



City Council Regular Meeting

Monday, February 02, 2026

5:15 PM

City Hall, 129 E Memorial Dr, Dallas GA 30132

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 Brandon Rakestraw at 770.443.8110 ext. 1401 to allow the city to make reasonable accommodations for those persons.

AGENDA

CALL TO ORDER

INVOCATION AND PLEDGE

RECOGNITION OF VISITORS AND COMMENTS

MINUTES APPROVAL

1. Monday, January 5, 2026, Regular Meeting Minutes

CONSENT AGENDA

OLD BUSINESS

2. Second Read: OA-2026-01; Occupancy

NEW BUSINESS

3. Resolution 2026-04: Creation of DIFAC (Development Impact Fee Advisory Committee)

4. First Read: OA-2026-01; Places of Assembly

ADDITIONAL/COMMENTS

ADJOURNMENT



City Council Regular Meeting

Monday, January 05, 2026

5:15 PM

City Hall, 129 E Memorial Dr, Dallas GA 30132

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 Brandon Rakestraw at 770.443.8110 ext. 1401 to allow the city to make reasonable accommodations for those persons.

MINUTES

PUBLIC HEARING

OA-2026-01: Occupancy. Public hearing closed.

CALL TO ORDER

PRESENT

Mayor L. James Kelly
 Councilmember Leah Alls
 Councilmember Nancy Arnold
 Councilmember James Henson
 Councilmember Cooper Cochran
 Councilmember Candace Callaway

ABSENT

Councilmember Christopher Carter

INVOCATION AND PLEDGE

RECOGNITION OF VISITORS AND COMMENTS

1. Abbs Gym-Scholarship Presentation to East Paulding Highschool Students

MINUTES APPROVAL

2. Motion to adopt Monday, December 01, 2025, Regular Meeting Minutes.

Motion made by Councilmember Arnold, Seconded by Councilmember Alls.

Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Henson, Councilmember Cochran, Councilmember Callaway

CONSENT AGENDA

Motion to approve the following items.

Motion made by Councilmember Alls, Seconded by Councilmember Cochran.

Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Henson, Councilmember Cochran, Councilmember Callaway

3. RES 2026-01: Civility
4. RES 2026-02: Authorize eminent domain action on 101 Veterans Drive (Culvert Easement)
5. RES 2026-03: Authorize eminent domain action on 319 Wildwood Drive (Culvert Easement)
6. 2026 Fee Schedule, Occupational Tax Update
7. Appoint Amy Kobylarz to the Main Street Advisory Board to fill a vacancy.

OLD BUSINESS

8. Motion to adopt OA-2025-10; Sunday Brunch Bill.

Motion made by Councilmember Callaway, Seconded by Councilmember Alls.

Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Henson, Councilmember Cochran, Councilmember Callaway

NEW BUSINESS

9. Motion to approve the purchase of thirty-two L-3 Harris Radios at a cost of \$298,083.79 via a loan through the Georgia Municipal Association. Loan payments will be paid from either 911 fees, and/or SPLOST Funds, and/or grants.

Motion made by Councilmember Henson, Seconded by Councilmember Callaway.

Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Henson, Councilmember Cochran, Councilmember Callaway

10. Motion to approve the City of Dallas to utilize Cobb County's competitively awarded 2025 bid 25-6871, "Equipment Outfitting Services for Public Safety Vehicles," awarded to Dana Safety Supply, Inc., Diversified Electronics Inc., Prologic ITS, LLC, Monster Customs, and Peak Performance Collision Services LLC, as a piggyback purchase to upfit four new Dallas Police Department patrol vehicles in accordance with the City's piggyback exception to formal bidding requirements, with all terms, conditions, and unit pricing to mirror the Cobb County contract, and with a total not-to-exceed amount as set forth in the attached quotes, cost summary for vehicle emergency equipment and in-car video systems, and the attached written authorization from Cobb County Procurement permitting the City of Dallas to ride bid 25-6871.

Motion made by Councilmember Cochran, Seconded by Councilmember Alls.

Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Henson, Councilmember Cochran, Councilmember Callaway

11. First Read: OA - 2026 - 01; Occupancy

ADDITIONAL/COMMENTS

Motion to add FY25 Audit Budget Adjustments.

Motion made by Councilmember Henson, Seconded by Councilmember Arnold.

Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Henson, Councilmember Cochran, Councilmember Callaway

Motion to approve FY25 Audit Budget Adjustments.

Motion made by Councilmember Alls, Seconded by Councilmember Cochran.

Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Henson, Councilmember Cochran, Councilmember Callaway

Coming out of Executive Session a Motion was made to give the Mayor authority to purchase Property A in the amount of \$523k.

Motion made by Councilmember Alls, Seconded by Councilmember Arnold.

Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Henson, Councilmember Cochran Voting Nay: Councilmember Callaway

ADJOURNMENT

Motion to adjourn.

Motion made by Councilmember Alls, Seconded by Councilmember Arnold.

Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Henson, Councilmember Cochran, Councilmember Callaway

Mayor, L. James Kelly

Date

City Clerk, Tina Clark

Date



STAFF REPORT

MEETING DATE: 2/2/2026 SECOND READ

PRESENTED BY:

Staff: Darrin Keaton

AGENDA ITEM DESCRIPTION (Agenda Content):

OA-2026-01 - OCCUPANCY

REPORT/INFORMATION:

An ordinance amendment to amend the occupancy requirements in the UDC; to amend certain definitions; to add new definitions; to provide compliance for State and Federal housing guidelines

This is a **SECOND READ**.

ORDINANCE AMENDMENT OA - 2026 - 01

**AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE OF
THE CITY OF DALLAS, GEORGIA, TO ESTABLISH CLEAR AND
ENFORCEABLE OCCUPANCY LIMITS IN RESIDENTIAL DISTRICTS,
TO PROVIDE COMPREHENSIVE DEFINITIONS OF RESIDENTIAL
OCCUPANCY AND RELATED TERMS, TO IMPLEMENT MECHANISMS
FOR THE EFFECTIVE ENFORCEMENT OF THESE REGULATIONS, TO
REPEAL CONFLICTING ORDINANCES, AND FOR OTHER PURPOSES**

WHEREAS, the Mayor and Council of the City of Dallas, Georgia, having carefully considered the interests of the community, hereby determine that the health, safety, and general welfare of the citizens of Dallas necessitate the regulation of residential occupancy in order to preserve the integrity and character of existing neighborhoods, mitigate the adverse effects of traffic congestion, ensure the provision of sufficient and appropriate parking, and safeguard property values within the City's jurisdiction;

WHEREAS, the Chief of Police has formally advised the Mayor and Council that residences in which multiple unrelated individuals rent individual rooms within single-family homes have created significant challenges related to parking availability, increased traffic volume, diminished neighborhood aesthetics, excessive noise, and the emergence of unregulated rental operations that detrimentally impact the quality of life in residential neighborhoods;

WHEREAS, the increasing prevalence of rental arrangements in which property owners lease individual rooms to three or more unrelated tenants within single-family residential districts has resulted in conditions of overcrowding, inadequate parking facilities, elevated vehicular activity, and other impacts that are incompatible with the traditional residential character and expectations of affected neighborhoods;

WHEREAS, the City of Dallas is vested with the authority, pursuant to O.C.G.A. § 36-66-3 and O.C.G.A. § 36-35-3, to promulgate zoning regulations governing the use of property and to establish occupancy standards that serve to protect the public health, safety, and welfare, and pursuant to O.C.G.A. § 36-35-6(a)(2) to enforce such regulations through appropriate penalties;

WHEREAS, judicial precedent has consistently upheld the validity of municipal ordinances that restrict the number of unrelated individuals permitted to reside within a single dwelling unit, recognizing such regulations as a legitimate exercise of the police power when rationally related to bona fide governmental interests in neighborhood preservation and the promotion of public welfare, including *Village of Belle Terre v. Boraas*, 416 U.S. 1 (1974), and *Elliott v. City of Athens, Ga.*, 960 F.2d 975 (11th Cir. 1992);

WHEREAS, the City Council finds that the regulation of unrelated occupancy in single-family residential districts is necessary to preserve the quiet

character of neighborhoods, prevent excessive demand on infrastructure, promote safety and parking availability, protect property values, and distinguish bona fide family-style households from commercial rooming operations, while complying with the Fair Housing Act, the Fair Housing Amendments Act, the Georgia Fair Housing Act, and all applicable state and federal law requiring reasonable accommodation for persons with disabilities;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Dallas, Georgia as follows:

SECTION 1. AMENDMENT TO CHAPTER IV - ZONING DISTRICTS

Chapter IV (Zoning Districts), Section 4.03 (Permitted and Special Exception Uses) is hereby amended by adding a new subsection 4.03(5) immediately following the existing use classifications to read as follows:

4.03(5). OCCUPANCY LIMITS IN RESIDENTIAL DISTRICTS

(a) Applicability. The occupancy limits established in this subsection shall apply to all dwelling units located in single-family and two-family residential zoning districts, including R-1 (Low-Density Single-Family Residential District), R-2 (Medium-Density Single-Family Residential District), R-3 (High-Density Single-Family Residential District), and TH (Townhome Residential District).

(b) Maximum Occupancy. No dwelling unit in any single-family or two-family residential zoning district shall be occupied by more than two (2) unrelated persons as their primary residence. This limitation shall not apply to persons related by blood, marriage, adoption, or legal guardianship, who may occupy a dwelling unit without numerical limitation pursuant to the definition of "Family" in Chapter XIII of this Code.

(b.1) Reasonable Accommodations.

(1) General Requirement. Notwithstanding subsection (b), the City shall make reasonable accommodations in the application of this subsection when necessary to afford persons with disabilities equal opportunity to use and enjoy a dwelling, consistent with 42 U.S.C. § 3604(f)(3)(B), 24 C.F.R. § 100.204, and O.C.G.A. § 8-3-200 et seq.

(2) Administrative Procedures. The Community Development Director shall implement the reasonable accommodation procedures set forth in Appendix A to this ordinance, which procedures shall include:

- A. A written application process with clear submission requirements;
- B. A fifteen (15) business day decision period after receipt of all required information;
- C. Criteria for determining the necessity and reasonableness of the requested accommodation, including:
 - i. Whether the accommodation is necessary to afford persons with disabilities equal opportunity to use and enjoy the dwelling;

- ii. Whether the accommodation would impose an undue financial or administrative burden on the City;
- iii. Whether the accommodation would require a fundamental alteration in the nature of the City's zoning program;
- iv. Whether the accommodation would constitute a direct threat to the health or safety of other individuals or result in substantial physical damage to the property of others;

D. An appeal process to the Zoning Board of Appeals, which shall act in a quasi-judicial capacity and conduct a de novo review of the Community Development Director's decision.

(3) Effect of Approval. A live-in aide, personal care attendant, or other approved reasonable-accommodation occupant shall not be counted toward the maximum number of unrelated occupants established in subsection (b).

(4) Administrative Decision. Decisions of the Community Development Director under this subsection shall constitute administrative decisions for purposes of appeal under Section 11.09 of the Unified Development Code.

(c) Protected Occupancy. The following categories of occupancy shall not be subject to the limitations of subsection (b):

(1) Dwellings occupied pursuant to an approved reasonable accommodation under subsection (b.1) of this section;

(2) Group Homes as defined in Chapter XIII and regulated under Section 8.13A of this Code;

(3) Personal Care Homes licensed pursuant to O.C.G.A. § 31-7-12 and regulated under Section 8.13 of this Code;

(4) Dwellings occupied by persons receiving supportive services funded or licensed by the State of Georgia or federal government where such occupancy is necessary to provide equal housing opportunity to persons with disabilities.

(d) Rebuttable Presumption of Violation.

(1) Presumption. Any dwelling unit in a district specified in subsection (a) that is occupied by three (3) or more unrelated persons, and that is not protected under subsection (c), shall be rebuttably presumed to be in violation of subsection (b).

(2) Rebuttal. The presumption established in subsection (d)(1) may be rebutted by the property owner, landlord, or occupants demonstrating by a preponderance of the evidence that:

A. The occupants are related by blood, marriage, adoption, or legal guardianship as defined in Chapter XIII; or

B. The occupancy qualifies for protection under subsection (c); or

C. The occupants operate as a single housekeeping unit as defined in Chapter XIII and as evidenced by the factors set forth in subsection (e) of this section.

(3) Burden of Proof. Once the City establishes that three (3) or more unrelated persons occupy the dwelling unit, the burden shifts to the property owner, landlord, or occupants to rebut the presumption of violation.

(d.1) Rooming House Classification. Any dwelling unit that is found to be in violation of subsection (b) after consideration of the rebuttable presumption in subsection (d) and any evidence presented in rebuttal shall be deemed a rooming house (boarding house) and shall be subject to all applicable zoning restrictions, permitting requirements, inspection standards, and use limitations for rooming houses as established by this Code. Rooming houses are not permitted uses in R-1, R-2, R-3, or TH zoning districts unless expressly authorized by Special Exception and approved by the Planning and Zoning Commission pursuant to Section 11.09 of this Code.

(e) Evidentiary Standards.

(1) Indicia of Separate Occupancy or Non-Compliance. In determining whether a dwelling unit is occupied by more than two (2) unrelated persons, or whether occupants operate as a single housekeeping unit for purposes of rebutting the presumption under subsection (d)(2)(C), the City may consider the following non-exclusive, rebuttable indicia. The presence of three (3) or more of the following factors, when considered in totality, may support a finding that the occupancy violates subsection (b) or that occupants do not operate as a single housekeeping unit:

A. Separate utility meters or separate utility accounts for individual rooms or portions of the dwelling;

B. More than one kitchen or food-preparation facility equipped with cooking appliances, unless one is located in a lawful accessory dwelling unit or basement apartment authorized by this Code;

C. Multiple mailboxes or postal addresses assigned to individual occupants rather than to the household;

D. Separate exterior entrances providing independent access to individual rooms or dwelling areas, excluding common entrances;

E. Individual lease agreements or rental agreements for separate rooms or portions of the dwelling rather than for the dwelling unit as a whole;

F. Keyed locks, smart locks, biometric locks, or other locking devices on individual bedroom doors providing exclusive access control to individual occupants;

G. Evidence of separate financial responsibility for rent, utilities, or household expenses by individual occupants rather than shared or joint responsibility;

H. Advertising, marketing materials, or online listings offering individual rooms for rent rather than the dwelling unit as a whole;

- I. Testimony from occupants, neighbors, or other witnesses regarding the independent operation of separate households within the dwelling unit;
- J. Observations of distinct and non-integrated living patterns, including separate meal preparation, separate household supplies, or absence of shared common areas.

(2) Single Factor Not Dispositive. No single factor listed in subsection (e)(1) shall be dispositive of a violation. The determination shall be based upon the totality of the circumstances and evidence presented.

(3) Evidence of Single Housekeeping Unit. In rebutting the presumption under subsection (d)(2)(C), property owners, landlords, or occupants may present evidence demonstrating that the occupants operate as a single housekeeping unit, including but not limited to:

- A. Affidavits from all adult occupants attesting that they share common living areas, share household expenses, prepare and consume meals together, and operate as a single housekeeping unit;
- B. Joint lease agreements or coordinated lease arrangements demonstrating the rental of the dwelling unit as a whole;
- C. Shared utility accounts or evidence of proportional sharing of utility costs;
- D. Evidence of common meal preparation and shared household supplies;
- E. Evidence of integrated household management and decision-making;
- F. Witness testimony or other evidence demonstrating family-like living arrangements.

(f) Inspections and Probable Cause.

(1) Consent or Warrant Required. All inspections conducted to determine compliance with this section shall occur only with the voluntary written consent of the property owner or lawful occupant, or pursuant to an administrative search warrant issued by a court of competent jurisdiction in accordance with the Fourth Amendment to the United States Constitution and Article I, Section I, Paragraph XIII of the Constitution of the State of Georgia.

(2) Probable Cause for Administrative Warrant. Probable cause for issuance of an administrative search warrant to inspect for compliance with this section may be established by:

- A. Specific, credible complaints from neighbors or other witnesses describing conditions consistent with three (3) or more of the indicia listed in subsection (e)(1);
- B. Direct observation by code enforcement personnel of conditions visible from public rights-of-way or adjacent properties that constitute three (3) or more of the indicia listed in subsection (e)(1);

- C. Documentary evidence such as lease agreements, advertisements, utility records, or other documents obtained through lawful means that establish three (3) or more of the indicia listed in subsection (e)(1);
- D. Statements or admissions by property owners, landlords, or occupants that the dwelling is occupied by three (3) or more unrelated persons in a manner inconsistent with subsection (b) or that does not constitute a single housekeeping unit;
- E. A pattern of code violations or public safety incidents at the property consistent with multi-tenant occupancy.

(g) Responsibilities and Liability.

- (1) Owner and Landlord Responsibility. It shall be unlawful for any property owner, landlord, property manager, leasing agent, or other person having legal or equitable control over a dwelling unit to allow, permit, facilitate, maintain, or cause occupancy of any dwelling unit in violation of the occupancy limits established by subsection (b), unless the dwelling unit is protected under subsection (c).
- (2) Tenant Responsibility. It shall be unlawful for any tenant or occupant to occupy or maintain occupancy of a dwelling unit in knowing violation of the occupancy limits established by subsection (b), unless the dwelling unit is protected under subsection (c).
- (3) Joint and Several Liability. Property owners, landlords, property managers, leasing agents, and tenants shall be jointly and severally liable for violations of this subsection.

(h) Enforcement and Penalties.

- (1) Notice and Opportunity to Cure. Upon determination that a violation of this section exists, the Community Development Director shall issue a written notice of violation to the property owner and, if different, to the landlord or property manager of record. The notice shall:
 - A. Specifically describe the violation, including the factual basis and evidence supporting the determination;
 - B. Identify the specific subsection(s) violated;
 - C. Provide a thirty (30) calendar day period from the date of the notice within which to cure the violation by:
 - i. Reducing occupancy to comply with subsection (b);
 - ii. Obtaining approval of a reasonable accommodation under subsection (b.1); or
 - iii. Demonstrating that the occupancy is protected under subsection (c) or that occupants operate as a single housekeeping unit under subsection (d)(2)(C);
 - D. Inform the recipient of the right to request a hearing before the Community Development Director within ten (10) calendar days of receipt of the notice;

E. Advise of the penalties for failure to cure the violation within the specified time period.

(2) Hearing. If a hearing is timely requested, the Community Development Director shall conduct a hearing within fifteen (15) business days of receipt of the request. The hearing shall be conducted in accordance with the administrative hearing procedures set forth in Chapter XII of this Code. At the hearing, the property owner, landlord, or occupants may present evidence in rebuttal of the presumption under subsection (d), including evidence of single housekeeping unit operation under subsection (e)(3). The Community Development Director may affirm, modify, or withdraw the notice of violation based upon the evidence presented.

(3) Penalties for Non-Compliance. If a violation is not cured within the thirty (30) day period specified in the notice, or within any extended period granted by the Community Development Director, the violation shall be subject to the following penalties:

- A. A civil fine not exceeding One Thousand Dollars (\$1,000.00) per violation;
- B. Suspension or revocation of any business license, occupational tax certificate, or rental registration associated with the property;
- C. Recordation of a notice of violation against the property in the land records of Paulding County;
- D. Injunctive relief, including but not limited to a court order requiring compliance with this section or prohibiting further violations;
- E. Any other remedy available under this Code or applicable law.

(4) Each Day a Separate Violation. Each day that a violation continues after expiration of the cure period shall constitute a separate violation subject to a separate penalty.

(5) Recovery of Enforcement Costs. In addition to the penalties set forth in subsection (h)(3), the City may recover all reasonable costs of enforcement, including but not limited to inspection costs, administrative costs, attorney's fees, and court costs.

Chapter IV (Zoning Districts), Table 4.3 (Permitted and Special Exception Uses) is hereby amended by adding the following use classifications in the "Residential" category:

Group Home – Special Exception in R-1 and R-2; Permitted Use in R-3, subject to Section 8.13A

SECTION 2. AMENDMENT TO CHAPTER VIII - SUPPLEMENTARY CONDITIONS FOR SPECIFIC USES

Chapter VIII (Supplementary Conditions for Specific Uses), Section 8.06 (Bed and Breakfast Establishments) is hereby amended by adding a new subsection (9) to read as follows:

(9) Distinction from Rooming Houses. Bed and breakfast establishments shall comply with all requirements of this section and shall be clearly distinguished from rooming houses. No bed and breakfast establishment shall permit the same rental occupants to reside at the establishment for more than seven (7) consecutive days, and occupancy shall be strictly transient in nature. Bed and breakfast establishments that permit occupants to remain for extended periods or that operate as residences for the same individuals shall be subject to the occupancy limits of Section 4.03(5) and to enforcement action pursuant to Chapter XII of this Code.

Chapter VIII (Supplementary Conditions for Specific Uses), Section 8.13 is hereby amended to read as follows:

Sec. 8.13 – PERSONAL CARE HOMES (Licensed Care Facilities)

- (1) Purpose and Scope. Personal Care Homes regulated by this section are state-licensed care facilities subject to licensing and health standards established by the Georgia Department of Community Health pursuant to O.C.G.A. § 31-7-12 and implementing regulations. Personal Care Homes are distinct from "Group Homes" as defined in Chapter XIII and regulated under Section 8.13A. Nothing herein shall be construed to classify a Group Home as a Personal Care Home, or vice versa.
- (2) Personal Care Home Classifications. Personal Care Homes are classified based upon the number of residents served, consistent with state law:
 - (a) Personal Care Home, Family: A Personal Care Home serving two (2) to six (6) residents.
 - (b) Personal Care Home, Group: A Personal Care Home serving seven (7) to fifteen (15) residents.
 - (c) Personal Care Home, Congregate: A Personal Care Home serving sixteen (16) or more residents.
- (3) Exemption from Occupancy Limits. Personal Care Homes licensed by the State of Georgia pursuant to O.C.G.A. § 31-7-12 shall not be subject to the unrelated occupancy limits established in Section 4.03(5) of this Code.
- (4) Zoning District Restrictions.
 - (a) Personal Care Home, Family: Permitted as a principal use in all residential zoning districts, subject to compliance with state licensing requirements and applicable building, fire, and life safety codes.
 - (b) Personal Care Home, Group: Permitted by Special Exception in R-2, R-3, and TH districts, subject to review and approval by the Planning and Zoning Commission pursuant to Section 11.09 of this Code, and subject to compliance with state licensing requirements and applicable building, fire, and life safety codes.
 - (c) Personal Care Home, Congregate: Permitted by Special Exception in R-3 and commercial districts only, subject to review and approval by the Planning and Zoning Commission pursuant to Section 11.09 of this Code, and subject to

compliance with state licensing requirements and applicable building, fire, and life safety codes.

(5) Operating Requirements. All Personal Care Homes shall:

- (a) Maintain current and valid licensure with the Georgia Department of Community Health;
- (b) Comply with all applicable federal, state, and local laws, regulations, and codes;
- (c) Provide proof of licensure to the Community Development Director upon request;
- (d) Notify the Community Development Director within ten (10) business days of any change in licensure status, including suspension, revocation, or voluntary surrender of license.

(6) Enforcement. Violation of this section, including operation of a Personal Care Home without required licensure or Special Exception approval, shall be subject to enforcement action pursuant to Chapter XII of this Code.

Chapter VIII (Supplementary Conditions for Specific Uses) is hereby amended by adding a new Section 8.13A to read as follows:

Sec. 8.13A – GROUP HOMES

- (1) Purpose and Definition. A "Group Home" is a residential facility that houses persons with disabilities, as defined by the Fair Housing Amendments Act (42 U.S.C. § 3602(h)) and the Georgia Fair Housing Act (O.C.G.A. § 8-3-202(8)), in a family-like environment. Group Homes are protected under federal and state fair housing law and are subject to the requirements of this section.
- (2) Exemption from Occupancy Limits. Group Homes shall not be subject to the unrelated occupancy limits established in Section 4.03(5) of this Code.
- (3) Zoning District Restrictions. Group Homes are permitted as follows:
 - (a) Special Exception in R-1 and R-2 districts, subject to review and approval by the Planning and Zoning Commission pursuant to Section 11.09 of this Code;
 - (b) Permitted Use in R-3 and higher-density residential districts, subject to compliance with applicable building, fire, and life safety codes.
- (4) Reasonable Accommodation. Notwithstanding the zoning district restrictions in subsection (3), the City shall make reasonable accommodations to allow Group Homes in any residential district when necessary to afford persons with disabilities equal housing opportunity, consistent with 42 U.S.C. § 3604(f)(3)(B) and the reasonable accommodation procedures established in Section 4.03(5)(b.1) of this Code.
- (5) Operating Standards. Group Homes shall:

- (a) Be operated in a manner consistent with the residential character of the neighborhood;
- (b) Comply with all applicable building, fire, life safety, and health codes;
- (c) Provide adequate supervision and support services appropriate to the needs of the residents;
- (d) Maintain the property in good condition and repair.

(6) Licensing. If the Group Home is subject to state licensing requirements under O.C.G.A. § 37-4-1 et seq. or other applicable law, the operator shall maintain current and valid licensure and provide proof of licensure to the Community Development Director upon request.

SECTION 3. AMENDMENT TO CHAPTER XIII - DEFINITIONS

Chapter XIII (Definitions) of the Unified Development Code is hereby amended by deleting the existing definition of "FAMILY" in its entirety and substituting in lieu thereof the following new definition:

FAMILY

One or more persons related by blood, marriage, adoption, or legal guardianship, together with any foster children and domestic employees, occupying a dwelling unit and living as a single housekeeping unit. For purposes of this definition, the dependent minor children of any adult occupant are deemed related to the household;

OR

Not more than two (2) unrelated persons occupying a dwelling unit and living as a single housekeeping unit in any single-family or two-family residential zoning district (R-1, R-2, R-3, TH). A family does not include any society, club, fraternity, sorority, association, or group of persons living in a boarding house, hotel, motel, bed and breakfast facility, lodging house, rooming house, assisted living facility, nursing home, or club. The term "Family" does not include a Group Home, which is separately defined and regulated under this Code.

Chapter XIII (Definitions) of the Unified Development Code is hereby further amended by adding the following new definitions in alphabetical order, or by amending existing definitions as follows:

BOARDING HOUSE (ROOMING HOUSE)

A building, dwelling, or portion thereof, whether or not the owner resides on the premises, in which lodging is provided for three (3) or more persons who are not related by blood, marriage, adoption, or legal guardianship, for any period of more than thirty (30) consecutive days or for more than forty-five (45) days within any sixty (60) day period, with or without compensation. The term includes situations where the occupants maintain separate financial arrangements, separate leases, or other indicia of separate housekeeping units. In the context of single-family and two-family residential zoning districts (R-1, R-2, R-3, and TH), any dwelling unit that is occupied by three (3) or more unrelated individuals as their primary residence, and that is not protected under Section 4.03(5)(c), shall be rebuttably presumed to be a

boarding house (rooming house) subject to all applicable regulations, permitting requirements, inspection standards, and use limitations established for boarding houses under this Code.

DWELLING UNIT

A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family or household, including sleeping, cooking, and sanitary facilities. The term shall include manufactured homes but shall not include recreational vehicles, hotels, motels, or transient lodging facilities. Where authorized by this Code, a Group Home or Personal Care Home may occupy a dwelling unit and shall be regulated as a residential use subject to applicable provisions of this Code.

GROUP HOME

A dwelling unit operated by a licensed provider, nonprofit organization, or other entity with a philanthropic or rehabilitative mission in which ten (10) or fewer residents, excluding live-in staff, reside together as a single housekeeping unit in a long-term, family-like setting. The home provides care, guidance, education, and participation in community life under a structured plan designed to promote resident independence. A managing caregiver designated by the operator resides on-site and is available twenty-four (24) hours per day. A Group Home is a residential use and is distinct from a Personal Care Home, boarding house, halfway house, treatment center, shelter, correctional or probationary residence, or any facility serving as an alternative to incarceration. A Group Home may include a home for persons with disabilities as defined by the Fair Housing Act (42 U.S.C. § 3602(h)) and the Georgia Fair Housing Act (O.C.G.A. § 8-3-202(8)); however, nothing herein shall be construed to prohibit or unreasonably restrict such homes. Group Homes are subject to the provisions of Section 8.13A of this Code.

HOUSEHOLD

A collective body of persons residing together in a dwelling unit as their primary residence and sharing common use of living, cooking, and eating facilities, regardless of relationship by blood, marriage, adoption, or guardianship. A "Household" may include a "Family," as defined herein, or a permissible group of unrelated individuals in accordance with this Code.

LIVE-IN AIDE

A person who resides with one or more persons with disabilities and who: (1) is essential to the care and well-being of the person or persons with disabilities; (2) is not obligated for the financial support of the person or persons; and (3) would not be living in the dwelling except to provide the necessary supportive services. For purposes of occupancy limitations under this Code, a live-in aide shall not be counted as an unrelated occupant when residing in a dwelling pursuant to an approved reasonable accommodation under Section 4.03(5)(b.1).

OCCUPANT

Any individual who resides in or is physically present in a dwelling unit for more than thirty (30) consecutive days, regardless of whether such individual has a lease, rental agreement, ownership interest, or other legal right to occupy the premises. All

occupants meeting this definition shall be counted toward occupancy limits established by this Code, except as otherwise provided in Section 4.03(5).

PERSON WITH A DISABILITY

An individual who has a physical or mental impairment that substantially limits one or more major life activities, who has a record of such an impairment, or who is regarded as having such an impairment, consistent with the Fair Housing Act (42 U.S.C. § 3602(h)), the Fair Housing Amendments Act (42 U.S.C. § 3604), and the Georgia Fair Housing Act (O.C.G.A. § 8-3-200 et seq.).

PERSONAL CARE HOME

A residence or facility providing protective care and oversight to residents who do not require chronic or convalescent medical or nursing care. Personal care involves responsibility for the safety of the resident while inside the building and may include daily awareness by management of the resident's functioning and whereabouts, assistance with making and attending appointments, readiness for intervention in the event of a resident experiencing a crisis, supervision in the areas of nutrition and medication, and the provision of transient medical care. Personal Care Homes are licensed by the Georgia Department of Community Health pursuant to O.C.G.A. § 31-7-12 and implementing regulations.

Personal Care Homes are classified as follows:

- (a) Personal Care Home, Family: A licensed residential home, not institutional in appearance or character, designed to provide personal care services to individuals requiring assistance. The provider must live in the home and offers personal care services for two (2) to six (6) residents. For purposes of this Code, a Personal Care Home, Family is not a Group Home as defined in this Chapter.
- (b) Personal Care Home, Group: A licensed, non-institutional residential care facility providing personal care services to seven (7) through fifteen (15) persons, exclusive of staff, in a residence or other non-institutional building. Traditionally used for individuals who cannot live independently, including children or young people who cannot live with their families, adults with chronic disabilities, or persons with dementia and age-related illnesses. For purposes of this Code, a Personal Care Home, Group is a licensed care facility and is not a "Group Home" as defined in this Chapter.
- (c) Personal Care Home, Congregate: A licensed placement setting consisting of twenty-four (24) hour supervision in highly structured settings. For adults, a congregate living facility may include individual apartments, communal meals, housekeeping services, and assistance with activities of daily living (ADLs). The level of assistance is typically between independent living and assisted living. Congregate care facilities serve sixteen (16) or more residents.

REASONABLE ACCOMMODATION

A modification or exception to the rules, policies, practices, or services of this Code when such modification or exception may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling, consistent with 42 U.S.C. § 3604(f)(3)(B), 24 C.F.R. § 100.204, and O.C.G.A. § 8-3-200 et seq. Reasonable

accommodation procedures are established in Section 4.03(5)(b.1) and Appendix A of this Code.

SINGLE HOUSEKEEPING UNIT

A group of persons who live together as a stable, bona fide household and function as a single housekeeping unit, meaning they share access to and use of all common areas, have a single lease or joint financial responsibility for the premises as a whole, prepare and consume meals together on a regular basis, maintain integrated household management and decision-making, and operate as a unified household rather than as separate, independent living arrangements. Indicators that a dwelling may NOT be operating as a single housekeeping unit include, but are not limited to: multiple kitchens or food preparation facilities (except in authorized accessory dwelling units), separately metered utilities or separate utility accounts for portions of the dwelling, separate exterior entrances providing independent access to individual rooms or dwelling areas, individual bedroom locks providing exclusive access control in combination with other factors, separate leases or rental agreements for individual rooms or portions of the dwelling, or evidence of separate financial responsibility and independent household operation by individual occupants. The determination of whether occupants constitute a single housekeeping unit shall be based upon the totality of the circumstances and shall consider the factors listed in Section 4.03(5)(e) of this Code.

UNRELATED PERSON

Any individual residing in a dwelling unit who does not share a legal or familial relationship by blood, marriage, adoption, or legal guardianship with each and every other occupant of that dwelling unit. If there is no recognized familial or legal tie connecting an individual to all other residents (such as being a parent, child, sibling, spouse, adopted child, or being under the legal guardianship of another occupant), then that individual is considered "unrelated" to the other individuals in the dwelling unit for purposes of calculating occupancy under Section 4.03(5) of this Code.

SECTION 4. LANDLORD NOTICE REQUIREMENT

Within sixty (60) days of the effective date of this ordinance, the City Clerk or designee shall provide written notice of the adoption of this ordinance to all known landlords, property managers, and owners of rental property within the residential districts specified in Section 4.03(5)(a). Such notice shall:

- (a) Summarize the occupancy limits established by this ordinance;
- (b) Explain the reasonable accommodation process;
- (c) Provide contact information for the Community Development Department;
- (d) State the effective date of the ordinance.

Failure to receive such notice shall not constitute a defense to enforcement action under this ordinance.

SECTION 5. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 6. REPEALER

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 7. EFFECTIVE DATE

This ordinance shall become effective upon adoption by the Mayor and Council of the City of Dallas, Georgia.

First read _____

SO SHALL IT BE ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DALLAS, GEORGIA, THIS THE _____ DAY OF _____, 2026.

L. James Kelly, Mayor

James R. Henson, Councilmember

Cooper Cochran, Councilmember

Nancy R. Arnold, Councilmember

Christopher B. Carter, Councilmember

Leah Alls, Councilmember

Candace Callaway, Councilmember

ATTEST:

Tina Clark, City Clerk
City of Dallas, Georgia

Date

APPROVED AS TO FORM:

Darrin Keaton, City Attorney

===== APPENDIX A =====

REASONABLE ACCOMMODATION PROCEDURES

Adopted pursuant to Section 4.03(5)(b.1)

I. PURPOSE

These procedures implement the City of Dallas's obligation under the Fair Housing Act (42 U.S.C. § 3604(f)(3)(B)), the Fair Housing Amendments Act, and the Georgia Fair Housing Act (O.C.G.A. § 8-3-200 et seq.) to make reasonable accommodations in rules, policies, practices, or services when necessary to afford persons with disabilities equal opportunity to use and enjoy a dwelling.

II. APPLICATION PROCESS

A. Submission. Any person seeking a reasonable accommodation from the occupancy limits established in Section 4.03(5)(b) shall submit a written application to the Community Development Director on a form provided by the City. Applications may be submitted by mail, in person, or electronically.

B. Required Information. The application shall include:

1. The applicant's name, address, and contact information;
2. The address of the property for which the accommodation is requested;
3. A description of the requested accommodation;
4. An explanation of why the accommodation is necessary to afford one or more individuals with a disability equal opportunity to use and enjoy the dwelling;
5. Documentation from a qualified professional (physician, psychiatrist, psychologist, licensed clinical social worker, or other qualified professional) verifying:
 - a. That one or more occupants or prospective occupants of the dwelling has a disability as defined by 42 U.S.C. § 3602(h); and
 - b. That the requested accommodation is necessary to afford such person(s) equal opportunity to use and enjoy the dwelling.
6. Any additional information the applicant believes is relevant to the request.

C. Confidentiality. All medical information and disability-related information submitted in connection with a reasonable accommodation request shall be kept confidential to the extent permitted by law and shall be used only for the purpose of evaluating the accommodation request.

III. REVIEW AND DECISION

A. Completeness Review. Within five (5) business days of receipt of an application, the Community Development Director shall review the application for completeness and notify the applicant in writing if additional information is required.

B. Decision Timeline. The Community Development Director shall issue a written decision on a complete application within fifteen (15) business days of receipt of all required information.

C. Decision Criteria. The Community Development Director shall approve a reasonable accommodation request if the applicant demonstrates that:

1. One or more occupants or prospective occupants of the dwelling has a disability as defined by 42 U.S.C. § 3602(h);
2. The requested accommodation is necessary to afford such person(s) equal opportunity to use and enjoy the dwelling; and
3. The requested accommodation does not:
 - a. Impose an undue financial or administrative burden on the City;
 - b. Require a fundamental alteration in the nature of the City's zoning program; or
 - c. Constitute a direct threat to the health or safety of other individuals or result in substantial physical damage to the property of others.

D. Conditions. The Community Development Director may impose reasonable conditions on approval of an accommodation request to ensure compliance with applicable building, fire, life safety, and health codes, and to mitigate any documented impacts on neighboring properties.

E. Written Decision. The decision shall be in writing and shall include:

1. Whether the request is approved, approved with conditions, or denied;
2. If approved with conditions, the specific conditions imposed;
3. If denied, the specific reasons for denial;
4. Notice of the right to appeal to the Zoning Board of Appeals.

IV. APPEAL

A. Right to Appeal. An applicant may appeal a decision of the Community Development Director to the Zoning Board of Appeals by filing a written notice of appeal with the Community Development Director within ten (10) business days of the date of the decision.

B. Hearing. The Zoning Board of Appeals shall conduct a hearing on the appeal within thirty (30) days of receipt of the notice of appeal. The hearing shall be conducted in accordance with the quasi-judicial procedures set forth in Section 11.09 of the Unified Development Code.

C. Standard of Review. The Zoning Board of Appeals shall conduct a de novo review of the reasonable accommodation request and shall apply the decision criteria set forth in Section III.C of these procedures.

D. Decision. The Zoning Board of Appeals shall issue a written decision within fifteen (15) business days of the hearing. The decision of the Zoning Board of

Appeals shall be final, subject to review by writ of certiorari to the Superior Court of Paulding County in accordance with O.C.G.A. § 5-4-1 et seq.

V. DURATION AND RENEWAL

A. Duration. A reasonable accommodation approval shall remain in effect for so long as the accommodation is necessary to afford the person(s) with disabilities equal opportunity to use and enjoy the dwelling, unless:

1. The accommodation is no longer necessary;
2. The person(s) with disabilities no longer resides at the dwelling;
3. The conditions of approval are violated; or
4. The accommodation was obtained through fraud or material misrepresentation.

B. Change in Circumstances. The property owner or occupant shall notify the Community Development Director within thirty (30) days of any change in circumstances that affects the necessity for or scope of the reasonable accommodation.

VI. REVOCATION

The Community Development Director may revoke a reasonable accommodation approval upon finding that:

1. The accommodation is no longer necessary;
2. The conditions of approval have been violated;
3. The accommodation was obtained through fraud or material misrepresentation; or
4. The accommodation has resulted in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others that cannot be mitigated through reasonable conditions.

Prior to revocation, the Community Development Director shall provide written notice to the property owner and affected occupants and an opportunity for a hearing.

VII. NO FEE

The City shall not charge a fee for processing a reasonable accommodation request.



STAFF REPORT

MEETING DATE: 2/2/2026 RESOLUTION

PRESENTED BY:

Staff: Darrin Keaton

AGENDA ITEM DESCRIPTION (Agenda Content):

RESOLUTION 2026-04 – Creation of DIFAC

REPORT/INFORMATION:

A RESOLUTION CREATING THE PUBLIC SAFETY DEVELOPMENT IMPACT FEE ADVISORY COMMITTEE AND AUTHORIZING A PUBLIC SAFETY IMPACT FEE STUDY

RESOLUTION RES 2026-04

A RESOLUTION CREATING THE PUBLIC SAFETY DEVELOPMENT IMPACT FEE ADVISORY COMMITTEE AND AUTHORIZING A PUBLIC SAFETY IMPACT FEE STUDY

WHEREAS, the Mayor and City Council of the City of Dallas, Georgia (the “City”) desire to promote and accommodate orderly growth and development while protecting the public health, safety, and general welfare; and

WHEREAS, O.C.G.A. § 36-71-1 et seq. (the “Georgia Development Impact Fee Act”) authorizes municipalities to impose development impact fees as a condition of development approval, subject to statutory procedures and limitations; and

WHEREAS, prior to the adoption of any development impact fee ordinance or fee schedule, the City must establish a Development Impact Fee Advisory Committee to assist and advise the governing body with regard to the adoption of a development impact fee ordinance; and

WHEREAS, the City desires to constitute a Public Safety Development Impact Fee Advisory Committee (the “Committee”) to guide a public safety impact fee study and to advise the Mayor and Council on the structure, methodology, service area(s), level of service standards, capital improvements programming, credits, exemptions, and administrative procedures for a public safety development impact fee program;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Dallas, Georgia, as follows:

Section 1. Creation of Committee; statutory purpose.

A Public Safety Development Impact Fee Advisory Committee is hereby created to serve in an advisory capacity to assist and advise the Mayor and City Council with regard to the adoption of a public safety development impact fee ordinance and related fee schedule, consistent with the Georgia Development Impact Fee Act.

Section 2. Membership; composition; appointments.

- (a) The Committee shall consist of six (6) members appointed by the Mayor and confirmed by the City Council.
- (b) To satisfy statutory composition requirements, not fewer than three (3) members shall include representatives of the development, building, or real estate industries (including, without limitation, a homebuilder, a commercial developer, a design professional, a real estate professional, a lender, or a contractor).
- (c) The remaining members shall be City of Dallas staff as recommended by the City Manager. The City Manager or his designee will serve as Staff Liaison.
- (d) Members shall serve without compensation and shall serve from appointment until the Committee is dissolved by further action of the City Council or until replaced by the Mayor and Council.

Section 3. Chair; meetings; procedures; compliance with open government laws.

- (a) The Mayor shall designate an initial Chair from among the appointed members. Thereafter, the Committee may elect its own Chair and Vice-Chair annually.

(b) Meetings shall be called by the Chair or by the City Manager (or designee) acting as staff liaison. The Committee shall comply with the Georgia Open Meetings Act and all applicable City policies for public meetings.

Section 4. Scope of work; deliverables.

The Committee shall:

- (1) Review existing and projected public safety facilities and equipment needs attributable to new growth and development;
- (2) Assist staff and any retained consultant in defining service area(s), level of service standards, and a capital improvements element/program for eligible public safety system improvements;
- (3) Review the draft impact fee methodology and draft fee schedule; and
- (4) Provide written recommendations to the Mayor and City Council no later than March 20, 2026, or such later date as approved by the Mayor and City Council.

Section 5. Authorization to procure study and related professional services.

The City Manager is authorized to solicit proposals, negotiate, and approve a contract with a qualified consultant to prepare a public safety impact fee study and related documentation necessary for adoption of a fee schedule consistent with state law.

Section 6. Severability.

If any section, sentence, clause, or phrase of this Resolution is for any reason held to be invalid, the invalidity shall not affect the validity of the remaining portions.

Section 7. Effective date.

This Resolution shall become effective immediately upon adoption.

RESOLVED this _____ day of February, 2026.

L. James Kelly, Mayor

James Henson, Councilmember

Christopher B. Carter, Councilmember

Nancy R. Arnold, Councilmember

Leah Alls, Councilmember

Cooper Cochran, Councilmember

Candace Callaway, Councilmember

Attest: _____
Tina Clark, City Clerk



STAFF REPORT

MEETING DATE: 2/2/2026 FIRST READ

PRESENTED BY:

Staff: Darrin Keaton

AGENDA ITEM DESCRIPTION (Agenda Content):

OA-2026-01 – PLACES OF ASSEMBLY

REPORT/INFORMATION:

OA 2026-02 Places of Assembly. An ordinance amending the UDC to consolidate categories of uses; to define Places of Assembly; to amend use chart 4.3 in the UDC; and for other purposes.

This is a FIRST READ.

ORDINANCE AMENDMENT

OA- 2026-02

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE OF THE CITY OF DALLAS, GEORGIA, BY REPEALING AND REPLACING SECTION 8.14 "PLACES OF WORSHIP" WITH A NEW SECTION 8.14 "PLACES OF ASSEMBLY" ESTABLISHING COMPREHENSIVE REGULATIONS FOR PLACES OF ASSEMBLY; AMENDING CHAPTER XIII BY ADDING NEW DEFINITIONS FOR "COMMUNITY CENTER," "PLACE OF ASSEMBLY," "ASSEMBLY AREA," AND "ACCESSORY ASSEMBLY USE," PUBLICLY-OWNED BUILDINGS AND FACILITIES" AND DELETING THE DEFINITION OF "PLACE OF WORSHIP"; AMENDING CHART 4.3 TO REPLACE "PLACES OF WORSHIP" WITH "PLACES OF ASSEMBLY" AND ADJUST PERMISSIONS FOR PRIVATE CLUBS OR LODGES, COMMUNITY CENTERS and PUBLICLY OWNED BUILDINGS AND FACILITIES; AND FOR OTHER PURPOSES

WHEREAS, the City of Dallas, Georgia is a municipal corporation organized and existing under the Constitution and laws of the State of Georgia, vested with the authority to adopt comprehensive zoning ordinances and land-use regulations to protect the public health, safety, and welfare of its citizens; and

WHEREAS, the City previously adopted a Unified Development Code (UDC) establishing zoning districts, use classifications, and development standards for land within the City's incorporated limits; and

WHEREAS, the Mayor and Council of the City of Dallas, Georgia ("City"), desire to establish comprehensive regulations for places of assembly that accommodate religious worship, community gatherings, and similar uses while ensuring compatibility with surrounding development; and

WHEREAS, the City seeks to replace the existing "Places of Worship" category with a broader "Places of Assembly" classification that provides clear development standards and reduces regulatory distinctions based on the nature of assembly activities; and

WHEREAS, these regulations are intended to promote orderly development, protect property values, ensure adequate infrastructure, while ensuring adequate infrastructure capacity and public safety; and

WHEREAS, the Mayor and Council find that these amendments serve the public health, safety, and welfare of the citizens of Dallas.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Dallas, Georgia, as follows:

SECTION 1: AUTHORITY

This Ordinance is enacted pursuant to the City's authority under the Constitution of the State of Georgia, the City's Charter, and applicable state law, including O.C.G.A. § 36-66-1 et seq.

SECTION 2: CHAPTER XIII (DEFINITIONS) AMENDMENTS

Chapter XIII (Definitions) of the Unified Development Code is hereby amended as follows:

A. DELETE EXISTING DEFINITION

The definition of "PLACE OF WORSHIP" is hereby deleted in its entirety.

B. ADD NEW DEFINITIONS

The following definitions are hereby added to Chapter XIII in alphabetical order:

ACCESSORY ASSEMBLY USE: A use that is subordinate and clearly incidental to a Place of Assembly and located on the same lot, including but not limited to, parsonages, parish halls, fellowship halls, Sunday school classrooms, and administrative offices. Accessory Assembly Uses do not include: full-time K–12 schools, daycare centers exceeding fifty (50) enrolled children, homeless shelters, indigent food service facilities, or outdoor recreational facilities with lighting. These high-impact uses require separate Special Exception approval per Section 8.14.

ASSEMBLY AREA: Any indoor space designed or customarily used for gatherings of ten (10) or more persons, including but not limited to sanctuaries, auditoriums, fellowship halls, multipurpose rooms, and classrooms. Assembly area shall be measured as the gross floor area of such spaces, excluding lobbies, corridors, restrooms, kitchens, and storage areas. For purposes of calculating intensity thresholds under this Code, only Assembly Area as defined herein shall be counted toward square footage limits.

COMMUNITY CENTER: A Place of Assembly providing civic, cultural, recreational, educational, or social services to neighborhood or community residents. Community Centers include facilities operated by municipalities, counties, homeowners associations, nonprofit organizations, or private entities for assembly and gathering purposes. Examples include neighborhood clubhouses, civic halls, recreation centers, senior centers, and similar assembly facilities. Community Centers are subject to the development standards in Section 8.14 (Places of Assembly). For purposes of use permissions in Chart 4.3, Community Centers are classified and regulated as Places of Assembly based on their scale (Neighborhood-Scale or Regional) as defined herein.

PLACE OF ASSEMBLY: A building or structure, or groups of buildings or structures, designed, intended, or primarily used for regular assembly for religious worship, religious education, secular community gatherings, or associated activities. This definition includes but is not limited to churches, synagogues, mosques, temples, meditation centers, community centers, fraternal organizations, and private membership clubs. This definition excludes Community Centers as defined and regulated separately under this Code.

- a) **Place of Assembly, Neighborhood-Scale:** A Place of Assembly that does not exceed 5,000 square feet of total assembly area and has a maximum occupancy of 300 persons or fewer. This includes but is not limited to churches, synagogues, temples, mosques, fraternal lodges, small event spaces, and similar small-scale assembly facilities.
- b) **Place of Assembly, Regional:** A place of Assembly with more than 5,000 square feet of total assembly area or a maximum occupancy exceeding 300 persons, or which includes high-intensity accessory uses such as weekday educational programs, gyms, or recurring non-worship activities generating more than 100 peak-hour trips.

PUBLICLY-OWNED BUILDINGS AND FACILITIES: Buildings, structures, or land owned and operated by the City of Dallas, Paulding County, the State of Georgia, the federal government, or any agency, authority, or political subdivision thereof, used for governmental, administrative, public safety, public works, educational, cultural, or recreational purposes. This definition includes but is not limited to city halls, courthouses, police stations, fire stations, public libraries, public parks, public schools, government offices, maintenance facilities, water and

wastewater treatment facilities, and similar governmental operations. This definition excludes Community Centers as separately defined and regulated under this Code, and excludes publicly-owned utilities infrastructure and rights-of-way. *Publicly-owned buildings and facilities operated by the City of Dallas for essential emergency services (police, fire, emergency medical services, water supply, wastewater treatment, or emergency operations) shall be exempt from Special Exception application fees and shall receive expedited review with approval or denial within thirty (30) days of complete application submittal.*

SECTION 3: CHAPTER VIII, SECTION 8.14 REPEAL AND REPLACEMENT

Section 8.14 of Chapter VIII (Supplementary Conditions for Specific Uses) is hereby repealed in its entirety and replaced with the following:

Sec. 8.14 – PLACES OF ASSEMBLY

A. Purpose

The purpose of this Section is to establish clear and consistent development standards for Places of Assembly that:

- (1) Ensure compatibility with surrounding land uses and development patterns;
- (2) Provide adequate off-street parking and vehicular circulation;
- (3) Protect the character and integrity of residential neighborhoods;
- (4) Minimize potential impacts on traffic, infrastructure, and public services;
- (5) Accommodate the need for religious, civic, and community gathering spaces while protecting neighborhood character, ensuring infrastructure adequacy, and promoting public safety.

B. Applicability

The provisions of this section apply to all Places of Assembly, including both Neighborhood-Scale and Regional as defined in Chapter XIII. Where intensity-based distinctions are necessary, Neighborhood-Scale uses shall be subject to Sections B–G of this Article. Regional Places of Assembly shall additionally comply with Sections H–J and require Special Exception approval in all districts where permitted.

C. Lot Area Requirements

The minimum lot area for a Place of Assembly shall be two (2) acres, except in the MXU (Mixed Use) and C-1 (Neighborhood Commercial) zoning districts, where the minimum lot area shall be one (1) acre.

D. Parking Requirements

Off-street parking shall be provided at a ratio of one (1) space per four (4) fixed seats, or where seating is not fixed, one (1) space per sixty (60) square feet of assembly area as defined in Chapter XIII. Accessible parking spaces shall be provided in accordance with the Americans with Disabilities Act and Georgia Accessibility Code. The Community Development Director may approve a reduction of up to twenty-five percent (25%) of required parking spaces upon submission of a shared parking agreement demonstrating that peak parking demands for the place of assembly do not coincide with peak demands of adjacent uses. Parking areas shall be paved, striped, and comply with all applicable standards in Section 7.02 (Off-Street Parking and Loading) of this Code.

E. Landscape Buffers

Landscape buffers shall be provided in accordance with Section 7.08 (Tree Conservation, Buffers, and Landscaping Compliance) of this Code. Where a Place of Assembly shares a common property boundary with a residential zoning district or residential use, a minimum twenty-five (25) foot Type C buffer shall be provided unless a more restrictive buffer is required by Section 7.08.

F. Access and Circulation

Places of Assembly shall have direct access to a public street or private street meeting City of Dallas Public Works standards. Internal circulation and access design shall comply with Section 7.03 (Entrance/Drive Standards) of this Code. Places of Assembly generating more than one hundred (100) vehicle trips during any peak hour shall submit a traffic impact study prepared by a licensed professional engineer for review and approval by the City Engineer prior to issuance of a building permit.

G. Building Design Standards

Architectural design and building materials shall comply with the applicable standards in Section 9.03 (Non-Residential Design Standards) of this Code. Religious architectural elements including but not limited to steeples, bell towers, minarets, domes, and crosses may exceed the maximum height limit of the underlying zoning district by up to fifteen (15) feet, provided that such elements comply with all applicable building and fire codes.

H. Scale and District Controls

1. Any Place of Assembly meeting the definition of "Regional" in Chapter XIII (including those exceeding 5,000 square feet of assembly space, 300 persons maximum occupancy, or with high-intensity accessory uses per subsection J below) shall be considered Regional in scale for purposes of this Section.
2. Regional Places of Assembly are permitted only by Special Exception and are subject to the full review criteria in Article 12.
3. Neighborhood-Scale Places of Assembly may be permitted by right in applicable commercial districts only where all intensity thresholds are not exceeded.

I. Downtown and Commercial Area Controls

Places of Assembly in these districts shall comply with the Traffic Impact Study requirements in subsection F above where applicable based on peak hour trip generation.

J. Accessory Uses and Subclassification

Any Place of Assembly with accessory daycare, gymnasium, school, or similar weekday high-intensity operations shall be reviewed as a Regional Place of Assembly regardless of size or seating, and shall comply with all parking, traffic, and buffering requirements applicable to institutional uses.

K. Outdoor Lighting

Outdoor lighting shall comply with Section 7.12 (Outdoor Lighting) of this Code.

L. Accessory Assembly Uses

Accessory Assembly Uses as defined in Chapter XIII are permitted as part of a Place of Assembly, provided they are clearly incidental and subordinate to the primary use and comply with Section 8.02 (Accessory Use and Structure Standards) of this Code.

M. Signage

Signage shall comply with Chapter 28 (Dallas Sign Ordinance). Religious symbols and displays that are permanently affixed to the principal structure and do not exceed twenty-five (25) square feet in area are exempt from permitting requirements but must comply with Chapter 28 size and setback standards.

N. Administrative Variances and Special Exception Procedures

(1) Administrative Variances

Where strict application of the standards in this Section 8.14 would create practical difficulties due to unique site conditions including but not limited to topography, existing development patterns, or lot configuration, the Community Development Director may approve administrative variances not exceeding ten percent (10%) of any dimensional requirement upon written findings that:

- (a) The variance is the minimum necessary to address the practical difficulty;
- (b) The variance will not adversely impact adjacent properties; and
- (c) The variance is consistent with the purpose of this Section as stated in subsection A.

Administrative variances exceeding ten percent (10%) or involving use modifications shall require approval by special exception in accordance with Section 11.09 (Special Exception Procedure) of this Code.

(2) Special Exception Criteria

Applications for Places of Assembly requiring special exception approval pursuant to Chart 4.3 or for variances exceeding ten percent (10%) shall be evaluated based on the following criteria:

- a) Compatibility with the scale, design, and character of surrounding development;
- b) Adequacy of vehicular and pedestrian access, parking, and internal circulation;
- c) Impact on the capacity of public infrastructure including roads, water, and sewer;
- d) Impact on public services including police, fire, and emergency medical services;
- e) Compliance with all applicable development standards in this Section 8.14;
- f) Provision of adequate buffers and screening to minimize impacts on adjacent properties.

(3) Publicly-owned buildings and facilities operated by the City of Dallas for essential emergency services (police, fire, emergency medical services, water supply, wastewater treatment, or emergency operations) shall be exempt from Special Exception application fees and shall receive expedited review with approval or denial within thirty (30) days of complete application submittal.

SECTION 4: AMENDMENTS TO CHART 4.3 - ZONING DISTRICT USE PERMISSIONS

Chart 4.3 (Use Permissions by Zoning District) in Section 4.03 of the Unified Development Code is hereby amended as follows:

A. The use category "Places of Worship" is hereby deleted in its entirety and replaced with two new use categories of:

"Places of Assembly (Neighborhood Scale)" with the following permissions by zoning district:

R-1:	Special Exception
R-2	Special Exception
R-3	Special Exception
MF-1	Special Exception
MF-2	Special Exception
TH	Special Exception
CBD	Special Exception
C-1:	Permitted Use
C-2	Permitted Use
MXU	Special Exception
OMI	Permitted Use
I-1	Not Permitted
I-2	Not Permitted

and

"Places of Assembly (Regional)" with the following permissions by zoning district:

R-1:	Special Exception
R-2	Special Exception
R-3	Special Exception
MF-1	Special Exception
MF-2	Special Exception
TH	Special Exception
CBD	Special Exception
C-1:	Special Exception
C-2	Special Exception
MXU	Special Exception
OMI	Special Exception
I-1	Not Permitted
I-2	Not Permitted

B. The use category "Private Clubs or Lodges" shall be amended to reflect the following permissions by zoning district:

R-1: Special Exception
 R-2: Special Exception
 R-3: Special Exception
 MF-1: Special Exception
 MF-2: Special Exception
 TH: Special Exception
 CBD: Special Exception
 C-1: Permitted Use
 C-2: Permitted Use
 MXU: Special Exception
 OMI: Permitted Use
 I-1: Not Permitted
 I-2: Not Permitted

C. The use category "Community Center" shall be amended to reflect the following permissions by zoning district:

R-1: Special Exception
 R-2: Special Exception
 R-3: Special Exception
 MF-1: Special Exception
 MF-2: Special Exception
 TH: Special Exception
 CBD: Special Exception
 C-1: Permitted Use
 C-2: Permitted Use
 MXU: Special Exception
 OMI: Permitted Use
 I-1: Not Permitted
 I-2: Not Permitted

D. The use category "Publicly-Owned Buildings and Facilities" shall be amended to reflect the following permissions by zoning district:

R-1: Not Permitted
 R-2: Not Permitted
 R-3: Special Exception
 MF-1: Special Exception
 MF-2: Not Permitted
 TH: Special Exception
 CBD: Special Exception
 MXU: Special Exception
 C-1: Special Exception
 C-2: Special Exception
 OMI: Special Exception
 I-1: Special Exception
 I-2: Special Exception

SECTION 5: TRANSITION AND EXISTING APPLICATIONS

A. Pending Applications

Any application for a Place of Worship that has been filed and deemed complete prior to the effective date of this Ordinance shall be processed under the regulations in effect at the time the application was deemed complete.

B. Legal Nonconforming Status

Any existing Place of Worship lawfully established under previous regulations shall be deemed a legal nonconforming use and shall be subject to the provisions of Chapter III (Nonconformities) of the Unified Development Code. Such uses may continue to operate and may be modified in accordance with Chapter III, provided that any expansion or substantial modification shall comply with the provisions of Section 8.14 as amended by this Ordinance.

C. Special Exception Approvals

Any Place of Worship operating under a previously approved Special Exception shall retain the rights and conditions of that approval. Modifications to previously approved Special Exceptions shall be processed in accordance with Section 11.09 of the Unified Development Code.

SECTION 6: SEVERABILITY

Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses, or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The Mayor and Council hereby declare that they would have passed the remaining parts of this Ordinance if they had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SECTION 7: REPEALER

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 8: CODIFICATION

The provisions of this Ordinance shall be codified in the Unified Development Code of the City of Dallas, Georgia, and the City Clerk is hereby authorized and directed to make such codification.

SECTION 9: ZONING MAP RE-ADOPTION AND CERTIFICATION

Pursuant to O.C.G.A. § 36-66-4(b), the Official Zoning Map of the City of Dallas, Georgia, as adopted by Ordinance No. and Re-Adopted in Ordinance No. , is hereby re-adopted and re-certified to reflect the amendments to Chart 4.3 (Use Permissions by Zoning District) established by this Ordinance and to correct any clerical, typographical, or drafting errors appearing on prior versions of the Official Zoning Map that do not conform to the legislative intent of previously adopted zoning decisions. The Community Development Director is hereby authorized and directed to:

1. Cause appropriate notations to be made on the Official Zoning Map indicating the effective date of this Ordinance and the amendments to use permissions contained herein;
2. Update all copies of the Official Zoning Map maintained by the City to reflect the revised use permissions for Places of Assembly (Neighborhood-Scale and Regional), Community Centers, Private Clubs or Lodges, and Publicly-Owned Buildings and Facilities as established in Section 4 of this Ordinance;
3. Correct any clerical, typographical, or drafting errors on the Official Zoning Map that are inconsistent with previously adopted zoning ordinances, rezoning approvals, or annexation actions, including but not limited to incorrect zoning district labels, misaligned district boundaries, omitted parcels, or outdated reference information;
4. Re-certify the Official Zoning Map as accurate and current following the incorporation of said amendments and corrections; and
5. Make the re-certified Official Zoning Map available for public inspection in the office of the Community Development Director and such other locations as required by law.

This re-adoption and re-certification does not alter the legislative intent of any previously adopted zoning decision, but solely corrects any administrative or clerical errors and incorporates the text amendments to use permissions adopted by this Ordinance. Where corrections are made pursuant to subsection (3) above, the Community Development Director shall prepare and maintain a written record of such corrections, including the nature of the error corrected and the legal basis for the correction.

SECTION 9: EFFECTIVE DATE

This Ordinance shall become effective immediately upon its adoption by the Mayor and Council of the City of Dallas, Georgia.

First read _____

**SO SHALL IT BE ORDAINED BY THE MAYOR AND COUNCIL OF THE
CITY OF DALLAS, GEORGIA, THIS THE _____ DAY OF _____, 2025.**

L. James Kelly, Mayor

James R. Henson, Councilmember

Cooper Cochran, Councilmember

Nancy R. Arnold, Councilmember

Christopher B. Carter, Councilmember

Leah Alls, Councilmember

Candace Callaway, Councilmember

ATTEST:

Tina Clark, City Clerk
City of Dallas, Georgia

Date