b>

*Continue on next page, as needed, to include all FEPP and State owned property loaned or leased to the Fire Department*





## DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Public Works

Work Session: 08/05/2021

Prepared By: Melissa Hawk

Voting Session: 08/19/2021

Presenter: Denise Farr/Melissa Hawk

Public Hearing: Yes  No

Agenda Item Title: Presentation of IFB #384-21 - Culverts Renovation Project for Dawson County

**Background Information:**

The SPLOST VI resolution allotted \$21,200,000 (67%) to Public Works for road projects. There is a need to complete turn-key culvert renovations on seven structures. They are structures #DF P1 through DF P6 on Dan Fowler Road, structure #BR/SL P7 on Barker Road/Shadow Lane and structure #LCG P8 on Lumpkin Campground Road.

**Current Information:**

An IFB was released on June 15, 2021, for this work. The county received 2 bids, with the lowest being received from Townley Construction in the amount of \$248,850 for all structures.

The Public Works staff has determined the offer for Tasks 1B and Tasks 3 are too high and wishes to complete the scope of work internally. The offer received is \$139,819 for these tasks.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining
324	4220	541400	\$	\$	\$109,031	\$

**Recommendation/Motion:** Staff respectfully requests the Board to accept the bids submitted for Tasks 1A and Task 2; to reject bids submitted for Tasks 1B and Task 3; to award a contract to Townley Construction Company, LLC, not to exceed the amount of \$109,031 to perform Tasks 1A and 2; and to utilize SPLOST VI Funds for this project.

Department Head Authorization: Denise Farr

Date: 07/15/2021

Finance Dept. Authorization: Vickie Neikirk

Date: 07/27/21

County Manager Authorization: David Headley

Date: 7/27/2021

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

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

**Comments/Attachments:**



The Edge of The World

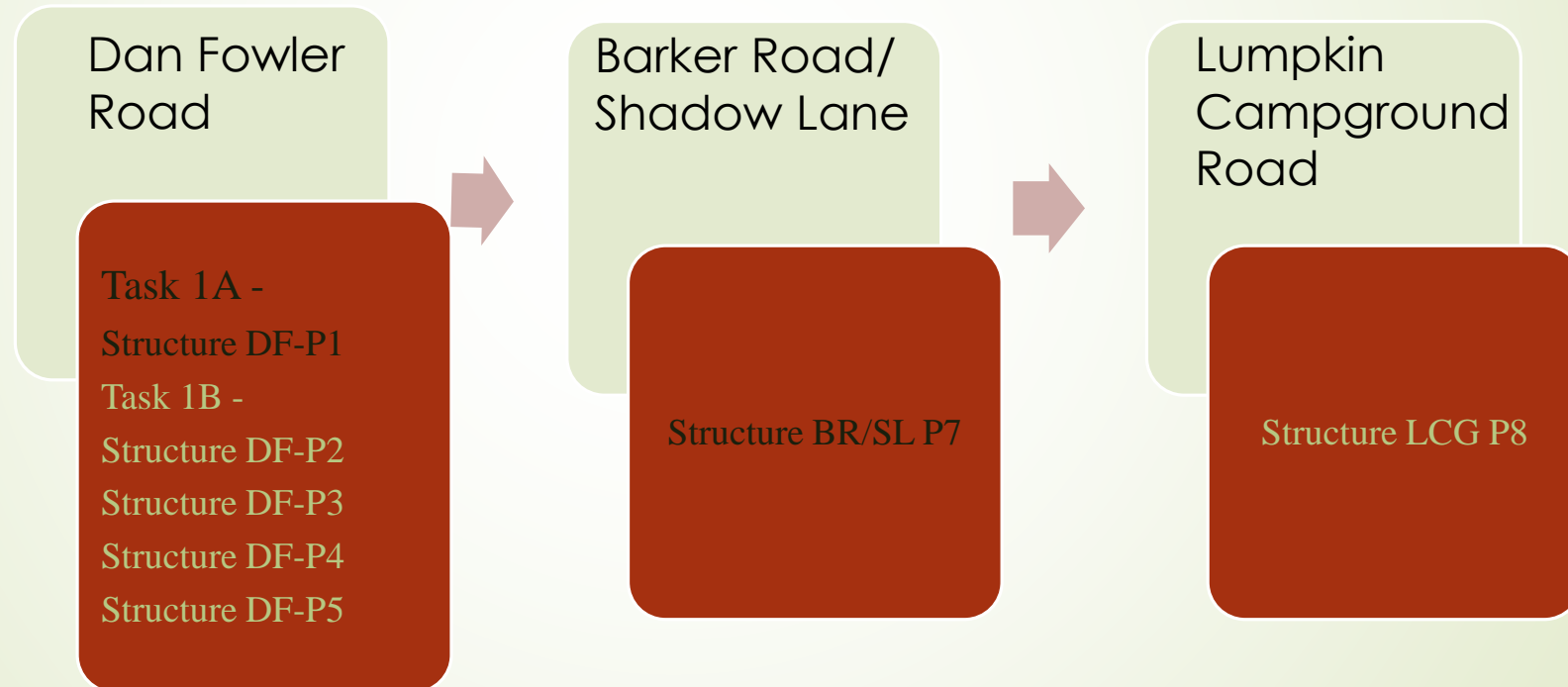
Photo By: Michele DeBlois

# IFB #384-21 CULVERT RENOVATIONS PROJECT FOR DAWSON COUNTY

WORK SESSION – AUGUST 5, 2021

# Background and Overview

- ❖ SPLOST VI designated \$21,200,000.00 for county road projects.
- ❖ Seven culvert sections, constructed from corrugated metal pipe, are in need of repairs.
- ❖ These sections are:



# Procurement Approach and Procedure

## BID ACCORDING TO POLICY

- ✓ Advertised in Legal Organ
- ✓ Posted on County Website
- ✓ Posted on Georgia Procurement Registry
- ✓ Emailed notification through vendor registry
- ✓ Notification through County's Facebook and Twitter accounts
- ✓ Notification through Chamber of Commerce
- ❑ **2 bids received**

# Tasks for Project

- ❖ DAN FOWLER ROAD - Divided into two tasks:
  - ✓ Task 1A – Structure Number DF P1:
    - The current structure is a 60” Corrugated Metal Pipe. Existing pipe is in poor condition. The current pipe shall be cleaned of all debris and sediment prior to lining.
  - ✓ Task 1 B – Structures Numbered DF P2 – DF P6
    - The current structures are corrugated metal pipes. The lengths of each pipe vary with the diameter ranging in size from fifteen to twenty-four (15”-24”) inches.
    - The contractor shall visually inspect the entire length of each pipe. The contractor shall determine the condition of each pipe.
    - The contractor shall recommend whether a pipe should be lined or replaced.

# Task for Project

## ❖ BARKER ROAD/SHADOW LANE:

### ✓ Task 2 – Structure Number BR/SL P7:

- The current structure is a twenty-four inch (24”) Corrugated Metal Pipe. The structure is fully deteriorated and the roadway has experienced settlement.
- The Contractor will be required to install a new thirty-six-inch (36”) HDPE crossover pipe under the road located at 257 Shadow Lane (Parcel ID L16 134).

## ❖ LUMPKIN CAMPGROUND ROAD:

### ✓ Task 3– Structure Number LCG P8:

- The existing structure is a twenty-four-inch (24”) diameter corrugated metal pipe. The pipe is approximately 55 feet long.
- The contractor shall visually inspect the entire length of each pipe. The contractor shall determine the condition of each pipe.
- The contractor shall recommend whether a pipe should be lined or replaced.

# Scope of Work

- ❖ Some of the Scope of Work includes:
  - ✓ Material shall meet 95% compaction and reports. Contractor will be required to include all shoring, trucking in and out, traffic control, backfill material, to complete the job in its entirety. Contractor will be required to provide compaction reports to 95% to the Dawson County Public Works Director.
  - ✓ Provide a jointless cured in place pipe upon completion of the pipe extensions.
  - ✓ Contractor will be responsible for following all related ASTM F-1216 and associated specifications and standards.
  - ✓ Contractor will be responsible for implementing and maintaining Erosion Control BMP Standards as outlined in the State of Georgia Green Book.
  - ✓ All materials, pavement specification and traffic control shall meet the Georgia Department of Transportation guidelines and specifications and current MUTCD manual.
  - ✓ Contractor shall be responsible for all utility locates and site clean-up.

# Offers Received

					<b>Blount Construction Company Inc</b>	
<b>Line Item</b>	<b>Description</b>	<b>Estimated Time of Completion per Task</b>	<b>Unit Cost</b>	<b>Total Cost per Task</b>	<b>Townley Construction</b>	
					<b>Estimated Time of Completion per Task</b>	<b>Total Cost per Task</b>
<b>DAN FOWLER ROAD</b>					<b>DAN FOWLER ROAD</b>	
<b>TASK 1A</b>	<b>STRUCTURE #DF-P1</b>	<b>3</b>	<b>LS</b>	<b>\$152,441.64</b>	<b>1 week</b>	<b>\$46,787.00</b>
<b>TASK 1B</b>	<b>STRUCTURE #DF P2</b>	<b>2</b>	<b>LS</b>	<b>\$15,826.65</b>	<b>3 days</b>	<b>\$18,543.00</b>
	<b>STRUCTURE #DF P3</b>	<b>2</b>	<b>LS</b>	<b>\$10,168.03</b>	<b>3 days</b>	<b>\$18,543.00</b>
	<b>STRUCTURE #DF P4</b>	<b>2</b>	<b>LS</b>	<b>\$18,224.61</b>	<b>3 days</b>	<b>\$20,195.00</b>
	<b>STRUCTURE #DF P5</b>	<b>2</b>	<b>LS</b>	<b>\$12,169.13</b>	<b>1 week</b>	<b>\$21,286.00</b>
<b>TOTAL COSTS FOR TASK 1 WORK:</b>				<b>\$208,830.06</b>	<b>\$125,354.00</b>	
<b>BARKER ROAD/SHADOW LANE</b>					<b>BARKER ROAD/SHADOW LANE</b>	
<b>TASK 2</b>	<b>STRUCTURE #BR/SL P7</b>	<b>3</b>	<b>LS</b>	<b>\$44,309.86</b>	<b>1 week</b>	<b>\$62,244.00</b>
<b>TOTAL COSTS FOR TASK 2 WORK:</b>				<b>\$44,309.86</b>	<b>\$62,244.00</b>	
<b>LUMPKIN CAMPGROUND ROAD</b>					<b>LUMPKIN CAMPGROUND ROAD</b>	
<b>TASK 3</b>	<b>STRUCTURE #LCG P8</b>	<b>3</b>	<b>LS</b>	<b>\$54,523.55</b>	<b>1 week</b>	<b>\$61,252.00</b>
<b>TOTAL COSTS FOR TASK 3 WORK:</b>				<b>\$54,523.55</b>	<b>\$61,252.00</b>	
<b>TOTAL COSTS FOR ALL WORK:</b>				<b>\$307,663.47</b>	<b>\$248,850.00</b>	
<b>TOTAL COSTS FOR TASK 1A &amp; TASK 1B:</b>				<b>\$196,751.50</b>	<b>\$109,031.00</b>	
<b>START DATE:</b>				<b>2 weeks from award</b>	<b>30 days after award</b>	
<b>WARRANTY:</b>				<b>1 year</b>	<b>3 years</b>	



## Staff Recommendation

Staff respectfully requests the Board to accept the bids submitted for Tasks 1A and Task 2; to reject bids submitted for Tasks 1B and Task 3; to award a contract to Townley Construction Company, LLC, not to exceed the amount of \$109,031.00 to perform Tasks 1A and 2; and to utilize SPLOST VI Funds for this project.

Public Works staff will be responsible for performing the scope of work for Task 1B and Task 3.



## DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Finance

Work Session: 8/5/2021

Prepared By: Vickie Neikirk

Voting Session: 8/19/2021

Presenter: Vickie Neikirk

Public Hearing: Yes  No

Agenda Item Title: Request for additional funding for legal expenses

**Background Information:**

The County utilizes the services of Jarrard & Davis for legal issues and guidance. Currently, there is \$252,113 budgeted for 2021. YTD expenditures total \$252,113. Additional funding is needed to pay the remainder of 2021 legal costs.

**Current Information:**

Requesting an additional \$250,000 to be added to the 2021 budget for legal/attorney fees.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Recommendation/Motion: To approve an additional \$250,000 added to the General Fund budget for legal costs. Funding to come from General Fund fund balance.

Department Head Authorization: Vickie Neikirk

Date: 7/26/21

Finance Dept. Authorization: VLN

Date: 7/26/21

County Manager Authorization: David Headley

Date: 7/27/2021

County Attorney Authorization:         

Date:         

**Comments/Attachments:**

# DAWSON COUNTY

## SPLOST VI UPDATE & OVERVIEW



August 5, 2021

# SPLOST VI History

- Approved by the voters in 2014
- 72 month (6 year SPLOST) July 1, 2015-June 30, 2021
- Split with the City 85%/15%
- First collection received in August 2015 was \$579,906.22
- Last collection received in July 2021 was \$1,017,978.98
- Average monthly collection was \$719,212.14
- Estimated collections in total to be \$46,000,000
- Actual collections total \$51,783,274.23

# SPLOST VI ESTIMATED PROJECT COSTS (Per Resolution)

IT		\$ 350,000	0.91%
Fire Equipment		\$ 1,750,000	4.54%
Fire station		\$ 1,750,000	4.54%
EMS		\$ 750,000	1.95%
Roads		\$ 21,200,000	54.99%
PW Facility		\$ 2,500,000	6.49%
PW Equipment		\$ 2,200,000	5.71%
Recycling facility		\$ 100,000	0.26%
Recreation Facilities		\$ 4,067,000	10.55%
Sheriff Vehicles & Equip.		\$ 3,883,000	10.07%

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**County Total** **\$ 38,550,000** **100.00%**

**City allocation** 15% **\$ 7,450,000**

**TOTAL** 237 **\$ 6,000,000**

# SPLOST VI PROJECT COSTS (To Date)

**SPLOST VI  
SUMMARY**

7/1/2015-7/31/21

Current collections: **\$51,783,274.23**

<b>Actual revenues over estimate</b>	
\$5,783,274.23	
\$ 867,491.13	City %
\$4,915,783.10	County overage

	<u>Per Resolution</u>	<u>%</u>	<u>Expenditures to-date</u>	<u>Encumbrances</u>	<u>Remaining</u>
			<b>As of 7/31/21</b>		
General Govt			8,067.94		
IT	\$ 350,000	0.91%	344,199.17		5,800.83
Fire Equipment	\$ 1,750,000	4.54%	2,818,085.99		(1,068,085.99)
Fire station	\$ 1,750,000	4.54%	1,597,323.60		152,676.40
EMS	\$ 750,000	1.95%	703,350.00		46,650.00
Roads	\$ 21,200,000	54.99%	14,761,031.84	3,739,461.37	2,699,506.79
PW Facility	\$ 2,500,000	6.49%	2,509,113.20		(9,113.20) <small>includes fleet facility</small>
PW Equipment	\$ 2,200,000	5.71%	1,533,089.57	681,856.00	(14,945.57)
Recycling facility	\$ 100,000	0.26%	-		100,000.00
Recreation Facilities	\$ 4,067,000	10.55%	3,510,752.47	150,164.35	406,083.18
Sheriff Vehicles & Equip.	\$ 3,883,000	10.07%	3,040,860.21	353,480.02	488,659.77
<b>County Total</b>	<b>\$ 38,550,000</b>	<b>100.00%</b>	<b>\$ 30,825,873.99</b>	<b>\$ 4,924,961.74</b>	<b>\$2,807,232.21</b>
<b>City allocation</b>	15%			<b>\$ 7,767,491.11</b>	
<b>TOTAL</b>				<b>\$ 38,593,365.10</b>	

# SPLOST VII

- First year and a half (depending on collections) of SPLOST VII will only be used for Emergency Operations Center and Communications Equipment. The amount allocated for these two projects total \$8,500,000.
- The SPLOST VI revenues that exceed the original estimates will help bridge that gap.

# Use of remaining SPLOST VI revenues based on resolution %

IT	0.91%	44,630.97
Fire Equipment	4.54%	223,154.87
Fire station	4.54%	223,154.87
EMS	1.95%	95,637.80
Roads	54.99%	2,703,361.91
PW Facility	6.49%	318,792.68
PW Equipment	5.71%	280,537.56
Recycling facility	0.26%	12,751.71
Recreation Facilities	10.55%	518,611.93
Sheriff Vehicles & Equip.	10.07%	495,148.79
	<b>100.00%</b>	<b>\$4,915,783.10</b>



# Use of remaining SPLOST VI revenues

- The revenue projections and project costs in the SPLOST VI IGA are estimates.
- The actual cost of each project may be greater or lesser than estimated.
- The SPLOST VI projects are defined broadly (e.g., “Roads, Streets, and Bridges,” “Recreational Facilities,” etc.) and the remaining SPLOST VI revenues may be used for these purposes.
- Alternatively, if each of the SPLOST VI projects are deemed “completed,” excess SPLOST VI revenues must first be used to reduce County indebtedness, and any remainder must be used to reduce property taxes.
  - Cannot be used to pay off the debt of a local authority.
  - Current balance on County debt is \$268,000 for fire truck.

# SPLOST VI projects are not yet complete

There are still areas of need within most project groups

Department	Amount of allocation	Uses
Information Technology	\$200,000	New backup system
General	\$200,000	Vehicles
EMS	\$150,000	Ambulance or equipment
Roads	\$1,500,000	Various Road Projects
Public Works Equipment	\$500,000	Heavy Equipment
Parks & Rec	\$1,595,000	Approved May 6, 2021
Sheriff Vehicles	\$500,000	Patrol Vehicles
Fire	\$268,000	Pay off fire truck debt
Total	\$4,242,000	

# Conclusion

Staff requests that the Board consider how they want to use the remaining SPLOST VI revenues so a plan can be implemented. This will allow for a clear understanding of how and where the funds are to be used.



**AN ORDINANCE OF THE  
DAWSON COUNTY  
BOARD OF COMMISSIONERS**

**TO AMEND ARTICLE III OF CHAPTER 30 OF THE CODE OF DAWSON COUNTY  
TO PROVIDE FOR THE REMITTANCE OF EXCISE TAXES ON ROOMS, LODGING,  
AND ACCOMMODATIONS FURNISHED BY MARKETPLACE INNKEEPERS**

**WHEREAS**, the Constitution of the State of Georgia, approved by the voters of the State in November 1982, and effective July 1, 1983, provides in Article IX, Section 2, Paragraph 1 thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions, and regulations;

**WHEREAS**, the Board of Commissioners of Dawson County has determined that it is in the public interest to amend Chapter 30, Article III of the Code of Dawson County, Georgia, in order to provide for the remittance of excise taxes on rooms, lodging, and accommodations by marketplace innkeepers who furnish or facilitate such services; and

**WHEREAS**, the Dawson County Board of Commissioners has determined to adopt an ordinance regulating these matters;

**NOW THEREFORE BE IT ORDAINED** by the Board of Commissioners of Dawson County, Georgia, as follows:

**SECTION 1.**

Chapter 30, Article III of the Code of Dawson County, Georgia, is hereby amended as shown in Exhibit A hereto, with additions indicated by underline and deletions indicated by ~~striketrough~~.

**SECTION 2.**

If any section, provision or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this Ordinance 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 Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent that this Ordinance would have been adopted had such invalid portion not been included herein.

**SECTION 3.**

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 4.**

This Ordinance shall become effective on \_\_\_\_\_, 2021, the public good demanding the same.

**SO ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2021.

**Dawson County Board of Commissioners**

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

Attest:

By: \_\_\_\_\_  
Kristen Cloud, County Clerk

[COUNTY SEAL]

**Exhibit A**

**ARTICLE III. - ROOM OCCUPANCY TAX**

**Sec. 30-362. - Levied; exceptions.**

- (a) *Levied.* There is hereby levied an excise tax at the rate of 8 percent of the rent paid for the occupancy of any room or rooms, lodging, or accommodations furnished by any person or legal entity located within the unincorporated portions of Dawson County and that is licensed by, or required to pay business or occupation taxes to Dawson County for operating a hotel, motel, inn, lodge, tourist camp, tourist cabin, bed and breakfast, short-term home rental, or any place in which rooms, lodging, or accommodations are regularly furnished for value. No tax shall be levied as provided in this section upon fees or charges for any rooms, lodging, or accommodations furnished for a period of more than 30 consecutive days or for use as meeting rooms. No tax shall be levied as provided herein upon the fees or charges for any rooms, lodgings, or accommodations furnished for a period of one or more consecutive days for use by Georgia state or local government officials or employees when traveling on official business. In each fiscal year during which the tax set forth herein is collected, the total amount of taxes collected that exceeds the amount of taxes that would be collected at a rate of five percent shall be expended for promoting tourism, conventions, and trade shows by the Dawson County Convention and visitors bureau division of the Dawson County Chamber of Commerce, a designated marketing organization designated by Dawson County.
- (b) *Additional levy authorization.*
- (1) *Room tax authorized.* Pursuant to the authority of subsection (b) of Code Section 48-13-51 of the O.C.G.A. [O.C.G.A. § 48-13-51(b)], the governing authority of Dawson County is authorized within the territorial limits of the special district located within Dawson County to levy an excise tax at a rate not to exceed eight percent of the charge for the furnishing for value to the public of any room or rooms, lodgings, or accommodations furnished by any person or legal entity licensed by, or required to pay business or occupation taxes to, the county for operating a hotel, motel, inn, lodge, tourist camp, tourist cabin, campground, or any other place in which rooms, lodgings, or accommodations are regularly or periodically furnished for value.
- (2) *Enactment subsequent to county resolution.* The enactment of this subsection (b) is subsequent to the adoption of Resolution #2009-001 of the governing authority of Dawson County on February 19, 2009, which specifies the subsequent tax rate, identifies the projects or tourism product development purposes, and specifies the allocation of proceeds.
- (3) *Use of tax.* In accordance with the terms of Resolution #2009-001:
- a. In each fiscal year during which a tax is collected pursuant to paragraph (3) of subsection (b) of Code Section 48-13-51 of the O.C.G.A. [O.C.G.A. § 48-13-51(b)], an amount equal to not less than 50 percent of the total amount of taxes collected that exceed the amount of taxes that would be

collected at the rate of five percent shall be expended for promoting tourism, conventions, and trade shows by the destination marketing organization designated by Dawson County; and

- b. The remaining amount of taxes collected that exceed the amount of taxes that would be collected at the rate of five percent which are not otherwise expended under subsection (1) of this section shall be expended for tourism product development.

(c) Definitions.

(1) “Innkeeper” means:

- a. Any person that furnishes for value to the public any room or rooms, lodgings, or accommodations within the unincorporated portions of Dawson County and that is licensed by, or required to pay business or occupation taxes to Dawson County for operating a hotel, motel, inn, lodge, tourist camp, tourist cabin, campground, bed and breakfast, short-term home rental, or any other place in which room or rooms, lodgings, or accommodations are regularly furnished for value; or
- b. A marketplace facilitator who facilitates the furnishing for value to the public any room or rooms, lodgings, or accommodations on behalf of another person in any manner, including, but not limited to, promoting, marketing, advertising, taking reservations, collecting payment, or as otherwise defined by O.C.G.A. § 48-13-50.2 (2)(B).

(2) “Marketplace innkeeper” means an innkeeper as defined in section 30-362 (c)(1)(b).

**Sec. 30-363. - Use of proceeds.**

The proceeds collected pursuant to this article shall be used to promote tourism, conventions, and trade shows in accord with O.C.G.A. § 48-13-51(a)(3).

**Sec. 30-364. - Duty to collect.**

- (a) It shall be the duty of every ~~operator~~ innkeeper of any establishment covered by section 30-362 to collect the tax on occupants as hereinabove imposed in section 30-362.
- (b) A marketplace innkeeper shall constitute the innkeeper with respect to the transactions taxable pursuant to this article that it facilitates on behalf of another person. All taxes levied or imposed by this article on transactions facilitated by a marketplace innkeeper shall be paid by the purchaser to the marketplace innkeeper.
- (b) The marketplace innkeeper shall remit all taxes in the manners provided in this article and, when received by the taxing authority.
- (c) Each marketplace innkeeper shall be liable for the full amount of taxes levied or imposed by this article on its transactions or the amount of tax collected by such marketplace innkeeper from all purchasers on all such transactions, whichever is greater.

- (d) A transaction that is not taxable pursuant to section 30-362 (a) shall not be taxable to the marketplace innkeeper.
- (e) In the event that the marketplace innkeeper fails to remit the full amount of taxes levied or imposed by this article to Dawson County, the innkeeper shall be liable for the full amount of taxes levied or imposed by this article.

**Sec. 30-365. - Registration of business.**

- (a) Every person engaging in, or about to engage in, business as an ~~operator~~innkeeper of any establishment covered by section 30-362 shall immediately register said business with Dawson County, on a form provided by the county for such purpose. The required registration hereunder shall set forth the name under which the ~~operator~~innkeeper transacts business or intends to transact business, the location of the place or places of business, and such other information as would facilitate the collection of the tax by the county. The registration shall be signed by the owner if a natural person; by a member or general partner in case of ownership by an association or partnership; or by an appropriate officer in the case of ownership by a corporation.
- (b) A separate registration shall be required for each place of business of an ~~operator~~innkeeper.

**Sec. 30-366. - Certificate of authority.**

Upon the registration of an ~~operator~~innkeeper as hereinabove provided, Dawson County shall issue to such ~~operator~~innkeeper without charge a certificate of authority to collect the tax on occupants. Each certificate shall state the name and location of the business to which it relates. Such certificate of authority shall also constitute a license by the county to operate such an establishment; provided, however, that such license shall not relieve the ~~operator~~innkeeper from obtaining any other required licenses or permits.

**Sec. 30-367. - When due and payable.**

All taxes levied by this section shall be due and payable to Dawson County monthly on or before the 20th day of every month next succeeding each respective month in which such taxes are collected, and payment shall be accompanied by a return for the preceding monthly period showing the gross rent, rent from permanent residents, taxable rent, amount of tax collected or otherwise due for the period, and such other information as may be required by the county.

**Sec. 30-368. - Reimbursement.**

~~Operator~~Inkeepers collecting the tax levied hereunder shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction for submitting, reporting, and payment of the amount due, if said amount is not delinquent at the time of payment. The rate of the deduction shall be three percent of the total amount of tax collected.



**Sec. 30-369. - Failure to file return.**

- (a) If any ~~operator~~inkeeper fails to file a return as required under the provisions of this section, the county shall make an estimate of the amount of gross rentals that are subject to the tax. The estimate shall be made for the period or periods in which the ~~operator~~inkeeper failed to file the return and shall be based upon any information that is or may come into the possession of the county.
- (b) The board of commissioners or designated representative shall give to the ~~operator~~inkeeper written notice of the determination as herein provided. The notice may be served personally or by mail; if by mail such service shall be addressed to the ~~operator~~inkeeper at his/her/its address as it appears in the county's records. Service by mail is complete when delivered by certified mail with a receipt signed by the addressee.
- (c) The amount of the determination made hereunder shall bear interest at the rate of three-fourths of one percent per month, or fraction thereof, from the 20th day of the month following the monthly period, for which the amount or any portion thereof should have been returned, until the date of payment.
- (d) In addition, a penalty of five percent of the tax due or \$5.00, whichever is greater, for each 30 days or fraction thereof of delinquency, not to exceed 25 percent or \$25.00 in the aggregate, whichever is greater, shall be assessed and paid by the ~~operator~~inkeeper to the county.
- (e) The estimated tax together with applicable penalties and interest may be collected utilizing any of the enforcement methods set forth in this section.

**Sec. 30-370. - Records retention.**

Each ~~operator~~inkeeper collecting a tax under the provisions of this section shall keep for a period of at least three years all records, receipts, invoices, and other pertinent papers setting forth the rental charged for each occupancy, the date or dates of occupancy, and such other information as the county may require.

**Sec. 30-371. - Administration and enforcement.**

The board of commissioners or designated representative shall administer and enforce the provisions of this section for the collection of the tax herein imposed, and in so doing shall have the following powers:

- (1) To examine, or authorize the examination of, books, papers, records, financial reports, equipment, and other facilities of any ~~operator~~inkeeper subject to this article, in order to verify the accuracy of any return made, or if no return is made by the ~~operator~~inkeeper, to ascertain and determine the amount required to be paid;
- (2) To require the filing of reports by any person or persons having in their possession or custody information relating to rentals which are subject to the tax herein levied; and
- (3) To allow a credit on any amount due and payable from persons who paid the tax herein levied but who were erroneously or illegally subjected thereto.

**Sec. 30-372. - Court action for collection; time limit.**

At any time within three years after any tax or any portion of such tax required to be collected becomes due and payable, the county attorney at the direction of the board of commissioners may bring an action in a court of competent jurisdiction in the name of the county to collect such amount due together with interest, court fees, filing fees, attorney's fees, and other legal fees incident thereto.

**Sec. 30-373. - Sale of business; liability for unpaid taxes.**

If any ~~operator~~inkeeper becomes liable for any amount required to be paid by this article and subsequent thereto sells out or quits the business, the successors or assigns of such ~~operator~~inkeeper shall withhold a sufficient amount of the purchase price to cover such amount due. In the event said purchaser of the business fails to withhold the required amount, he/she/it shall become personally liable therefor to the extent of the tax owed, together with any applicable penalties and interest.

**Sec. 30-374. - Violation of article provisions; penalty.**

- (a) Any person who shall do anything prohibited by this article or who shall fail to do anything required by this article shall be guilty of a misdemeanor, amenable to the process of the Magistrate Court of Dawson County and upon conviction, shall be assessed with any penalty, including fine, confinement, or both, allowed by law for the violation of county resolutions or ordinances. Each and every day that such violation exists shall be deemed a separate offense.
- (b) In order to enforce this article or to correct or abate any violation of this article, the Board of Commissioners of Dawson County, in addition to other remedies, may institute injunction, mandamus, or other appropriate action.

**Sec. 30-375. - Other laws.**

- (a) Any resolution or law which may be applicable hereto and aid in carrying out or making effective the intent, purpose, and provisions hereof, which shall be literally construed to be in favor of Dawson County is hereby adopted as a part hereof.
- (b) The effective date of this article shall be April 1, 1991.