



City Council Special Called Meeting

Wednesday, June 08, 2022

2:30 PM

Via Zoom:

<https://us02web.zoom.us/j/7704438110?pwd=eWJWWT01CQWlpSFZDcm5GaGUrSnFOQT09> Meeting ID: 770 443 8110 Passcode: 1234 One tap mobile +13126266799, +19292056099,7704438110#,*1234# US (New York)

Individuals 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 a meeting or the facilities, are required to promptly contact the City's ADA Coordinator at 770-443-8110 ext. 1604 or e-mail rbruce@dallasga.gov to allow the city to make reasonable accommodations for those persons.

AGENDA

CALL TO ORDER

RECOGNITION OF VISITORS AND COMMENTS

OLD BUSINESS

1. Resolution 2022-09 Group Home Moratorium Extension
2. Resolution 2022-10 Used Car Lots, Tire Retailer & Scrap Tire Storage Moratorium Extension
3. Resolution 2022-11 R3 Zoning Moratorium Extension

ADDITIONAL/COMMENTS

ADJOURNMENT

RESOLUTION 2022-09
A Resolution Creating a Moratorium on
Applications for Group Homes in the City of Dallas, Georgia

WHEREAS, The Mayor and Council of the City of Dallas, Georgia recognize the term “group/personal care home” has come to the commonly refer to group residential living environments for people with disabilities; mental or physical; AND

WHEREAS, The Mayor and City Counsel of the City of Dallas, Georgia recognize group/personal care homes can allow people with similar disabilities to live together in a residential setting with a family-like structure; which may prove beneficial for integrating into society as well as being economically necessary; AND

WHEREAS, The Mayor and Council of the City of Dallas, Georgia also recognize group/personal care homes can cause an impact on public safety and first response personnel, on property values and on the character of the surrounding community; AND

WHEREAS, the Mayor and City Council of the City of Dallas, Georgia realizes the need to create an Ordinance to define group/personal care homes and to establish an informational process supplemental to state licensing and regulatory procedures to inform the citizens of residential neighborhoods in the City of Dallas, Georgia when group/personal care homes are established and operated within their boundaries to better meet the common good, as well as safety, for the citizens of the Dallas, Georgia; AND

WHEREAS, it is in the best interest of the City of Dallas, Georgia to seek counsel and a study to creating an Ordinance for the licensing and/or permitting of group/personal care homes; AND

WHEREAS, the City of Dallas, Georgia is seeking information from the Georgia Municipal Association as to how other Cities are drafting Ordinances in order to comply with the application of the Federal Fair Housing Act and to avoid any discriminating policies or procedures contained in any such Ordinances; **NOW**

THEREFORE, be it resolved by the Mayor and City Council of the City of Dallas, Georgia, that the Federal Fair Housing Act requires reasonable accommodation to Group Homes for persons with disabilities on a case by case basis and that the Federal Fair Housing Act does not protect an individual whose tenancy would constitute a “direct threat” to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others unless the treat or risk to property can be eliminated or significantly reduced by reasonable accommodation. Further, the city is seeking to draft Ordinances concerning the permitted number for a family to be allowed to locate in single family zoned neighborhoods and to draft a neutral Ordinance which may also provide for exceptions or waivers. Further, the City is conducting an investigation concerning criminal activity, insurance fraud, medicaid fraud, neglect or abuse of residents, or other illegal conduct incurring at group homes including reporting, complaints to appropriate State or Federal Regulatory Agencies within the City of Dallas and/or in Paulding County, Georgia or other Counties within the State of Georgia. Further, the City of Dallas, Georgia recognizes that the Federal Fair Housing Act does not require a local government to adopt formal procedures for processing, request for reasonable accommodations as to local land use or zoning codes, however, the City of Dallas, Georgia is considering adopting such formal procedures after a reasonable study of such formal procedures as may be required by other Cities or Counties within the State of Georgia. Further, the City of Dallas, Georgia recognizes that the Federal Fair Housing Act does not prohibit a local government for enforcing its zoning code against a Group

Home that has violated the local zoning code so long as that Code is not discriminatory or enforced in discriminatory manner and that there may be instances where no reasonable accommodation has been requested pursuant to the Federal Fair Housing Act; **NOW**

BE IT RESOLVED that the Mayor and Council of the City of Dallas, Georgia establishes a Moratorium on applications for group/personal care homes to allow time for such a study and counsel until **October 3, 2022** unless sooner terminated by resolution of the Mayor and Council of the City of Dallas, Georgia; whereby no applications for group/personal care homes will be accepted for review by the City of Dallas, Georgia

APPROVED, PASSED AND ADOPTED THIS THE _____ DAY OF _____, 2022. MAYOR AND COUNCIL OF THE CITY OF DALLAS, GEORGIA

L. James Kelly, Mayor

James R. Henson, Councilmember

Michael G. Cason, Councilmember

Cooper Cochran

Nancy R. Arnold, Councilmember

Christopher B. Carter, Councilmember

Leah Alls, Councilmember

ATTEST:

I, hereby certify that the forgoing resolution was regularly introduced, passed and adopted at a regular meeting of the City Council of the City of Dallas this _____ day of _____, 2022.

Tina Clark, City Clerk of the City of Dallas

Date

RESOLUTION 2022-10

A Resolution Establishing a Moratorium on Applications for Permits and/or Occupational/Business Licenses for New or Expanded Used Car Sales Lots, Tire Retailer, and Used/Scrap Tire Storage, Processing, or Recycling Facilities, in The City of Dallas, Georgia

WHEREAS, the City of Dallas, Georgia allows for the licensing of those businesses and practitioners of professions and occupations with one or more locations or offices in the corporate limits of the city, including used car sales lots, tire retailer, businesses, and used/scrap tire storage, processing and recycling facilities; and

WHEREAS, in recent years, the City of Dallas, Georgia has seen an increase in the establishment and/or expansion of used car sales lots, tire retailer, and used/scrap tire storage, processing and recycling facilities; and

WHEREAS, the Office of Community Development and Code Enforcement for the City of Dallas, Georgia, have brought forth concerns that currently there is a perceived oversaturation of used car sales lots, tire retailer, and used/scrap tire storage, processing and recycling facilities in the city; and

WHEREAS, regulation and enforcement of those businesses operating as used car sales lots, tire retailer, and used/scrap tire storage, processing and recycling facilities, have become a challenge for the City of Dallas, Georgia, and

WHEREAS, at the same time, such uses that have been abandoned by businesses operating as used car sales lots, tire retailer, and used/scrap tire storage, processing and recycling facilities, can leave vacant, blighted buildings and contaminated land on commercial corridors; and

WHEREAS, these uses can also present harmful and damaging environmental concerns requiring excessive enforcement resources, due to more frequent neighboring property or resident complaints and aesthetic issues; and

WHEREAS, the City has an interest in planning and regulating the use of property within the City, and has determined that an examination of the applicable provisions in the City Zoning Code for the City of Dallas, Georgia, including, but not limited to the Overlay Corridor District, is required to evaluate the current regulatory scheme pertaining to used car sales lots, tire retailer, and used/scrap tire storage, processing, and recycling facilities, and

WHEREAS, this study and evaluation will identify appropriate measures and potential new regulations to limit oversaturation, and increase compliance with property maintenance, zoning, and licensing standards, and

WHEREAS, the Mayor and Council of the City of Dallas, Georgia have the responsibility to provide for public health, safety and welfare, and wishes to promote, protect and improve the health, safety and welfare of the citizens of the City of Dallas, Georgia.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Dallas, Georgia hereby adopts the Resolution to establish a Moratorium which will allow time for such study, evaluation and counsel. During said Moratorium period, no City department may accept any application for a permit or license to establish or expand a used car sales lot, tire retailer, and used/scrap tire storage, processing or recycling facilities. The Moratorium shall not be construed to prohibit the annual renewal of existing business licenses required by the City Code for applicable uses included herein, which shall continue. The said moratorium will be set until **October 3, 2022** unless sooner terminated by resolution of the Mayor and Council of the City of Dallas, Georgia. whereby no applications will be accepted for review by the City of Dallas, Georgia.

APPROVED, PASSED AND ADOPTED THIS THE _____ DAY OF _____, 2022. MAYOR AND COUNCIL OF THE CITY OF DALLAS, GEORGIA

L. James Kelly, Mayor

James R. Henson, Councilmember

Michael G. Cason, Councilmember

Cooper Cochran, Councilmember

Nancy R. Arnold, Councilmember

Christopher B. Carter, Councilmember

Leah Alls, Councilmember

Attest: _____
Tina Clark, City Clerk

RESOLUTION NO. 2022-11

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DALLAS, GEORGIA ESTABLISHING A MORATORIUM OF NINETY (90) DAYS ON APPLICATIONS FOR AND ISSUANCE OF REZONING IN THE R-3 RESIDENTIAL DISTRICT, high-density CHAPTER 44 ZONING ARTICLE III. DISTRICT REGULATIONS Division 2. Residential District SEC. 44-140. R-3 RESIDENTIAL DISTRICT, high-density. AND IN THE R-3 SINGLE-FAMILY ATTACHED RESIDENTIAL DISTRICT high-density (fee simple title). CHAPTER 44 ZONING ARTICLE III. DISTRICT REGULATIONS DIVISION 2. RESIDENTIAL DISTRICT. SEC. 44-141. R-3 SINGLE FAMILY ATTACHED RESIDENTIAL DISTRICT high-density (fee simple title). IN THE CITY OF DALLAS, GEORGIA IN ORDER TO ALLOW FOR THE CONSIDERATION, REVIEW, AND ADOPTION OF REVISIONS TO SAID PROVISIONS OF THE ZONING ORDINANCES OF THE CITY OF DALLAS, GEORGIA

WHEREAS, the Mayor and Council of the City of Dallas, Georgia are charged with preserving the health, safety and welfare of the citizens of the City of Dallas, Georgia; and

WHEREAS, the City of Dallas, Georgia has an adopted Zoning Ordinances that provide for, among others, obtaining re-zoning of land, including a change in conditions that constitute a zoning decision by the Mayor and Council of the City of Dallas, Georgia; and

WHEREAS, the City of Dallas, Georgia is currently undertaking the rewriting of provisions of the City of Dallas, Georgia Zoning Ordinances, including the rezoning of R-3 Residential Districts as defined in the Zoning Ordinances of the City of Dallas, Georgia which could potentially include different substantive and procedural provisions in such Zoning Ordinances of the City of Dallas, Georgia; and

WHEREAS, the Mayor and Council of the City of Dallas, Georgia, in order to provide for a future re-zoning, desire to review potential changes and revisions of the City of Dallas, Georgia Zoning Ordinances in accordance with the Future Land Use Map, Comprehensive Plan, and Character Map, prior to any modification, implementation and/or adoption as may be determined by the Mayor and Council of the City of Dallas, Georgia; and

WHEREAS, a reasonable amount of time is necessary in order to accomplish these aforesaid decisions and/or actions; and

WHEREAS, the City of Dallas, Georgia Mayor and Council find it necessary to place a moratorium on applications pertaining to R-3 Residential District, high-density Chapter 44 Zoning Article III. District Regulations Division 2. Residential District SEC. 44-140. R-3 Residential District, high-density. and in the R-3 Single-Family Attached Residential District high-density (fee simple title). CHAPTER 44 Zoning Article III. District Regulations Division 2. Residential District. SEC. 44-141. R-3 Singly Family Attached Residential District high-density (fee simple title). for any and all re-zoning within these Districts until the Mayor and Council can review and/or adopt any revisions of these Districts; and

WHEREAS, the Mayor and Council have previously passed a Moratorium concerning this matter by Resolution on August 30, 2021 and the Mayor and Council find that it will take additional time to review the Zoning Ordinances of the City of Dallas, Georgia to determine any modifications, implementations or adoptions which the Mayor and Council fee may be necessary concerning these Ordinances, the Future Land Use Map, Comprehensive Plan and Character Map; and

WHEREAS, the Mayor and Council find that a ninety (90) day period of time is reasonable to conduct review of the above stated Zoning Districts and to determine whether any modification of the above stated Zoning Districts may be necessary and the Mayor and Council find that an additional time will require a Moratorium to be adopted by Resolution in order to provide this additional time; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Dallas, Georgia hereby adopts Resolution 2022-11, to establish a moratorium of ninety (90) days which will allow the Mayor and City Council of the City of Dallas, Georgia reasonable time to review and to determine whether there is any necessity for amendment or modification to the Ordinances of the City of Dallas, Georgia R-3 Residential District, high-density Chapter 44 Zoning Article III. District Regulations Division 2. Residential District SEC. 44-140. R-3 Residential District, high-density. and in the R-3 Single-Family Attached Residential District high-density (fee simple title). CHAPTER 44 Zoning Article III. District Regulations Division 2. Residential District. SEC. 44-141. R-3 Singly Family Attached Residential District high-density (fee simple title).

During this period of this moratorium no applications for zoning, re-zoning or any other zoning decisions, with the above stated Zoning Districts of R-3 Residential shall be submitted or accepted by the City of Dallas and no such applications for zoning, rezoning or any other zoning decisions that have not been already filed at the time of the effective date of this Resolution adoption shall be considered, accepted, reviewed, discussed or adopted by the Mayor and Council of the City of Dallas, Georgia. The within moratorium shall begin upon the date of the adoption of this Resolution by the Mayor and City Council of the City of Dallas, Georgia and will be set until **October 3, 2022** unless sooner terminated by resolution of the Mayor and Council of the City of Dallas, Georgia.

APPROVED, PASSED AND ADOPTED THIS THE _____ DAY OF _____, 2022. MAYOR AND COUNCIL OF THE CITY OF DALLAS, GEORGIA

L. James Kelly, Mayor

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Tina Clark, City Clerk

Date

