



CITY OF DAHLONEGA

City Council Public Hearing - Zoning Agenda

August 17, 2020 3:30 PM

Gary McCullough Chambers, Dahlonega City Hall

In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 706-864-6133.

CALL TO ORDER

Public Hearing:

1. Ordinance 2020-29: Public Hearing for adoption of the Official Zoning Map to revise the map so as to include map amendments enacted by prior ordinances. This action is being taken pursuant to Subpart B: Land Use and Land Development, Appendix B: Zoning, Article IV: Establishment of Districts: Provision for Official Zoning Map, Section 402: Official Zoning Map. The citation referenced above pertains to Ordinance 91-9 as it appears in an appendix to the code of ordinances of the City of Dahlonega.
Kevin Herrit, Community Development Director (Doug Parks – Alternate)
2. Ordinance 2020-03: Public Hearing for Text Amendment to Subpart B: Land Use and Land Development, Appendix B: Zoning, Article XVI: B-3, Historical Business District, Section 1604: Outdoor Sales, Storage and Display Prohibited – A request to amend the text of Article XVI, Section 1604: Outdoor Sales, Storage and Display Prohibited to provide for farm winery tasting rooms to be allowed to perform sidewalk sales and to allow for farm winery tasting rooms and restaurants to use front porch areas in the same manner as sidewalk dining facilities. The citation reference above pertains to Ordinance 91-9 as it appears in an appendix to the code of ordinances of the City of Dahlonega.
Doug Parks, City Attorney
3. Ordinance 2020-04: Public Hearing for Text Amendment to Subpart B: Land Use and Land Development, Appendix B: Zoning, Article XVII: CBD, Central Business District, Section 1704: Outdoor Sales, Storage and Display Prohibited – A request to amend the text of Article XVII, Section 1704: Outdoor Sales, Storage and Display Prohibited to provide for farm winery tasting rooms to be allowed to perform sidewalk sales and to allow for farm winery tasting rooms and restaurants to use front porch areas in the same manner as sidewalk dining facilities. The citation referenced above pertains to Ordinance 91-9 as it appears in an appendix to the code of ordinances of the City of Dahlonega.
Doug Parks, City Attorney
4. Ordinance 2020-26: Public Hearing for Text Amendment to Subpart B: Land Use and Land Development, Appendix B: Zoning, Article IV, Section 703: Height Limitations – A request to amend the text of Article IV, Section 703: Height Limitations to provide Height Limitations in the CBD (Central Business District). The Citation referenced above pertains to Ordinance 91-9 as it appears in an appendix to the code of ordinances of the City of Dahlonega.
Kevin Herrit, Community Development Director (Doug Parks – Alternate)

ADJOURNMENT



RESOLUTIONS & ORDINANCES

DATE: July 7, 2020

TITLE: Ordinance 2020-29: Public Hearing for adoption of the Official Zoning Map to revise the map so as to include map amendments enacted by prior ordinances. This action is being taken pursuant to Subpart B: Land Use and Land Development, Appendix B: Zoning, Article IV: Establishment of Districts: Provision for Official Zoning Map, Section 402: Official Zoning Map. The citation referenced above pertains to Ordinance 91-9 as it appears in an appendix to the code of ordinances of the City of Dahlonega.

PRESENTED BY: Kevin Herrit, Community Development Director (Doug Parks – Alternate)

AGENDA ITEM DESCRIPTION:

This is to adopt a revised and updated Zoning Map pursuant to Ordinance 91-9.

HISTORY/PAST ACTION:

FINANCIAL IMPACT:

RECOMMENDATION:

SUGGESTED MOTIONS:

ATTACHMENTS:

Ordinance 2020-29

**CITY OF DAHLONEGA
ORDINANCE 2020-29**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DAHLONEGA, GEORGIA. THIS ACTION IS BEING TAKEN PURSUANT TO ORDINANCE 91-9, AS IT APPEARS IN THE CODE OF ORDINANCES OF THE CITY OF DAHLONEGA, SUBPART B: LAND USE AND LAND DEVELOPMENT, APPENDIX B: ZONING, ARTICLE IV: ESTABLISHMENT OF DISTRICTS: PROVISION FOR OFFICIAL ZONING MAP, SECTION 402: OFFICIAL ZONING MAP.

The Official Zoning Map of the City of Dahlonega, Georgia, dated _____ is hereby adopted as the new Official Zoning Map for the City of Dahlonega, Georgia, and replaces all former zoning maps; provided that conditions originally adopted with respect to specific zoning designations are preserved and not repealed by adoption of the new map. The Official Zoning Map shall be available for public inspection in the Mayor's office during normal city business hours.

The effective date of this Ordinance shall be upon approval by the City Council of Dahlonega, Georgia.

APPROVED THIS _____ DAY OF _____, 2020 BY THE MAYOR AND COUNCIL OF THE CITY OF DAHLONEGA, GEORGIA.

Sam Norton, Mayor

Attest:

Mary Csukas, City Clerk



CITY COUNCIL AGENDA REPORT

DATE: January 16, 2020

TITLE: Ordinance 2020-03: Public Hearing for Text Amendment to Subpart B: Land Use and Land Development, Appendix B: Zoning, Article XVI: B-3, Historical Business District, Section 1604: Outdoor Sales, Storage and Display Prohibited – A request to amend the text of Article XVI, Section 1604: Outdoor Sales, Storage and Display Prohibited to provide for farm winery tasting rooms to be allowed to perform sidewalk sales and to allow for farm winery tasting rooms and restaurants to use front porch areas in the same manner as sidewalk dining facilities. The citation reference above pertains to Ordinance 91-9 as it appears in an appendix to the code of ordinances of the City of Dahlonega.

PRESENTED BY: Doug Parks, City Attorney

AGENDA ITEM DESCRIPTION:

An Ordinance to allow farm winery tasting rooms to perform limited outdoor sales in the B-3 District under certain conditions. Additionally, this would allow porch sales of alcoholic beverages by restaurants and farm wineries.

HISTORY/PAST ACTION:

In the past this zoning section only allowed outdoor food and alcohol sales for restaurants with certain limitations. Under this provision farm winery tasting rooms are included on an equal footing to restaurants.

FINANCIAL IMPACT:

RECOMMENDATION:

SUGGESTED MOTIONS:

ATTACHMENTS:

Attached is a clean Ordinance 2020-03

AN ORDINANCE TO AMEND ORDINANCE 91-9 OF THE CITY OF DAHLONEGA, GEORGIA WHICH APPEARS IN THE PUBLICATION OF THE CODE OF THE CITY OF DAHLONEGA, GEORGIA AT: SUBPART B: LAND USE AND LAND DEVELOPMENT, APPENDIX B: ZONING, ARTICLE XVI: B-3, HISTORICAL BUSINESS DISTRICT, SECTION 1604: OUTDOOR SALES, STORAGE AND DISPLAY PROHIBITED.

Short Title: "An Ordinance to allow farm winery tasting rooms to perform limited outdoor sales in the B-3 District."

WHEREAS, the City Council of Dahlonega, Georgia desires to allow farm winery tasting rooms to perform wine tastings outdoors.

NOW, THEREFORE, be it ordained, and it is so ordained by the authority of the City Council of Dahlonega, that Ordinance 91-9 of the City of Dahlonega, Georgia which appears in the publication of the Code of the city of Dahlonega, Georgia at: Subpart B, Appendix B, Article XVI, Section 1604 shall be amended in its entirety to read as follows:

Sec. 1604. - Outdoor sales, storage and display prohibited.

Except as otherwise provided, it shall be unlawful in the B-3, Historical Business District, to provide any outdoor storage, outdoor display or outdoor sales on any portion of a subject lot; provided, however, that said prohibition shall not apply to farm winery tasting rooms as defined in O.C.G.A. 3-6-21.1(a)(3) and restaurants which desire to sell outdoors provided that outdoor sales are restricted as follows:

1. Sales shall occur only within an area of the zoned premises approved by the Community Development Director or the Director's designee.
2. Approved signage must be displayed within said area to advise patrons that alcoholic beverages cannot be removed from the outdoor dining area under any circumstances.
3. Any alcohol sold cannot be served in bottles, cans, plastic cups, or any other disposable containers, but only in glass containers.
4. Any restaurant or farm winery tasting room utilizing sidewalk right of way must comply with the regulations of the City of Dahlonega concerning such sidewalk dining facilities.
5. For the purposes of this ordinance front porch areas over which the restaurant or farm winery tasting room has control may be used in the same manner and under the same regulations as sidewalk dining facilities for up to four tables provided the porch area is approved by the Community Development Director or the Director's designee.

This ordinance appears in an appendix to the Code of the City of Dahlonega. The codifier is hereby granted editorial license to include this ordinance amendment in future supplements of said Code by appropriate section, division, article or chapter. The City Attorney is directed and authorized to direct the codifier to make necessary minor, non-substantive corrections to the provisions of this appendix to the Code, including but not limited to, the misspelling of words, typographical errors, duplicate pages, incorrect references to state or federal laws, statutes, the Code, or other codes or similar legal or technical sources, and other similar amendments, without necessity of passage of a corrective ordinance or other action of the Mayor and Council. The City Clerk shall, upon the written advice or recommendation of the city attorney and without the necessity of further council action, alter, amend or supplement any non-codified ordinance, resolution or other record filed in his or her office as necessary to effect similar non-substantive changes or revisions and ensure that such public records are correct, complete and accurate.

Adopted and Ordained this ____ day of _____, 2020.

By: _____
Sam Norton, Mayor

Attest: _____
Mary Csukas, City Clerk



STAFF REPORT FOR CITY COUNCIL

PETITIONER: CITY OF DAHLONEGA
ADDRESS: 465 RILEY ROAD
CITY: DAHLONEGA, GA 30533
TELEPHONE: (706) 482-2708
CASE NO: REZN-07-20-0002
TYPE OF AMENDMENT: TEXT
PC RECOMMENDATION: APPROVEAL

NATURE OF REQUEST

To update section 1604, outdoor sales, storage and display prohibited. This amendment will exclude farm winery tasting rooms as defined in O.C.G.A. 3-6-21.1(a)(3) from the prohibition of outdoor sales, storage and display.

TEXT TO BE INSERTED OR CHANGED

Sec. 1604 – Outdoor sales, storage and display prohibited.

Except as otherwise provided, it shall be unlawful in the B-3, Historical Business District, to provide any outdoor storage, outdoor display or outdoor sales on any portion of a subject lot; provided, however, that said prohibition shall not apply to farm winery tasting rooms as defined in O.C.G.A 3-6-21.1(a)(3) and restaurants which desire to sell outdoors provided that outdoor sales are restricted as follows:

1. Sales shall occur only within an area of the zoned premises approved by the Community Development Director or the Director's designee.
2. Approved signage must be displayed within said area to advise patrons that alcoholic beverages cannot be removed from the outdoor dining area under any circumstances.
3. Any alcohol sold cannot be served in bottles, cans, plastic cups, or any other disposable containers, but only in glass containers.

4. Any restaurant or farm winery tasting room utilizing sidewalk right of way must comply with the regulations of the City of Dahlonge concerning such sidewalk dining facilities.
5. For the purposes of this ordinance front porch areas over which the restaurant or farm winery tasting room has control may be used in the same manner and under the same regulations as sidewalk dining facilities for up to four tables provided that the porch area is approved by the Community Development Director or the Director's designee.



CITY COUNCIL AGENDA REPORT

DATE: January 16, 2020

TITLE:

Ordinance 2020-04: Public Hearing for Text Amendment to Subpart B: Land Use and Land Development, Appendix B: Zoning, Article XVII: CBD, Central Business District, Section 1704: Outdoor Sales, Storage and Display Prohibited – A request to amend the text of Article XVII, Section 1704: Outdoor Sales, Storage and Display Prohibited to provide for farm winery tasting rooms to be allowed to perform sidewalk sales and to allow for farm winery tasting rooms and restaurants to use front porch areas in the same manner as sidewalk dining facilities. The citation referenced above pertains to Ordinance 91-9 as it appears in an appendix to the code of ordinances of the City of Dahlonega.

PRESENTED BY: Doug Parks, City Attorney

AGENDA ITEM DESCRIPTION:

This Ordinance is to allow farm winery tasting rooms to perform wine tastings outdoors in the Central Business District under certain conditions. Additionally, this would allow porch sales of alcoholic beverages by restaurants and farm wineries.

HISTORY/PAST ACTION:

In the past this section only allowed limited outdoor dining activities for restaurants. Under this section farm wineries are included on an equal footing to restaurants.

FINANCIAL IMPACT:

RECOMMENDATION:

SUGGESTED MOTIONS:

ATTACHMENTS:

Attached is a clean Ordinance 2020-04

AN ORDINANCE TO AMEND ORDINANCE 91-9 OF THE CITY OF DAHLONEGA, GEORGIA WHICH APPEARS IN THE PUBLICATION OF THE CODE OF THE CITY OF DAHLONEGA, GEORGIA AT: SUBPART B: LAND USE AND LAND DEVELOPMENT, APPENDIX B: ZONING, ARTICLE XVII: CBD, CENTRAL BUSINESS DISTRICT, SECTION 1704: OUTDOOR SALES, STORAGE AND DISPLAY PROHIBITED.

Short Title: "An Ordinance to allow farm winery tasting rooms to perform limited outdoor sales in the CBD."

WHEREAS, the City Council of Dahlonega, Georgia desires to allow farm winery tasting rooms to perform wine tastings outdoors.

NOW, THEREFORE, be it ordained, and it is so ordained by the authority of the City Council of Dahlonega, that Ordinance 91-9 of the City of Dahlonega, Georgia which appears in the publication of the Code of the city of Dahlonega, Georgia at: Subpart B, Appendix B, Article XVII, Section 1704 shall be amended in its entirety to read as follows:

Sec. 1704. - Outdoor sales, storage and display prohibited.

Except as otherwise provided, it shall be unlawful in the CBD, Central Business District, to provide any outdoor storage, outdoor display, or outdoor sales on any portion of a subject lot; provided, however, that said prohibition shall not apply to farm winery tasting rooms as defined in O.C.G.A. 3-6-21.1(a)(3) and restaurants which desire to sell outdoors provided that outdoor sales are restricted as follows:

1. Sales shall occur only within an area of the zoned premises approved by the Community Development Director or the Director's designee.
2. Approved signage must be displayed within said area to advise patrons that alcoholic beverages cannot be removed from the outdoor dining area under any circumstances.
3. Any alcohol sold cannot be served in bottles, cans, plastic cups, or any other disposable containers, but only in glass containers.
4. Any restaurant or farm winery tasting room utilizing sidewalk right of way must comply with the regulations of the City of Dahlonega concerning such sidewalk dining facilities.
5. For the purposes of this ordinance front porch areas over which the restaurant or farm winery tasting room has control may be used in the same manner and under the same regulations as sidewalk dining facilities for up to four tables provided the porch area is approved by the Community Development Director or the Director's designee.

This ordinance appears in an appendix to the Code of the City of Dahlgonega. The codifier is hereby granted editorial license to include this ordinance amendment in future supplements of said Code by appropriate section, division, article or chapter. The City Attorney is directed and authorized to direct the codifier to make necessary minor, non-substantive corrections to the provisions of this appendix to the Code, including but not limited to, the misspelling of words, typographical errors, duplicate pages, incorrect references to state or federal laws, statutes, the Code, or other codes or similar legal or technical sources, and other similar amendments, without necessity of passage of a corrective ordinance or other action of the Mayor and Council. The City Clerk shall, upon the written advice or recommendation of the city attorney and without the necessity of further council action, alter, amend or supplement any non-codified ordinance, resolution or other record filed in his or her office as necessary to effect similar non-substantive changes or revisions and ensure that such public records are correct, complete and accurate.

Adopted and Ordained this ____ day of _____, 2020.

By: _____
Sam Norton, Mayor

Attest: _____
Mary Csukas, City Clerk



STAFF REPORT FOR CITY COUNCIL

PETITIONER: CITY OF DAHLONEGA
ADDRESS: 465 RILEY ROAD
CITY: DAHLONEGA, GA 30533
TELEPHONE: (706) 482-2708
CASE NO: REZN-07-20-0003
TYPE OF AMENDMENT: TEXT
PC RECOMMENDATION: APPROVEAL

NATURE OF REQUEST

To update section 1704, outdoor sales, storage and display prohibited. This amendment will exclude farm winery tasting rooms as defined in O.C.G.A. 3-6-21.1(a)(3) from the prohibition of outdoor sales, storage and display.

TEXT TO BE INSERTED OR CHANGED

Sec. 1704 – Outdoor sales, storage and display prohibited.

Except as otherwise provided, it shall be unlawful in the CBD, Central Business District, to provide any outdoor storage, outdoor display or outdoor sales on any portion of a subject lot; provided, however, that said prohibition shall not apply to farm winery tasting rooms as defined in O.C.G.A 3-6-21.1(a)(3) and restaurants which desire to sell outdoors provided that outdoor sales are restricted as follows:

1. Sales shall occur only within an area of the zoned premises approved by the Community Development Director or the Director's designee.
2. Approved signage must be displayed within said area to advise patrons that alcoholic beverages cannot be removed from the outdoor dining area under any circumstances.
3. Any alcohol sold cannot be served in bottles, cans, plastic cups, or any other disposable containers, but only in glass containers.

4. Any restaurant or farm winery tasting room utilizing sidewalk right of way must comply with the regulations of the City of Dahlongega concerning such sidewalk dining facilities.
5. For the purposes of this ordinance front porch areas over which the restaurant or farm winery tasting room has control may be used in the same manner and under the same regulations as sidewalk dining facilities for up to four tables provided that porch area is approved by the Community Development Director or the Director's designee.



RESOLUTIONS & ORDINANCES

DATE: July 7, 2020

TITLE: Ordinance 2020-26: Public Hearing for Text Amendment to Subpart B: Land Use and Land Development, Appendix B: Zoning, Article IV, Section 703: Height Limitations – A request to amend the text of Article IV, Section 703: Height Limitations to provide Height Limitations in the CBD (Central Business District). The Citation referenced above pertains to Ordinance 91-9 as it appears in an appendix to the code of ordinances of the City of Dahlonega.

PRESENTED BY: Kevin Herrit, Community Development Director (Doug Parks – Alternate)

AGENDA ITEM DESCRIPTION:

This Ordinance is to provide height limitations in the CBD (Central Business District).

HISTORY/PAST ACTION:

FINANCIAL IMPACT:

RECOMMENDATION:

SUGGESTED MOTIONS:

ATTACHMENTS:

Ordinance 2020-26

AN ORDINANCE TO AMEND ORDINANCE 91-9 OF THE CITY OF DAHLONEGA, GEORGIA WHICH APPEARS IN THE PUBLICATION OF THE CODE OF THE CITY OF DAHLONEGA, GEORGIA AT: SUBPART B: LAND USE AND LAND DEVELOPMENT, APPENDIX B: ZONING, ARTICLE VII: GENERAL PROVISIONS, SECTION 703: HEIGHT LIMITATIONS.

Short title: "Ordinance to regulate building heights erected in the CBD."

WHEREAS, the City Council of Dahlonega, Georgia desires to provide regulated building heights for the CBD (Central Business district).

NOW, THEREFORE, be it ordained, and it is so ordained by the authority of the City Council of Dahlonega, that Ordinance 91-9 of the City of Dahlonega, Georgia which appears in the publication of the Code of the city of Dahlonega, Georgia at: Subpart B, Appendix B, Article VII, Section 703 which appears shall be amended in its entirety to read as follows:

Sec. 703. – Height limitations.

No building or structure shall hereafter be erected, constructed, reconstructed, or altered, except as otherwise specifically exempted in this ordinance, to exceed the story heights as laid out in figure 703.1 & 703.2; provided, however, that the Governing Body may permit buildings and structures to exceed these height limitations upon approval of a conditional use as specified in Article XXVII [Section 2608] of these regulations. Within the B-3, Historical Business District, no building or structure shall be erected to a height which is greater than the height of the existing building or structure with the greatest height within said district. Buildings erected within the CBD, R-1, R-2, R-3, B-1, I and MHP districts shall not exceed a building height of 35 feet. Buildings in B-2 and O-I shall not exceed a height of 55 feet tall with the exception of South Park Street and Chestatee Street, which shall not exceed a building height of 35 feet.

The height limitations established herein shall not apply to chimneys, smokestacks, church spires and steeples, domes, flag poles, public monuments, observation towers, water towers, non-commercial radio and television towers, electricity transmission towers, utility poles and similar structures.

[Section 703.1 and 703.2 are not amended by this Ordinance.]

Definitions:

Story Height - The height of each story is based on the ceiling height of the rooms plus the thickness of the floors between each pane.

This ordinance appears in an appendix to the Code of the City of Dahlonega. The codifier is hereby granted editorial license to include this ordinance amendment in future supplements of said Code by appropriate section, division, article or chapter. The City Attorney is directed and authorized to direct the codifier to make necessary minor, non-substantive corrections to the provisions of this appendix to the Code, including but not limited to, the misspelling of words, typographical errors, duplicate pages, incorrect references to state or federal laws, statutes, the Code, or other codes or similar legal or technical sources, and other similar amendments, without necessity of passage of a corrective ordinance or other action of the Mayor and Council. The City Clerk shall, upon the written advice or recommendation of the city attorney and without the necessity of further council action, alter, amend or supplement any non-codified ordinance, resolution or other record filed in his or her office as necessary to effect similar non-substantive changes or revisions and ensure that such public records are correct, complete and accurate.

Adopted and Ordained this _____ day of _____, 2020.

By: _____
Sam Norton, Mayor

Attest: _____
Mary Csukas, City Clerk



PETITIONER: CITY OF DAHLONEGA
ADDRESS: 465 RILEY ROAD
CITY: DAHLONEGA, GA 30533
TELEPHONE: (706) 482-2708
CASE NO: REZN-07-20-0001
TYPE OF AMENDMENT: TEXT
PC RECOMMENDATION: APPROVEAL

NATURE OF REQUEST

Please find below an amendment to the height limitations section of the zoning ordinance. As the city grows it needs to find ways to manage the projected population increase of 4.86 %/year. One of the proposed ways in the City's Comprehensive Plan is to increase density in areas that currently have the higher density ratios. To do this, we would need to allow for taller story heights. Thus, creating higher uses for land that is currently being utilized. Open space will be preserved to help maintain our North Georgia Mountains natural environment.

Please find below the inclusion of Central Business District (CBD) in the Height Limitations section 703. This will limit building height to 35 feet in the CBD District.

TEXT TO BE INSERTED OR CHANGED Sec. 703. - Height limitations.

No building or structure shall hereafter be erected, constructed, reconstructed, or altered, except as otherwise specifically exempted in this ordinance, to exceed the story heights as laid out in figure 703.1 & 703.2; provided, however, that the Governing Body may permit buildings and structures to exceed these height limitations upon approval of a conditional use as specified in Article XXVII [Section 2608] of these regulations. Within the B-3, Historical Business District, no building or structure shall be erected to a height which is greater than the height of the existing building or structure with the greatest height within said district. Buildings erected within the R-1, R-2, R-3, B-1, CBD, I and MHP districts shall not exceed a building height of 35 feet. Buildings in B-2 and O-I shall not exceed a height of 55 feet tall with the exception of South Park Street and Chestatee Street, which shall not exceed a building height of 35 feet.

The height limitations established herein shall not apply to chimneys, smokestacks, church spires and steeples, domes, flag poles, public monuments, observation towers, water towers, non-commercial radio and television towers, electricity transmission towers, utility poles and similar structures.

Figure 703.1 B-2 Zoning District

Story Height		
A	Max. ground floor height	14 ft from grade
A	Min. ground floor height	10 ft from grade
B	Max. upper floor(s) height	12 ft floor to floor
B	Min. upper floor(s) height	10 ft floor to floor
C	Max. story height	5 stories tall from grade

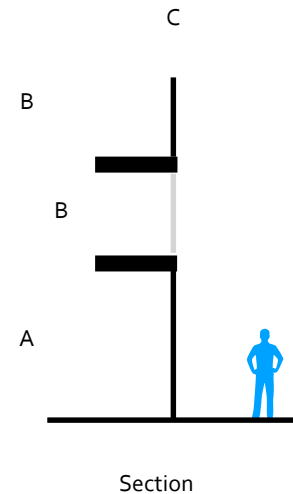


Figure 703.2 O-I Zoning District

Story Height		
A	Max. ground floor height	14 ft from grade
A	Min. ground floor height	10 ft from grade
B	Max. upper floor(s) height	12 ft floor to floor
B	Min. upper floor(s) height	10 ft floor to floor
C	Max. story height	5 stories tall from grade

